

SECURITY AND PEACEBUILDING PROGRAMME
MONITORING THE IMPLEMENTATION OF
SMALL ARMS CONTROLS (MISAC)

Small Arms Control in
West Africa

WEST AFRICA SERIES NO.1 (ENGLISH VERSION)

Adedeji Ebo
OCTOBER 2003



Small Arms Control in West Africa

Adedeji Ebo with Laura Mazal

MONITORING THE IMPLEMENTATION OF SMALL ARMS CONTROLS (MISAC)

WEST AFRICA SERIES NO.1 (ENGLISH VERSION)

International Alert – Security and Peacebuilding Programme

International Alert

International Alert is an independent non-governmental organisation that is working to help build just and lasting peace in areas of violent conflict. It seeks to identify and address the root causes of violent conflict and contribute to the creation of sustainable peace. International Alert works with partner organisations in the Great Lakes region of Africa, West Africa, Eurasia, South and Southeast Asia and Latin America.

To complement fieldwork IA undertakes research and advocacy to influence policies and practices at the national, regional, and international levels that impact on conflict. The organisation seeks to act as a catalyst for change by bringing the voices and perspectives of those affected by conflict to the international arena and creating spaces for dialogue. The work hence focuses on the following global issues: the role of women in peacebuilding, development assistance in conflict and peacebuilding, the role of business in conflict and peacebuilding, and security and peacebuilding, including the reform of security sector institutions and combating the unregulated proliferation of small arms and light weapons.

Security and Peacebuilding Programme

The Security and Peacebuilding (S&PB) Programme is a division of the Global Issues Department at International Alert. Its purpose is to advise on policy development, implementation and assessment with regard to security for those in conflict-torn societies.

The Programme works primarily by facilitating dialogue between stakeholders and policymakers, and by bringing the most informed research and analysis to the attention of decision makers. It endeavours to advise policy that contributes to conflict transformation by working with partners to create locally informed solutions in order to increase policy relevance, efficacy and sustainability. To this end, the Programme develops projects in the area of Small Arms and Light Weapons and Security and Sector Reform.

Contents

List of Tables	4	3.2.8 Arms collection and destruction	21
List of Boxes	4	4. INSTITUTIONAL ARRANGEMENTS	22
Acronyms and Abbreviations	5	4.1 The Programme for Coordination and Assistance on Security and Development (PCASED)	22
About the Authors	6	4.2 The United Nations Regional Centre for Peace and Disarmament in Africa (UNREC)	24
Acknowledgements	6	4.3 The Economic Community of West African States (ECOWAS)	24
Preface	7	5. CIVIL SOCIETY AND SMALL ARMS CONTROL INSTRUMENTS IN WEST AFRICA	26
Summary	8	5.1 Creating the West African Action Network on Small Arms (WAANSA)	27
1. INTRODUCTION	9	5.2 Civil Society Evaluation of the Moratorium and the Evaluation of a Draft Supplementary Protocol (The Dakar Process)	28
2. DIMENSIONS OF ILLICIT SMALL ARMS PROLIFERATION	10	5.2.1 The voluntary nature of the Moratorium	29
3. CONTROL INITIATIVES	13	5.2.2 Inadequate provisions for controlling non-state arms proliferation	29
3.1 Continental and Global Initiatives	13	5.2.3 The Moratorium is little known in the sub-region, particularly among its citizens	30
3.1.1 The African Union and the Bamako Declaration	13	6. COUNTRY OVERVIEWS	31
3.1.2 The UN Firearms Protocol	14	7. CONCLUSION AND RECOMMENDATIONS	40
3.1.3 The UN Programme of Action	14	8. Endnotes	44
3.2 The Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa	15	9. Annexes	46
3.2.1 National Commissions	17		
3.2.2 Regional Arms Register and Database	18		
3.2.3 Training	18		
3.2.4 Harmonisation of laws	19		
3.2.5 Peacekeeping Arms Register	19		
3.2.6 Exemptions	20		
3.2.7 Enhancement of border controls	20		

List of Tables

Table 1: Human Development Data for ECOWAS States

Table 2: ECOWAS Signatories to the UN Firearms Protocol as of 23 July, 2003

Table 3: Creation of National Commissions in West Africa

Table 4: Exemptions granted by ECOWAS Under the Moratorium (2001-2002)

Table 5: Selected Arms Destruction in West Africa, 1996–2002

List of Boxes

Box 1: Extracts from the Final Communiqué of the WAANSA Foundation Conference

Acronyms and Abbreviations

CDD	Centre for Democracy and Development
CEDE	Centre for Democratic Empowerment
CJSP	Cercle des Jeunes pour une Société de Paix (Youth Circle for a Peaceful Society)
DDR	Disarmament, Demobilisation and Reintegration
DES/PADS	Deputy Executive Secretary for Political Affairs, Defence and Security
DFID	Department for International Development (UK)
DPKO	Department for Peacekeeping Operations (UN)
ECOWAS	Economic Community of West African States
ECOWAS Moratorium	Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa
FOSDA	Foundation for Security and Development in Africa
HDI	Human Development Index
IANSA	International Action Network on Small Arms
IMF	International Monetary Fund
LIDE	Ligue Internationale pour les Droits de l'Enfant (International League for Children's Rights)
MALAO	Mouvement contre Les Armes Légères en Afrique de l'Ouest
MISAC	Monitoring the Implementation of Small Arms Controls
MRU	Mano River Union
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
OAU/AU	Organisation of the African Unity/African Union
PCASED	Programme for Coordination and Assistance on Security and Development
RUF	Revolutionary United Front (Sierra Leone)
SALW	Small Arms and Light Weapons
UNAMSIL	United Nations Mission in Sierra Leone
UNDDA	United Nations Department for Disarmament Affairs
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNIDIR	United Nations Institute for Disarmament Research
UN Firearms Protocol	United Nations Protocol against the Illicit Manufacture of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organised Crime
UNOPS	United Nations Office for Project Services
UNPoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
UNREC	United Nations Regional Centre for Peace and Disarmament in Africa
UN Small Arms Conference	United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
WAANSA	West African Action Network on Small Arms

About the Authors

Adedeji Ebo is an Associate Professor and Head of the Department of Political Science and Defence Studies at the Nigerian Defence Academy, Kaduna, Nigeria. He holds a PhD in Political Science from Bayero University, Kano, Nigeria, and a MSc from the London School of Economics and Political Science.

Laura Mazal is a Research Associate with International Alert's Security and Peacebuilding Programme. She received her MSc in Human Rights from the London School of Economics and Political Science.

Acknowledgements

This report was edited by Michael Page, Helena Vázquez and Charlotte Watson of the Security and Peacebuilding Programme, International Alert, London.

The authors wish to thank the following persons for the contribution of their time, expertise and contacts: Ibrahima Sall, Director of PCASED and his staff, including Abubakar Multi-Kamara and Napoleon Abdulai. At UNREC, Lomé, Dr Ivor Fung, Mohammed Coulibaly, Mr Dagadou, Mrs Mama Mensah and, especially, Cyriaque Agnekethom. For their facilitation and support, the authors are grateful to members of the Security and Peacebuilding Programme of International Alert, especially especially William Godnick and Lada Zimina. International Alert is also extremely grateful to Glenn McDonald from the Small Arms Survey, Emanuel Kwesi Aning, Hélène Cissé, Mike Bourne from Bradford University, Valerie Yankey from UNDP/UNIDIR, Funmi Olonisakin from King's College London, Dr Abdel Fatau-Musah, Christiane Agboton-Johnson from MALAO, and Afi Yakubu from FOSDA for their comments on the final draft of this report and to Alex Potter who proof read it. The Security and Peacebuilding Programme would like to acknowledge the important support which it has received from the West Africa Team at International Alert, especially the Programme Manager, Nana K. Busia Jnr.

International Alert accepts full responsibility for any error or omission and invites comments and corrections from representatives of governments, agencies, and NGOs by email to lmazal@international-alert.org

Preface

A key issue to improving conflict prevention and management is the challenge of curbing the proliferation and misuse of small arms and light weapons. The Monitoring and Implementation of Small Arms Controls Project (MISAC) of the Security and Peacebuilding Programme of International Alert is a three-year initiative to aid countries in Latin America, West Africa and Eastern Eurasia to better implement international and national small arms control measures. By working with governments, donors and NGOs, its intention is not only to develop a better level of understanding regarding the scope and nature of international and regional small arms controls but to directly assist stakeholders in working towards the full implementation of small arms controls.

Through process orientated research and direct facilitation with governments, donors and civil society actors the MISAC Project will undertake this work in three phases. The first is a mapping phase that creates a profile of the regional agreements and activities, as well as identifies relevant actors and their capacities. This work is public and is published as a series of reports.

The mapping phase is then followed by regional assessment studies, which detail institutional capacities and challenges with regards to the implementation of small arms controls. These studies are directed towards supporting state institutions and activities as well as enhancing the capacity of civil society actors to deal with small arms issues. In the course of this work comprising of analysis from International Alert and its partners as well as consultations with key stakeholders– state needs are brought to the attention of the international community so that financial and technical support can be provided as applicable.

Finally, the assessments are followed by the targeted assistance phase of the project. In this part of the work International Alert will, with local and international partners and stakeholders, seek to craft and implement supportive and sustainable policies to strengthen small arms control measures within a small number of previously identified states.

This report, Small Arms Control in West Africa, is the first in a series of Assessments published by International Alert in English and French to support the exchange of knowledge and information about small arms controls in West Africa.

This document, along with all the others in this series, is available for download on our website in PDF format at <http://www.international-alert.org/publications.htm#security>.

Summary

This report is an overview of illicit small arms and light weapons (SALW) proliferation in West Africa, focusing on the implementation of sub-regional control instruments. In this regard, the Economic Community of West African States (ECOWAS) Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa (ECOWAS Moratorium) stands out as the main platform on which arms control in the sub-region is based.

The study found that the implementation of the Moratorium has been more evolutionary than revolutionary, though the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN Small Arms Conference) has given added impetus to the campaign against small arms proliferation. However, implementation has been uneven, with some states demonstrating genuine will, while others routinely disregard the provisions of the control instruments that they have signed.

Both the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA) and the ECOWAS Moratorium are little known among the population of West Africa, which weakens their potential impact. Therefore, civil society has become a major actor in the fight against SALW proliferation, increasingly raising awareness of these instruments. This is evidenced by the creation of the West African Action Network on Small Arms (WAANSA) in May 2002, and the evolution of the Dakar Process, which has seen civil society push for the adoption of a Draft Supplementary Protocol.

The study makes the following recommendations, as detailed in the report:

- A Small Arms Unit should be established within the ECOWAS Secretariat to enhance effective sub-regional interface with and between governments and civil society;
- The Mandate and Terms of Reference of the proposed Small Arms Unit should be articulated by ECOWAS. This would also involve rethinking the current SALW control institutional framework, and looking at how such a Unit would relate to other agencies or programmes like the Programme for Coordination and Assistance on Security and Development;
- International actors, such as donors, working on SALW issues, should ensure the coordination of their activities and interventions in West Africa;
- Civil society organisations' methods and skills of advocacy and lobbying could be enhanced in order to fully achieve their potential. Research and advocacy work and capacities could be strengthened, in particular through the provision of material assistance.
- A small but functional WAANSA secretariat should be supported for at least the first five years;
- The capacity of National Commissions could be enhanced through additional workshops and training of trainers in project proposal drafting, implementation, monitoring and evaluation, and resource mobilisation strategies;
- The ECOWAS Moratorium should become a legally-binding instrument;
- The draft Supplementary Protocol to the ECOWAS Moratorium should be refined and supported through a Conference on 'The Role of Non-State Actors in Illicit Small Arms Proliferation', which could potentially be co-organised by ECOWAS and WAANSA;
- There is a need to develop the capacity of the ECOWAS Zonal Observation Bureaux and civil society to monitor small arms flows in West Africa;
- Existing capacities for border control structures and personnel should be strengthened;
- Effective and sustained advocacy campaigns to raise awareness about ECOWAS Moratorium and UNPoA should be pursued, not only by civil society organisations, but also by governmental authorities; and
- A process of review and revision is required in most countries in order to bring legislation up to date with requirements contained in international and regional agreements.

1. Introduction

The purpose of this assessment is to define the operational context for Small Arms and Light Weapons projects in West Africa, and to assist in situating ensuing interventions within the specific realities, trends, and contradictions which exist in the sub-region.

Towards these objectives, the report is structured into seven parts. This brief introductory section is followed by a consideration of the various ways in which the scourge of small arms proliferation manifests itself in West Africa. The third part is an initial review of the control measures taken to address the proliferation of SALW in the sub-region and beyond. The fourth aspect considers the available institutional arrangements for small arms control in West Africa, while the fifth part assesses the role of civil society in small arms control in the sub-region. The sixth part examines country-specific examples of small arms control initiatives in West Africa. Finally, the report concludes with regional trends and recommendations for later stages of the MISAC project.

From the research for this report, the ECOWAS Moratorium stands out as the cardinal small arms control instrument in West Africa. Even though there is participation in continental and global instruments such as the Bamako Declaration, the UN Firearms Protocol, and the UN Programme of Action, the ECOWAS Moratorium appears to have provided the basis for SALW implementation measures.

In this report, implementation of the Moratorium is assessed on the basis of the following:

- Establishment of National Commissions;
- Regional Arms Register and database;
- Training of security personnel;
- Harmonisation of laws;
- Peacekeeping Arms Register;
- Exemptions;
- Enhancement of border controls; and
- Arms collection and destruction.

The report also examines the role of civil society in small arms control in the sub-region, in particular through the creation of the West Africa Action Network on Small Arms and the evaluation of the Moratorium.

2. Dimensions of Illicit Small Arms Proliferation

The West African sub-region has suffered from the immense harm that SALW proliferation causes to societies. Particularly since the end of the Cold War, the sub-region has witnessed the devastation caused by the illicit trade in SALW. Indeed, the development of a SALW illegal market in West Africa is relatively recent, though adding to a pre-existing small scale trafficking, and stems primarily from the increasing incapacity of states to control violence and commercial trade as well as from violent and protracted conflicts.

The evidence of proliferation is an extreme concern. Out of the 639 million¹ SALW circulating globally, some estimated 7 million are in West Africa, and 77,000 small arms are in the hands of major West African insurgent groups². Small arms are easily obtainable and at low prices. For example, according to military sources in Nigeria, pistols can be obtained for between N3,000 (about US\$25) and N7,000 (about US\$58), depending on the type, seller, and area of purchase³. In zones of conflict such as the Mano River Union (MRU)⁴, small arms appear easier to obtain illicitly than in more stable areas, and at considerably cheaper prices, although these can be extremely volatiles due to market conditions.

Small arms proliferation in West Africa has multiple sources. The 'seed' stockpiles were acquired during the Cold War, when the two opposing sides used Africa as a venue for clientelism and proxy conflict. However, it is important to note that West Africa was one of the few sub-regions not directly affected by proxy arming. Rather, in respect to state to state transfers during the Cold War, post-colonial ties were important, while the Union of Soviet Socialist Republics gained influence primarily in Guinea, Mali and the United States of America in Liberia through the supply of all types of arms. After the Cold War, these countries found themselves with a problem of surplus arms, in the absence of an adversary. This is problematic since the re-circulation of old weapons, rather than purchased new ones, accounts for the greatest proportion of firearms movement.⁵ In addition, the situation has been described as a

massive global downsizing of armies without any appropriate alternative training and reintegration of the demobilised soldiers. Consequently, a huge labour pool of potential security entrepreneurs, mercenaries, and arms merchants has been created, particularly in South Africa and Eastern and Central Europe.⁶

The basis of SALW proliferation in West Africa are despotic and undemocratic governments as well as widespread poverty, in contradiction to the region's impressive natural resources. Sierra Leone, for example, is ranked as the poorest country in the world, with a Human Development Index (HDI) ranking of 173 out of 173, despite its rich endowment of diamonds. Although reputed for its oil wealth, Nigeria is rated as the 25th poorest country in the world, with a ranking of 148 out of 173. The United Nations Development Programme's (UNDP) *2002 Human Development Report* confirms that virtually all West African countries belong to the bracket of the poorest countries in the world (see Table 1, below). The scramble for West Africa's rich resource endowments by various internal and external interests, within the context of a pervasive governance crisis, largely explains the persistence of small arms proliferation in West Africa.

Table 1: Human Development Data for West African (ECOWAS) States

Country	HDI Ranking	Life Expectancy at birth (years)2000	Adult Literacy Rate (% age15 and above) 2000	GDP per capita (PPP US \$) 2000	Human Development Index (HDI Value) 2000	Population (millions)
Benin	158	53.8	37.4	990	0.420	6.8
Burkina Faso	169	46.7	23.9	976	0.325	12.6
Côte D'Ivoire	156	47.8	46.8	1630	0.431	16.8
Gambia	160	46.2	36.6	1649	0.405	1.5
Ghana	129	56.8	71.5	1964	0.548	20.3
Guinea Bissau	167	44.8	38.5	755	0.349	1.4
Guinea Conakry	159	47.5	41.0	1982	0.414	6.6
Mali	164	51.5	41.5	797	0.386	11.4
Niger	172	45.2	15.9	746	0.277	10.7
Nigeria	148	51.7	63.9	896	0.462	130
Senegal	154	53.3	37.3	1510	0.431	10.6
Sierra Leone	173	38.9	36.0	490	0.275	5.6
Togo	141	51.8	57.1	1442	0.493	5.3

Source: Human Development Report, 20002, UNDP

Since the 1980s, most of West Africa has been in the grip of policies and conditionalities enforced by the IMF/World Bank and other international institutions. The insistence by these institutions on the withdrawal of subsidies from social services, retrenchment of 'excess' labour, and a general and nearly total withdrawal of the state from economic activities, has resulted in tense social relations and polarised societies. Following the Washington Consensus, states started withdrawing from the provision of the most basic of their functions: public security. This was aggravated by the increasing gap between rich and poor, within the context of widespread economic decay and the concomitant rise of unemployment and crime.⁷ However, for the past few years, international actors have started to emphasise the importance of good governance across various sectors and development assistance now recognises the importance of security sector reform.

The character of SALW proliferation is by no means state-centric. Admittedly, some states are guilty of supporting, and often participating in, illicit small arms transfers. It is important to emphasise, however, that non-state actors are playing more prominent roles in the proliferation of SALW in West Africa. Ethnic militia groups, private security companies, arms smugglers, criminal gangs, bandits, mercenaries, and vigilante groups all play their respective roles in the proliferation of SALW in West Africa. Indeed, a defining character of small arms proliferation in West Africa is the increasing difficulty of states to provide and/or guarantee public security. Those states that are not themselves theatres of war, either have their own tensions or are neighbours to countries at war. While the MRU states are the most visible arenas of violent conflict, a 'promising democracy' such as Nigeria has suffered more than 100,000 deaths in more than 50 ethno-religious conflicts since the start of the fourth republic in mid-1999.⁸ Ghana is reputed to be an island of peace in West Africa but has suffered from violent conflicts in the north, in which SALW are reported to have been used. The report of the UN Committee of Experts on Liberia confirmed that Togo and Burkina Faso are conduits for illicit small arms, and Gambia is embedded in the Casamance conflict which afflicts Senegal. No part of the sub-region is free from the scourge of illicit small arms proliferation.

The effects of the proliferation of SALW are multiple and interrelated. Some 2 million West Africans are reported to have died in conflicts involving SALW since 1990.⁹ Small arms bring devastation to lives, property and the physical environment, exacerbate conflict, spark mass displacement and refugee flows, undermine the rule of law, and promote and sustain a culture of violence. Small arms have become the choice instruments of terror and gross human rights abuses in West Africa. Small arms proliferation mostly affects the vulnerable segments of society (children, women, and the aged). A major issue is in particular their impact on children. More than 120,000 African children under the age of 18 are reported to be engaged in civil wars and wielding small arms.¹⁰ This is made easier by the fact that small arms are light, portable, and can be operated with minimal instructions and training. However, many children are also often victims of SALW, through slavery and rape for example.

In addition, the MRU conflict vortex illustrates how the prospects for good governance and political stability are hampered and minimised by SALW proliferation.

An additional consequence of SALW proliferation is the emergence of functional illicit proliferation networks and routes. The MRU has been a hotbed of interlinked internecine and increasingly triangular conflict in West Africa, serving both as a *source* of and a *destination* for illicit SALW. Though different in situation, another example is the legacy of Guinea Bissau's liberation war, which has increased the easy availability of illicit arms. Guinea Bissau now serves as a major source of arms for the separatist fighters in Senegal's Casamance region. Another example of the danger of SALW proliferation is the case of Nigeria. Nigeria's estimated population of over 100 million is about half of the entire West African population, estimated to more than 230 million people. At the 2001 UN Small Arms Conference, the Nigerian Minister of Defence confirmed that Nigeria is home to a million of the SALW estimated to be circulating in the West African sub-region. Indeed, contradictions emanating from Nigeria's internal governance – manifested as ethno-religious violence, armed robbery, electoral violence, ritualistic secret cults in universities often involving small arms, and a general atmosphere of insecurity – have made the country a ready market for illicit small arms and a major conduit to other parts of West Africa. Nigeria is also the bridge to Central Africa, a zone of conflict from where many weapons have been smuggled into West Africa, using the Congo River as a vital waterway.¹¹ Another striking feature of the small arms proliferation in West Africa is its trans-national character, involving the citizens of various member states in a collaborative criminal network.

The dimensions of SALW proliferation in West Africa have set this issue as one of the major priorities for sustainable security and peacebuilding in West Africa. It is therefore important to analyse the various control initiatives that currently exist to tackle this issue, as well as the institutional framework which implements them.

3. Control Initiatives

In terms of conceptualisation and initiation, West Africa has been a frontrunner in the search for viable solutions to the scourge of SALW proliferation. West African states have participated actively in arms control initiatives, in particular at the regional and national levels, although the individual national records differ.

3.1 Continental and Global Initiatives

There are three main global and continental initiatives that deserve attention when analysing SALW control in West Africa. The first one is a continental initiative, the Bamako Declaration of the Organisation of Africa Unity (now the African Union). Two other international agreements also need to be taken into consideration, namely the UN Protocol Against the Illicit Manufacture of and Trafficking in Firearms, Their Parts and Components and Ammunition, and the UN Programme of Action, as they are the main global instruments shaping the fight against SALW proliferation.

3.1.1 The African Union and the Bamako Declaration (Annex 1)

The Bamako Declaration evolved out of the need for a common African approach at the UN Small Arms Conference of 2001. Following a Ministerial Conference in Bamako from 30 November-1 December 2000, it was recommended that the following actions should be undertaken at the national level:

- Creation of national coordination agencies for small arms;
- Enhancement of the capacity of national law enforcement and security agencies and officials, including training and upgrading of equipment and resources;
- Destruction of surplus and confiscated weapons;
- Development and implementation of public awareness programmes; and
- Conclusion of bilateral arrangements for small arms control in common frontier zones.

At the sub-regional level, African states sought to achieve the codification, harmonisation, and standardisation of national norms and the enhancement of sub-regional and continental cooperation among police, customs, and border control services.¹²

In addition to the Bamako Declaration, the African Union (OAU/AU) created on 9 July 2002 the Peace and Security Council of the African Union. The Council was created as a standing decision-making organ for the prevention, management and resolution of conflicts and as a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa. The Protocol Relating to the Establishment of the Peace and Security Council of the African Union reiterates the growing concern about the impact of illicit proliferation, circulation and trafficking of SALW on Africa's peace and security as well as on its economic and social development. It therefore emphasises the need for a well-resolved and coordinated framework of cooperation to tackle this problem.¹³ However, for the Peace and Security Council to be formally established, a minimum of 27 ratifications are required. So far, only 15 countries have endorsed it, out of which 3 are West African (Ghana, Mali, Sierra Leone).

3.1.2 *The UN Firearms Protocol*

West African states are signatories to global instruments such as the UN Protocol Against the Illicit Manufacture of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol) and the UNPoA. However, as of July 2003, only a third of ECOWAS states are signatories to the UN Firearms Protocol.

Table 2: ECOWAS Signatories to the UN Firearms Protocol as of 23 July, 2003¹⁴

Country	Signature	Ratification, Acceptance, Approval
Benin	17 May, 2002	
Burkina Faso	17 October, 2001	15 May, 2002
Mali	11 July, 2001	3 May, 2002
Nigeria	13 November, 2001	
Senegal	17 January, 2001	
Sierra Leone	27 November 2001	

The Protocol is a legally binding treaty that commits States, among other things, to:

- promote uniform international standards for the international movement of firearms for import, export and transit;
- foster cooperation and the exchange of information at national, regional and global levels, including firearms identification, detecting and tracing; and
- promote international firearms cooperation through the development of an international system to manage commercial shipments.

However, the Firearms Protocol is limited in scope and content, as it narrowly defines the term of "firearms", and excludes explosives and explosive devices as well as state-to-state transactions. The Protocol only focuses on a few areas, where it sets out standards for national systems and brings a certain level of harmonisation between states in the areas it covers.¹⁵

3.1.3 *The UN Programme of Action*

There are on-going efforts to assess the implementation records of various states with regard to the UNPoA, and such efforts certainly provide more authoritative and objective bases for establishing the extent to which West African states are adhering to their commitments.¹⁶ At this juncture, it suffices to note that West Africa's SALW control system, generally, portrays a significant gap between signing/ratification of international legal instruments, particularly international humanitarian law, and implementation of the stipulations and requirements of these legal instruments.¹⁷ Where

implementation takes place, it is often cosmetic, comprising more of form than substance. A major negative element regarding UN documents formally adopted by states is that they often retain their UN identity, and state officials often do not demonstrate much sense of ownership. It is still too early for the UNPoA to have become the basis for policy and action in the sub-region, and only five West African countries (Burkina Faso, Côte d'Ivoire, Gambia, Guinea, Senegal) have established National Points of Contact to act as liaison between States on matters relating to the implementation of the UNPoA (UNPoA section II paragraph 5)¹⁸. Knowledge of the documents is largely limited to civil servants working on these issues, or to scholars studying the process.¹⁹ Along with the UN Firearms Protocol, not much is known about it outside official circles, and it can be considered as being too distant from its intended public.

In addition, there is a clear lack of capacity to fully implement the UNPoA. The state institutions mandated to implement it are under-funded and under-staffed. There is also a clear lack of basic office facilities. Simple internet connection is still a rarity in most offices. UN agencies in the region are also ill-equipped to deal with the implementation of the UNPoA. Only NGOs have made some efforts to publicise and raise awareness about the 2001 and 2003 New York conferences.²⁰ They have in particular been active in organising seminars and workshops and other sensitisation activities and in organising and coordinating SALW control work both at the national and sub-regional levels through the establishment of various networks.

In practical terms however, there is no fundamental difference between the original premise and provisions of the extra-regional small arms control instruments and the ECOWAS Moratorium. It may in fact be argued that their major demands are essentially the same. The Bamako Declaration, the UNPoA, and the Moratorium all provide for national coordination agencies, destruction of surplus arms and public awareness programmes. At the regional level, there is a common desire to achieve harmonisation of small arms legislation. The difference is often of semantics. For example, while the Moratorium demands that a National Commission be established, the UNPoA also calls for the establishment of a national coordination agency or body and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects (UNPoA section II paragraph 4)²¹.

For all intents and purposes, the National Commission in most states also serve as the National Points of Contact. West African states do not have the financial and technical capacity to afford two different bodies to coordinate small arms issues within and between states. However, a positive outcome of such a strategy is the assurance of an effective coordinated effort towards sustainable strategies and programmes to combat illicit trade and use of small arms.

3.2 The Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa (The ECOWAS Moratorium – Annex 2)

The Moratorium was signed in Abuja, Nigeria, on 31 October 1998, for an initial period of three years. On 5 July 2001, it was extended for an additional period of three years, and is valid until 31 October 2004.

Until 1996, efforts at controlling arms flows in West Africa were minimal. By 1996 however, the search for a viable and sustainable peace in the Malian internecine conflict between the Tuaregs and Arabs in the north and the Malian government necessitated a regional approach, which eventually resulted in the adoption of a small arms Moratorium.²² Building on the success of the Malian peace process, President Alpha Konare of Mali proposed a regional freeze on the import, export, and manufacturing of SALW in West Africa. Though the proposal was welcomed by some ECOWAS member states, others displayed relative indifference to, and/or ignorance of the Moratorium in

advance of its adoption. The Moratorium however received active support from the multilateral organisations, and formed the basis for a number of meetings, consultations, and conferences.²³

West Africa's Moratorium regime is composed of three main related instruments²⁴:

1. The Moratorium Declaration;
2. The Plan of Action for the implementation of PCASED, a UNDP programme that provides technical and operational support to the practical development of the Moratorium, and was adopted by ECOWAS Foreign Ministers in March 1999;
3. The third arm of the tripod that makes up West Africa's moratorium architecture, and that sets out the details of the Moratorium, its dos and don'ts, is the Code of Conduct (Annex 3). It was adopted on 10 December 1999. Its main components include:
 - The establishment of National Commissions in each member state (Article 4);
 - The setting up of structures within ECOWAS to support the Moratorium and to monitor the compliance of member states (Article 5);
 - The preparation of reports by member states 'on the ordering or procurement of weapons, components and ammunitions covered by the Moratorium' (Article 6);
 - The development of a regional arms register and database (Article 6);
 - The harmonisation of legislation (Article 7);
 - The training of security personnel (Article 7); and
 - The declaration of weapons and ammunition used for peacekeeping operations (Article 8).

After the initial attempts in the pioneer states with the formation of National Commissions, it became evident that states have different interpretations of the necessary and sufficient conditions for the creation and operationalisation of a National Commission. In 2001 therefore, PCASED, in consultation with the ECOWAS Secretariat and the United Nations Department for Economic and Social Affairs (UNDESA), published the Guidelines On the Establishment and Functioning of National Commissions Against the Proliferation of Small Arms. The Guidelines aim at:

- Answering questions which member states may have on the reasons for establishing National Commissions;
- Informing on the legislation adopted by ECOWAS regarding the establishment and operation of National Commissions;
- Advising on procedures for the establishment of National Commissions which experience has shown to be more effective; and
- Outlining the support which the Executive Secretariat of ECOWAS and PCASED can provide towards setting up and operationalising the National Commissions.

A review of major indicators, as set out by the Moratorium itself, indicates that the performance of the Moratorium presents a mixed and modest picture. Its impact on the level of proliferation has been more evolutionary than revolutionary. It needs to be stressed that although the Moratorium was declared in 1998, the necessary mechanisms and instruments for its implementation took a couple of years to articulate and operationalise. In addition, there is a clear lack of wider knowledge on this unique process. Most of the information relating to the Moratorium has been the result of NGO activities.

It would therefore be premature to issue definite and firm conclusions at this stage, particularly considering that it is the first of its kind in the world. It has by no means been a complete failure, and despite the shortcomings discussed below, the ECOWAS Small Arms Moratorium has emerged as a useful template, upon which a West African SALW control regime could eventually be predicated. What is certain is that implementation of some aspects of the Moratorium have been more problematic than others, as elucidated below.

3.2.1 National Commissions

Primary responsibility for the implementation of the Moratorium resides in the National Commissions, as stipulated in Article 4 of the Code of Conduct. The creation of National Commissions suffered initial setbacks, which led to hasty conclusions regarding their viability.²⁵ However, by 2002, all ECOWAS countries except Liberia and Côte d'Ivoire had established National Commissions (see Table 3).

Table 3: Creation of National Commissions in West Africa

	Country	National Commission	Year of Creation	Civil Society Membership
1	Benin	yes	Created in 2000 by Decree and formally established in 2003	NA
2	Burkina Faso	yes	2001	no
3	Cape Verde	yes	NA	NA
4	Côte d'Ivoire	no	-	no
5	Gambia	yes	NA	no
6	Ghana	Yes	1998	yes
7	Guinea Bissau	yes	2002	NA
8	Guinea Conakry	yes	2000	yes
9	Liberia	no	-	no
10	Mali	yes	1997	yes
11	Niger	yes	1998	yes
12	Nigeria	yes	2001	yes
13	Senegal	yes		
14	Sierra Leone	yes	2002	no
15	Togo	yes	2001	no

Source: PCASED

NA= Not Available

Nevertheless, the increase in the number of National Commissions is not a sufficient measure for effectively implementing the Moratorium. It must be emphasised that the key to the Moratorium's effectiveness is the actual support of governments and civil society for its provisions and for the control of small arms in general. Some National Commissions exist in name only, and levels of actual functionality of National Commissions differ significantly among West African states. A state may not have formally created a National Commission, but may be using other effective instruments. For example, the Evaluation Report of the Moratorium noted that Guinea Bissau had set up an *ad hoc* task force, which, with the support of the UNDP, had already finalised the country's Plan of Action.²⁶ Yet Nigeria, which created its National Commission in 2001, has still to articulate a National Plan of Action on Small Arms. The Ghanaian Task Force was announced in 1998 but is yet to be inaugurated, other National Commissions, such as the Togolese one, are barely active. Thus the claim of the establishment of 13 National Commissions cloaks their rather uneven record.

Another qualitative deficiency in the establishment of National Commissions is the lack of professional qualified disarmament experts and the varying presence and role of civil society. Even though the Guidelines provide for the presence of at least two NGOs, civil society representation on the National Commission is nil in some countries. Where there is civil society representation, it is often marginalised, and often chosen on the basis of its links with and connections to principal actors within the government, rather than on the basis of objective criteria.

The fragility of most West African states and the concomitant persistent financial crises that they experience has impacted negatively on the full implementation of the Moratorium in general, and the National Commissions in particular. PCASED provides US\$25,000 to each National Commission as 'seed money', out of which US\$7,500 is meant for office equipment.²⁷ Even though the sum is manifestly inadequate, it is understandable, given the fact that PCASED has been functioning on a US\$5 million resource base since 2000.²⁸

3.2.2 Regional Arms Register and Database

The Code of Conduct also envisages a Regional Arms Register and Database, which would provide the necessary information and data upon which informed intervention and policies could be based. The major problem with the implementation of this objective is the ambitious and unrealistic approach that was initially adopted. Rather than creating a base of information using the respective National Commissions as focal points and sources, energy and resources were concentrated on a regional electronic database. Such a centralised approach ignored the absence of national arms registers, and failed to recognise the poor state of information exchange between ECOWAS states, especially in the peace and security sector.

An alternative paper-based database, with a focus on capacity-building for effective national registration and management of weapons stocks, including imports, exports, arms manufactures, seizures and destruction, is currently being pursued, with external technical and financial support.²⁹ A UN Register currently exists for conventional weapons (e.g. battle tanks, artillery, aircraft, warships and missiles), but it does not list SALW. As SALW are among the greatest security threats in the region, it is essential that a regional arms register and database is established. In October 1999, PCASED held in Accra its first workshop on the setting-up of a register. However, despite the provision of international assistance towards pilot projects in a few selected countries³⁰, this component of the Code of Conduct is yet to be achieved.

3.2.3 Training

The Moratorium regime is also based on the availability of adequate professional security personnel to monitor, document, and stop the illicit flow of arms in the sub-region. The need for training is clear in view of the fact that regional integration, combined with the disruption of normal economic activities and the deterioration of socio-economic and political infrastructures due to protracted conflicts, has had the effect of facilitating the movement of goods across the sub-region, including the illicit movement of firearms, by making borders more porous.³¹ Cross-border cooperation in West Africa is severely handicapped by inadequacy of knowledge and information about the markets of neighbouring countries and the lack of reliable, external contacts. The Code of Conduct therefore requires the training of security and law enforcement personnel on the modalities and best methods for controlling illicit flows of SALW within and between member states. A PCASED/ECOWAS-sponsored workshop in August 2000 developed a four-part training programme comprising of the following stages:

1. Developing a training curriculum;
2. Training of trainers, on the basis of the four ECOWAS Monitoring Zones;
3. National-level training; and
4. In-service training for respective individual armed forces.

PCASED has successfully conducted 3 regional training of trainers workshops as part of its Regional Training of Trainers Programme. A training handbook has been produced and over 300 senior military and security officers from the ECOWAS member states have benefited from those training programmes. PCASED has decentralised training to the national level through the National Commissions. The first of these decentralised training was organised by the National Commission of

Senegal from 12-15 November 2002. PCASED has planned similar training programmes for Benin, Burkina Faso, Gambia, Guinea, Guinea-Bissau, Cape Verde, Niger, Nigeria, Mali, Togo, Sierra Leone.

In addition, the United States, through their Bureau of International Narcotics and Law Enforcement Affairs, provide assistance to law enforcement agencies in Ghana, Nigeria, and Sierra Leone to identify illicit trafficking of SALW and have implemented a course designed to identify illicit small arms trafficking and strengthen interdiction skills in the sub-region.

3.2.4 Harmonisation of laws

There is great disparity among West African states' legal regimes, reflecting the different colonial backgrounds and structures of ECOWAS states. Gun control laws in the sub-region lend themselves to different applications. Relevant legislation to control SALW at the national level in most states is non-existent, outdated or not strong enough. An effective national legislation governing the control of SALW must be a central element of any multi-faceted response to address the issue of SALW in the region. If a comprehensive national legislation is not in place, the effectiveness of other measures, for instance, the ECOWAS Moratorium or training programmes to enhance the capacity of law enforcement agencies and national commissions will be undermined. The Code of Conduct therefore recognises the need for similar legal and administrative structures on small arms control.

As of late 2002, only eight out of the fifteen countries had made their legislation on small arms available to PCASED for comparative analysis. This has hampered this aspect of the Moratorium considerably, because a regional model legislation is not possible without a thorough analysis of the firearms laws of all member states. Furthermore, by 2001, it had been realised that many member states operated outdated laws. It was therefore resolved that 'member states should first undertake national legislative reviews before continuing with the regional harmonisation process'.³² Though there appears to be considerable interest and political will on the harmonisation of laws among both state actors and civil society, the objective, as of the date of this report, remains largely unrealised. Guinea, Guinea Bissau, Mali and Cape Verde have requested PCASED's assistance to review their existing laws. Mali also submitted its national legislation on SALW to UNDDA. However, so far, PCASED has only provided assistance to Mali and Guinea. Neither of them have submitted a progress report or statement at the 2003 Biennial Meeting of States.

Harmonisation of laws remains one of the present areas of focus by stakeholders in the West African security landscape.³³ The Evaluation Report of the Moratorium noted that:

The terms of reference for a project of harmonisation of laws governing the use and sale of light weapons in West Africa has been elaborated. The study will aim at developing a regional harmonised legislation, including if necessary, a convention to regulate the flow of weapons in West Africa. Once considered and adopted by the Conference of ECOWAS Heads of State and Government, member-states will then be encouraged to adopt the prototype that reflects the peculiarities and specificity of their respective countries.³⁴

It becomes clear, therefore, that the objective of the harmonisation of laws is still far from being realised. However, PCASED has recruited a consultant to undertake the review and harmonisation of national legislations.

3.2.5 Peacekeeping Arms Register

This aspect of the Moratorium seeks to keep an up-to-date record of the movement of weapons used in peacekeeping operations, so as to ensure their effective control and withdrawal after peacekeeping operations have been completed. This applies to weapons earmarked for use by West African troops

engaged in peacekeeping operations outside the sub-region, as well as weapons used by troops from any part of the world in the management of West African conflicts.

A major handicap is that countries contributing to peacekeeping operations outside ECOWAS are reluctant to subscribe to an ECOWAS political and security framework.³⁵ This appeared to be the case in the management of the Sierra Leone civil war, where discussions between PCASED and UNAMSIL were protracted and difficult. While PCASED would appreciate a speedy declaration by UNAMSIL on the ground, UNAMSIL officials insist that there are political and legal issues that need to be regularised with the United Nations Department of Peacekeeping Operations (DPKO).

However, it is important to emphasise that the Peacekeeping Arms Register represents a strategic objective within the Moratorium regime in West Africa, as experience has shown that peacekeeping operations could be sources of illicit arms and agents of small arms proliferation.³⁶ This objective remains unrealised, and several questions remain unanswered, namely who has the mandate to authorise the Arms Register, who funds it, and who administers it.

3.2.6 Exemptions

Article 9 of the Code of Conduct allows member-states to apply for exemptions to the Moratorium 'in order to meet legitimate national security needs or international peacekeeping requirements'. An application to the ECOWAS Secretariat for exemption by a member-state is circulated to all other member-states. In the absence of an objection from any other member-state within 30 days, an exemption may be granted. Objections are referred to the ECOWAS Mediation and Security Council (see Articles 9.2 of the Code of Conduct). The exact measure and definition of 'legitimate national security needs' remains a grey area for the ECOWAS Moratorium regime. Individuals, through their respective National Commissions, may also apply to the ECOWAS Secretariat for exemptions (Article 9.3). From 2001 to 2002, a total of 47 exemptions had been granted, as follows:

Table 4: Exemptions Granted by ECOWAS Under the Moratorium 2001-2002

Country	2001	2002 (up to 08/11)	Total
Benin	-	5	5
Côte d'Ivoire	-	19	19
Gambia	-	1	1
Ghana	1	3	4
Niger	-	1	1
Nigeria	4	3	7
Senegal	2	1	3
Sierra Leone	5	2	7

Source: FOSDA, Focus on Small Arms in West Africa, Number 4, May 2003.

The fact of application for exemptions is proof that the Moratorium is enjoying some degree of compliance. However, compliance and political will cannot be said to be even, and some states do not demonstrate genuine commitment to the implementation of the Moratorium. For example, it has been pointed out that

...not all signatories are complying with the spirit of the Moratorium and it is suspected that small arms continue to be imported by some countries in violation of the declaration. According to various UN reports, Burkina Faso and Liberia have facilitated arms deliveries to rebel groups in Sierra Leone, and the UN has explicitly linked Burkina Faso and Togo to issuance of false end-user certificates for sanctions busting transfers to UNITA in Angola.³⁷

3.2.7 *Enhancement of border controls*

This part of the Moratorium regime seeks improved national and regional capacities for the detection and prevention of small arms trafficking in the sub-region, facilitated by improved exchange of intelligence. The increasing transnationalisation of crime in the sub-region has been further facilitated by West Africa's long, porous borders. In addition, the enhancement of border controls is a challenging and expensive venture, which requires external financial and technical support. In this regard, PCASED is currently collaborating with the Malian government on a pilot project which would strengthen existing border enforcement capacity by providing equipment and infrastructure support for two main police and gendarmerie border posts in Tinzaoutene and Balle. The project also aims at raising awareness among border populations of the dangers of illicit small arms trafficking.³⁸ Overall however, the border controls enhancement programme is far from being fully implemented.

3.2.8 *Arms collection and destruction*

One of the major components of the Moratorium is the collection, registration, and destruction of weapons, ammunition and components that fall under three categories:

1. Surplus to national security requirements. As with the exemptions, the determination of arms that are 'surplus to national security requirements' remain essentially the prerogative of the member-state;
2. Seizures from illegal possession and illicit trafficking; and
3. Weapons and ammunitions collected following peace accords and upon completion of peace operations.

Member states emerging from internecine conflicts have been active in weapons collection and destruction. These include Liberia, Sierra Leone, Niger, and Mali.

Table 5: Selected Arms Destruction in West Africa, 1996–2002

Country	1996–99	2000	2001	2002
Ghana			8,000	
Liberia	19,000			
Mali	3,000		530	
Niger		1,243	200	500
Nigeria			1,581	100
Sierra Leone				
Togo			50	2,000

Source: PCASED Annual Programme Report, 2001–2002

More recently, Senegal destroyed over 8,000 SALW in February 2003.³⁹

Most other states in West Africa restrict themselves to symbolic arms destruction programmes, which are staged in July each year, to mark the July 2001 UN Conference on Small Arms. It is worth noting that, despite the pervasive link between small arms proliferation and poverty in the sub-region, 'weapons for development' programmes are rare in West Africa.

4. Institutional arrangements

In order for the above-outlined agreements to be implemented, a number of institutional arrangements have been established. The UNDP has developed a regional project, the Programme for Coordination and Assistance on Security and Development (PCASED), to assist West African countries in the implementation of SALW control measures. This is an additional structure to the pre-existing Regional Centre for Peace and Disarmament, established by the United Nations Department for Disarmament Affairs (UNDDA) in 1986, which conducts disarmament programmes and research on the issue. Finally, the third institutional mechanism which aims at playing a major role concerning SALW control is the Economic Community of West African States (ECOWAS).

4.1 The Programme for Coordination and Assistance on Security and Development (PCASED – Annex 4)

PCASED is a regional project of the UNDP, aimed at providing support for the implementation of SALW control mechanisms in West Africa. It is assisted by the United Nations Office for Project Services (UNOPS) and UNDESA with regards respectively to general management and technical support.

PCASED's role in the implementation of the Moratorium is a pivotal one, and its five-year term is due to run out in 2004. PCASED was assigned nine priority areas when it was established in March 1999, but these have been reviewed in line with practical realities and available resources. In particular, the Tripartite Review of April 2001 lays out seven new areas of focus for PCASED:

- Establishment of National Commissions;
- Provision of technical assistance to National Commissions;
- Training of armed and security forces;
- Establishment of an Arms Register and Database;

- Arms collection and destruction;
- Mobilisation of resources for the activities of National Commissions; and
- Information, Education, and Awareness-raising campaigns.

While replacing the previous nine, the seven new priority areas place less emphasis on the expansion of membership of the moratorium, dialogue with producers/suppliers, and admits the building of a 'Culture of Peace' as a long term objective. Emphasis is presently on building the capacity of National Commissions to perform effectively as the implementing agencies of the Moratorium. However, PCASED's mandate appears too wide and unwieldy in comparison to its resources, technical capabilities, and staffing.

PCASED has faced many criticisms, including its rather *ad hoc* nature. First of all, the question of control and direction of PCASED's activities is not clear. There are also tensions between the need to locate the implementation sections of the Moratorium permanently within ECOWAS and the attractiveness of continuing to work within the UN system for many PCASED staff (compared with ECOWAS). Therefore, the suggestion of converting PCASED to an ECOWAS programme has received a lukewarm reception.

A new Director to PCASED was appointed in 2001. The following are some of the main changes which followed:

- Creation of the PCASED Consultative Committee of technical and Financial Partner
- Establishment of a PCASED Liaison Office in the ECOWAS Secretariat
- Meetings of Network of National Commissions, beginning in November/December 1999.

The ECOWAS report on the evaluation of the Moratorium's implementation, adopted by the Heads of States in January 2003, gives a positive evaluation of the role of PCASED, in particular with regard to National Commissions. As it is the National Commissions which give the member states ownership of PCASED, they therefore constitute the vital link for the implementation of the activities stipulated in the PCASED. As of today, even though some of them face operational difficulties, 13 out of 15 National Commissions have been established.

In addition, the report also emphasises the positive developments concerning the training of the armed and security forces, the enhancement of border controls (in particular in Benin, Mali, Niger and Nigeria), and the increased coordination between PCASED and the ECOWAS Secretariat. It also highlights the progress made in terms of arms collection and destruction programmes, harmonisation of legislations and the regional arms register and database.

It appears therefore that PCASED has enhanced the transparency and accountability of its operations through the creation of oversight bodies as indicated above, while the location of a Liaison office within ECOWAS Secretariat is bound to ease logistical and communication constraints. However, it is not clear that the technical capability of PCASED has witnessed any remarkable boost.

While budgetary and financial limitations plague the agency, PCASED remains in need of a programmatic and staffing evaluation to reposition the organisation, in order to respond more effectively to the increasing needs of engaged governments and more vibrant civil society in West Africa. Despite some improvements, coordination and collaboration with other UN agencies continue to be challenges, in particular with UNREC.

4.2 The United Nations Regional Centre for Peace and Disarmament in Africa (UNREC – Annex 5)

UNREC is situated in Lomé, Togo, and was established in 1986, pursuant to General Assembly Resolution 40/151g of 16 December 1985. The mandate of UNREC is to provide African states with support and other efforts geared towards the implementation of measures of peace, arms limitation, and disarmament, in cooperation with the OAU/AU. UNREC functions within the framework of the UNDDA and focuses on the following priority areas:

- Peace and Security;
- Disarmament and Arms Control;
- Information, Research and Publication; and
- Advocacy and Resource Mobilisation.

As part of its Disarmament and Arms Control work, UNREC was initially given operational control of PCASED. Therefore, even though PCASED was located in Bamako, it was the responsibility of the UNREC Director in Lomé. As PCASED expanded in size and staffing, its requirements grew beyond the capabilities of this organisational structure. This led to operational difficulties and complications, which resulted in the separation of the two offices and the appointment of an autonomous director for PCASED. UNREC has now only one international staff in the person of the Director, and one national staff. The only other members of staff provide support services such as driving and secretarial duties. A number of questions and suggestions for the office to be relocated to Accra or Addis Ababa have been raised on several occasions, as the Togolese government is not honouring its obligation with regard to the 1986 Agreement establishing UNREC.

UNREC has produced a consolidated report for the first Biennial Conference⁴⁰ entitled *Report on UNREC's Activities in the Implementation of the UNPoA on Small Arms*, detailing its activities since the 2001 July Conference. (see Annex 4). The main findings of the Consolidated Report as related to West Africa include:

- Provision of substantive and technical support to the Government of Guinea Bissau in conducting an assessment into the magnitude and scope of the small arms problem (July 2001);
- Provision of substantive and technical support to the Government of Togo for the elaboration of a national strategy of implementation of the PoA and the organisation of a 'Flame of Peace' on 31 October, 2001;
- Contribution to, and participation in the creation of a civil society network (WAANSA) to combat the proliferation of small arms;
- Contribution to the consultation of West African civil society organisations in Dakar, Senegal, aimed at the formulation of a manual for training of trainers from civil society organisations on peace, security, and disarmament matters; and
- Assistance to the Government of Togo in the destruction of some 300,000 ammunition seized from gunrunners.

4.3 The Economic Community of West African States (ECOWAS)

ECOWAS was created on May 28, 1975, in Lagos, Nigeria. Current Member States include: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo. ECOWAS was originally conceived as an instrument for economic integration, to unite the small national markets of West Africa, and from which political integration would follow. However, in reality, integration consisted primarily of high politics matters (peace and security). Since the early 1990s, starting with the Liberian civil war, ECOWAS, confronted to security challenges, has embarked on a peace and security agenda.

For any objective analysis of the performance of the Moratorium, due recognition must be given to the fact that the implementation and effectiveness of the Moratorium would necessarily be conditioned by the political and socio-economic realities within the ECOWAS sub-region. The Francophone/Anglophone divide has been an obstacle to the speedy emergence of a viable regional framework, within which the Moratorium could play its role.

In order to create the capacity to cope with its new peace and security work, the office of the Deputy Executive Secretary for Political Affairs, Defence and Security (DES/PADS) was created in 2001. The implementation of the Moratorium is one of the core duties of the DES/PADS. The office has however remained grossly understaffed, and a vibrant small arms unit is yet to emerge. Under the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, four zonal observation bureaux are located in Banjul (Gambia), Ouagadougou (Burkina Faso), Monrovia (Liberia), and Cotonou (Benin Republic). The role of the four bureaux in relation to the Moratorium includes, inter alia:

- Monitoring/observation of Moratorium compliance;
- Facilitation of technical assistance to individual member-states for Moratorium-related activities;
- Facilitation of Moratorium-related activities;
- Serving as focal points for transmitting arms registration information to ECOWAS database;
- Serving as focal points for publicity; and
- Facilitation of member states' dialogue with suppliers.⁴¹

A Manager has been appointed in this regard, and three of the bureaux (Banjul, Ouagadougou and Cotonou) are at the advanced stages of setting up. The fourth (Monrovia) continues to suffer from a lack of official cooperation from the host government, including failure to grant it diplomatic status. The ECOWAS/PCASED consultant estimates in this report that 'at present (October 2002), the office of the DES/PADS lacks the capacity to play a stronger role in providing oversight for the effective implementation of the Moratorium'⁴². For an effective coordination of the implementation of the Moratorium by ECOWAS, the capacity of the DES/PADS would need to be enhanced considerably. Its present strength is best described as skeletal.

5. Civil Society and Small Arms Control Instruments in West Africa

Civil society has played an active role in the evolution of mechanisms for addressing the proliferation of small arms in West Africa, particularly the ECOWAS Moratorium. In the 1990s, having witnessed, and in many cases experienced the damage that small arms can do, especially in the MRU, civil society groups have increasingly been involved in sub-regional SALW control efforts.

The meetings, consultations, and seminars held by West African civil society groups have had significant implications for the evolution of a sub-regional SALW control system. These have sought to support government action, provide vital input into regional policy making on small arms control, and support advocacy initiatives. Some of the most significant avenues for civil society collaboration have included the following:

- Ecumenical Consultation on Micro-Disarmament in West Africa held in Accra, Ghana, in September 1998;
- West African NGOs Consultation on Small Arms, held to coincide with the 21st ECOWAS Summit, which witnessed the official adoption of the Moratorium, in Abuja, Nigeria, in October 1998;
- West African Civil Society Consultation on the Launching of PCASED, held in Bamako, Mali, on 22–23 March, 1999;
- Workshop on Private Military Intervention and Arms Proliferation in Conflicts in Africa, held in Monrovia, Liberia, in July 2000;
- UNREC-organised Consultation on Small Arms in Lomé in December 2000;
- Civil Society Consultation on the ECOWAS Moratorium: Beyond the UN Conference, held in Accra in June 2001;
- Foundation Conference of the West African Action Network on Small Arms (WAANSA), held in Accra on 20-21st May 2002;⁴³
- Training and capacity-building workshop held in Dakar, Senegal, from 29th April to 2nd May 2002, hosted by International Alert and Saferworld in partnership with five regional NGOs: MALAO (Senegal), CEDE (Côte d'Ivoire), FOSDA (Ghana) and Oxfam GB and Oxfam America (Senegal); and
- Civil Society Consultation on the Evaluation of the ECOWAS Moratorium on the Importation, Exportation, and Manufacture of Small Arms and Light Weapons, held in Dakar, Senegal, in January 2003 (discussed below in more detail).⁴⁴

However, there remains a strong need for more civil society participation in formal SALW control structures, in particular National Commissions. Civil society organisations need to be recognised by West African governments as substantial actors in the fight against SALW and it must be ensured that these organisations are empowered to fulfil their role.

5.1 Creating the West African Action Network on Small Arms (WAANSA)

On 20-21st May 2002, 27 organisations from 10 West African countries launched WAANSA to facilitate civil society activities in the campaign against the proliferation of small arms in West Africa. The Foundation Conference of WAANSA was held at the Royal Ravico Hotel, in Accra, Ghana, and was hosted by the Foundation for Security and Development in Africa (FOSDA), and convened by the Centre for Democratic Empowerment (CEDE).

Box 1: Extracts from the Final Communiqué of the WAANSA Foundation Conference

We, 54 representatives of West African National and Sub-regional Civil Society Organizations from 10 countries and observers from International Organizations and the Government of Ghana, participating in the Foundation Conference of the West Africa Action Network on Small Arms, held in Accra, Ghana, at the Royal Ravico Hotel, Niangua on 20th and 21st May, 2002;

Extremely concerned about the proliferation and mis-use of small arms and light weapons, which endanger the security of people, communities and nations in the West African sub-region;

Recognizing that the illicit trade in and easy access to and availability of small arms and light weapons continue to exacerbate the conflicts and insecurity in the region;

Aware of the relationship between illicit small arms and light weapons on the one hand, and political instability, the violation of fundamental human rights, economic under-development, bad governance, social injustice, criminality and violence on the other hand, and how these negatively impact on the entire society particularly on the survival and protection of women and vulnerable groups such as children, people with disabilities and the elderly;

Reaffirming our understanding and appreciation of the fact that ECOWAS member states bear the primary responsibility for peace and security in the sub-region;

Convinced that the ECOWAS Moratorium on the manufacture, export and import of small arms and light weapons within the sub-region is the major regional initiative for dealing with the scourge of small arms and light weapons; ►

Committed to supporting the Bamako Declaration, the UN Plan of Action on Small Arms and other relevant international instruments;

Conscious of the need for collaborative civil society actions on the non-proliferation of illicit small arms and light weapons;

Appreciating the existence and role of the International Action Network on Small Arms as the leading international civil society network on small arms;

Hereby decide to:

Transform the Organizing Committee of the Foundation Conference plus one other participant into a nine-member Steering Committee that shall manage the affairs of the Network during the next two years ...

...Encourage organizations in every country in West Africa to join WAANSA and become active participants as well as joining and actively participating in IANSA for the effectiveness of the Networks at the global and sub-regional and national levels; ...

WAANSA's one year of existence has been characterised by tentative, though hopeful, steps. Its ability to monitor state implementation of small arms control measures is hampered by the fact that it has not, to date, articulated a Plan of Action and meets rather infrequently. Though the network faces considerable financial constraints, it must also be admitted that a resource mobilisation strategy has yet to be put in place. Nonetheless, the network was able to attract US\$10,000 from UNDP/PCASED towards the Dakar Process, discussed below. Despite its initial problems, it remains the best-placed vehicle for a coordinated sub-regional civil society action against the proliferation of small arms, and enjoys an increasingly active working relationship with the International Action Network on Small Arms (IANSA). WAANSA has also signed a Memorandum of Understanding with PCASED, in which both structures agree to cooperate on the following: research and documentation; publication; advocacy; training and capacity-building and networking with civil society and governmental organisations to enhance human security. However, it remains in dire need of targeted technical and financial assistance to articulate and implement a medium-term programmatic plan.

5.2 Civil Society Evaluation of the Moratorium and the Evolution of a Draft Supplementary Protocol (Annex 6) (The Dakar Process)

The occasion of the renewal of the Moratorium in July 2001 presented an opportunity for stakeholders, including civil society organisations, to assess the efficacy of the Moratorium. It was evident that, despite the first three years of the Moratorium, small arms proliferation in the sub-region may have worsened rather than improved.⁴⁵ The persistence and seeming resilience of the Mano River conflict vortex, the widespread atmosphere of insecurity in Nigeria with ethno-religious violence involving the open display and indiscriminate use of small arms, increased incidence of gun-related crime, armed robbery and political assassination using small arms are all sad reminders of small arms proliferation in West Africa.

In view of the large gap between the promises of the Moratorium and the reality of widespread proliferation of small arms and insecurity in the sub-region, West African civil society organisations decided to carry out their own review of the Moratorium, to complement the evaluations being

undertaken by PCASED/ECOWAS. To this end, a Civil Society Consultation on the Evaluation of the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons was held in Dakar, Senegal, on 27 January 2003. The consultation was organised by the Centre for Democracy and Development (CDD) and the West African Action Network on Small Arms (WAANSA), and hosted by the Mouvement contre les Armes Légères en Afrique de l'Ouest (MALAO).⁴⁶ The objectives of the Consultation were to:

- Review the report of the Moratorium evaluation;
- Develop a draft supplementary protocol that seeks to address the role of non-state actors;
- Assess the role of ECOWAS, PCASED, and National Commissions, civil society, and international actors in the implementation of the Moratorium; and
- Devise advocacy campaigns to make the Moratorium and the proposed protocol binding, with enforceable sanctions.

The civil society evaluation recognised that the Moratorium was an essential and pioneering instrument in combating the proliferation and misuse of SALW in West Africa, and a key achievement of ECOWAS in international diplomacy. However, there was consensus that the Moratorium contains loopholes and inadequacies that hamper the realisation of effective arms control in West Africa.

5.2.1 The voluntary nature of the Moratorium

The Moratorium remains a voluntary (rather than a legally binding) instrument. Consequently, it has been very difficult, if not impossible, to effectively enforce sanctions against states and private entities that violate its provisions.

The ECOWAS Moratorium is drafted in the weakest possible legal language, as it is a declaration and not a treaty. It amounts to a voluntary political decision by heads of state. On the other hand, the Code of Conduct declares itself binding (Article 1) though it is not legally-binding. Soft law though, may still have a significant impact on states' behaviour, by shaping values and creating expectations.⁴⁷ Nevertheless, there is a need to transform the Moratorium from a voluntary to a binding sub-regional legal instrument, with a corresponding regime of sanctions. Although this will not resolve the lack of implementation capacities and the institutional challenges, it will highlight its major role in terms of SALW control.

However, it remains debatable whether there currently exists the political will to adopt and implement such a legally-binding Moratorium regime in West Africa.

5.2.2 Inadequate provisions for controlling non-state arms proliferation

The Code of Conduct governing the Moratorium requires for both state and non-state entities alike to seek prior permission from ECOWAS before importing or exporting light weapons. Five years down the line, however, the illicit acquisition and smuggling of light weapons by privateers and some states continue. The continued importation of SALW is adding an incendiary element to the armed conflicts in the MRU and the Senegambia region (Casamance), as well as banditry and interethnic violence in Nigeria, Ghana, and other member states.

With the phenomenon of failed and failing states enveloping the sub-region, mercenaries, armed ethnic militias, civil defence forces, rebel movements, private security companies, and various manifestations of irregular forces have emerged to fill the concomitant 'security gaps'. This is both a cause and an effect of inadequate checks on private military entities, which are not addressed by the Moratorium.

5.2.3 The Moratorium is little known in the sub-region, particularly among its citizens

The January 2003 Civil Society Evaluation Consultation identified an urgent need for a supplementary protocol, not only to fill the gaps in the existing protocol, but also to mount an advocacy campaign around the existing and the anticipated supplementary protocols.⁴⁸ In order to enhance the efficacy of the Moratorium, therefore, there is a need for the development of a more dynamic and effective strategic and operational framework for advocacy on the issue of small arms proliferation in West Africa.

The following recommendations emerged from the Civil Society Evaluation Consultation:

- A Small Arms Unit should be established within ECOWAS;
- An ECOWAS-European Union (EU) Working Group on Small Arms should be established;
- The activities of the Moratorium should be linked to the priorities of the New Partnership for African Development (NEPAD) and the AU;
- National Commissions should be established according to specific guidelines. The status quo leaves too much room for discrepancies;
- National Commissions should be politically independent and should be established by legislation;
- National Commissions should have permanent secretariats with annual budgets;
- The Moratorium should be permanent;
- Each National Commission should have its own National Plan of Action;
- The Wassenaar Arrangement should be expanded to other arms producers and exporters, especially countries of Eastern Europe; and
- There should be enhanced capacity-building for National Commissions.

The Dakar Civil Society Evaluation Consultation turned out to be a unique model for collaboration between member states and civil society in the implementation of the Moratorium. Using the various informal networks open to the organisers, it was possible for civil society groups to secure a hearing and participation at the ECOWAS Foreign Ministers' Meeting, which was held at the Hotel Meridien in Dakar on 28 January 2003. The Communiqué of the consultation (including the recommendations enumerated above) was presented to the ECOWAS Foreign Ministers.

Various foreign ministers (including those of Ghana and Nigeria) reacted positively and enthusiastically to the presentation by civil society groups. They commended the foresight and commitment of NGOs and agreed that there was a need for a supplementary protocol. They undertook to discuss the recommendations of the consultation, and enjoined the ECOWAS Secretariat to expedite action on their implementation. The draft Supplementary Protocol was also circulated to the ECOWAS Foreign Ministers, which was to serve as a Working Document for their meeting. The Dakar Process is a good example of the importance of lobbying by civil society, and the effect such lobbying can have on policy and action by governments.

6. Country Overviews

This section aims to give a brief description of the current situation in West African countries. It gives an overview of implementation structures in the various countries of the sub-region, and provides some background information on SALW proliferation as well as examples of disarmament programmes in the sub-region.

6.1 Benin

The proliferation of SALW proliferation in Benin can be traced back to the 1980s economic crisis, which led to an increase in banditry and the illegal trafficking of SALW. The main issue regarding SALW in Benin is their use in criminal activities. According to the Government, weapons are smuggled illegally from the west across the country to the east.⁴⁹ This appears to be partly due to Benin's geographical position, at the crossroads between the MRU on one side, and Nigeria then Central Africa on the other.

There are two acts regulating SALW issues, one from 1877 and another one dated 1961. As the existing legislation is weak and out of date, the Government is currently in the process of evaluating it. It has also started enacting legislation aimed specifically at targeting the illicit possession of SALW.⁵⁰

Benin has a National Commission, created in 2000 and formally established in February 2003, with civil society participation, although the level of activity is uncertain. A report on the implementation of the UNPoA was submitted in 2002, and a request has been made to PCASED for support to monitor the border with Nigeria. Officials from Benin and Nigeria have also recently been involved in bilateral exercises to train customs officials and border guards and joint patrols along common borders now take place. A census of arms stocks in the country has recently taken place and a national register of SALW has been created in order to monitor stockpiles as well as importation and exportation. Benin is also a signatory to the UN Firearms Protocol, 12 May 2002.

6.2 Burkina Faso

The proliferation of illicit small arms in Burkina Faso can in part be traced back to the policy of arming the 'Committees for the Defence of the Revolution' under the regime of the late Thomas Sankara (1983-87).⁵¹ In the aftermath of Sankara's overthrow there were efforts by the military to disarm the committees but many weapons had already filtered into illegal hands.⁵²



Although Burkina Faso does not produce SALW, one company, Cartoucherie Voltaïque, produces ammunition.⁵³ In addition, Burkina Faso allegedly served as a conduit for the transfer of arms to Liberia, and often for onward transfer to the Revolutionary United Front (RUF) in Sierra Leone, in breach of UN sanctions. A UN Security Council report in 1999 concluded that there was 'unequivocal evidence' of Burkinabe (and Liberian) authorities involvement in transferring arms to the RUF.⁵⁴ These allegations have also included abuse of end-user certificates by the Burkinabe government. A PCASED Task force visit to Burkina Faso in March 2000 reported a 'flagrant violation of the relevant provisions under the (ECOWAS) Moratorium'.⁵⁵

The legislation regarding SALW dates from 1992 (Decree No.92-387). However, as this legislation targeted only civilian use and possession of SALW, it was reviewed and revised in 2001, and now covers production, manufacturing possession and transit.

In terms of implementing small arms control, progress in Burkina Faso has been rather mixed. The National Commission in Burkina Faso was established in 2001 but did not become operational until 2002 and there is no civil society representation. Recently there has been training for the police, army, and gendarmerie on small arms control. In March 2003, PCASED facilitated a training of trainers on modern methods of arms control.⁵⁶

With regard to the UNPoA a National Point of Contact has also been established but no National Co-ordination Agency has been identified. Burkina Faso is also a signatory to the UN Firearms Protocol, 17th October 2001.

6.3 Cape Verde

There is no significant small arms proliferation problem on the islands. The SALW in circulation during the war of liberation do not seem to have had much effect on the region, although some have allegedly been illegally transferred to the Casamance region of Senegal.⁵⁷

A National Commission has been established. Its main focus however has been on drug trafficking rather than small arms controls, since the islands are often used as a transshipment point for illicit drugs from Latin America and Asia to Western Europe. Cape Verde is not a signatory to the UN Firearms Protocol.

6.4 Côte d'Ivoire (Ivory Coast)

Until the beginning of the 1990s, Côte d'Ivoire's political situation was relatively peaceful, with sporadic unrest. However, in the first half of the 1990s, Côte d'Ivoire experienced unprecedented political upheaval, combined with an increase in violent crime. The apparent peace and calm brought by the December 1999 coup did not last very long, and was soon followed by mutinies from the soldiers and increased violence from members of the armed forces. Following the October 2000 elections, a violent uprising led to the killing of 500 people.⁵⁸

On 19th September 2002, armed violence erupted again in Côte d'Ivoire between rival troops of the Ivorian Armed Forces. In this fighting a major exchange of fire took place in the capital city of Abidjan and in the cities of Bouake and Korhogo. Hundreds of people were killed and several hundreds wounded by firearms.

Much of the current proliferation in Côte d'Ivoire stems from large scale thefts from state arsenals and the role of Liberian mercenaries in the conflict.

In August 2003, Côte d'Ivoire participated in a meeting of police chiefs from 8 African countries. The police chiefs urged states on the continent to introduce stricter border controls in a bid to curb the smuggling of small arms and prevent other cross-border crimes, by strengthening border controls and adequate regulatory and monitoring systems, including databases and up-to-date records about the flow of SALW in private hands.

In spite of the widespread use of SALW in armed violence and widespread armed criminality, no National Commission has yet been established. Rebel leaders continue to shop for weapons in neighbouring countries under many guises and in the event of the capture of the port of Saint Pedro, a strategic route for small arms flows to the rebels could be created. Indeed, Saint Pedro has already served as a significant point in the networks arming the Liberian rebels in the mid to late 1990s. Côte d'Ivoire is one of only two countries left in the region not to have established a National Commission, although in line with the UNPoA a National Point of Contact has been identified. Côte d'Ivoire is not a signatory to the UN Firearms Protocol.

6.5 Gambia

The separatist conflict in the Casamance region of Senegal has had an incendiary effect on the illicit SALW proliferation situation in Gambia. The UN Security Council report in 1999 also implicated the country in the supply lines which have provided illicit weapons to rebels in Sierra Leone and Liberia.

As a result of an increase in crime involving the use of illicit firearms youth vigilante groups have been formed at district levels under the ambit of the National Youth Action Movement. These groups work in close consultation with District Authorities and the Security Services to enhance community policing and the collection of illegal firearms.

To enhance the capacity of security forces to combat crime, arms control and detection techniques, the armed forces are currently undertaking a special training programme under the direction of a Turkish assistance team.

A National Commission was established in 2002 but there is no civil society representation. The Ministry of Defence is the secretariat of the National Commission. It operates at the level of the National Security Council and its Chairman is the Secretary of State for the Interior. The National Commission is yet to have civil society representation as required by the UNPoA and Code of Conduct. The National Commission also serves as the National Point of Contact. Gambia is not a signatory to the UN Firearms Protocol.

6.6 Ghana

The problem of illicit SALW in Ghana has substantially increased over the last five years. There are fears that the conflicts in nearby Côte d'Ivoire and Liberia may have a destabilising effect and increase the influx of weapons into the country. In addition, Ghana is also one of the countries where illegal local production thrives.

The first gun control law was passed in 1962, revised in 1972, 1994, and 1996 (Act 480). Act 480 of 1996 requires local craftsmen to apply for licence to manufacture arms but the culture of

underground production has meant that in reality no-one has applied. While it is therefore illegal to produce guns in Ghana there is a thriving underground local manufacturing market, largely dominated by blacksmiths. Ghana is made up of ten administrative regions. In one of Ghana's ten administrative regions alone (Brong-Ahafo region) 2,500 blacksmiths have the capacity to produce 1.5 guns each per week. In addition, each of these craftsmen usually has three/four apprentices with gun-making know-how. What has however restricted local production is the lack of resources to procure the necessary equipment.⁵⁹

In response to SALW concerns, the National Commission (National Task force) was established in 1998, and in March 2002, the Ghana Action Network on Small Arms (GHAANSA) was also formed to co-ordinate civil society action on SALW.

The National Commission is actively supported by civil society and has civil society leadership. It coordinates work among governmental departments such as the Ministry of Defence, the Attorney-General's Office and Customs, Excise and Preventive Service. The National Commission has also collaborated with GHAANSA to mount public awareness campaigns to promote a culture of peace in troubled areas in Ghana. In addition, the National Commission has held continuous discussions with the Ministry of Justice for the drafting of an amendment of legislation on SALW. Discussions with the Ghana Police and civil society are underway to update and modernise the National Firearms Register with a computerised database. Efforts are currently underway to get the necessary legislative approval to formally inaugurate the National Commission.

Within the government, small arms issues come under the Office of the National Security Co-ordinator. The Police are also active in the control of illicit small arms proliferation and since 2001 there has been an ongoing joint police-military initiative to control the illicit circulation of weapons. In 2001 there was also a two-week moratorium designed to encourage people to surrender illegally possessed weapons. PCASED has donated two patrol vehicles to support border control with Côte d'Ivoire.

In accordance with the UNPoA Ghana has both a National Point of Contact and a Co-ordination Agency. The National Firearms Vocational Licensing Authority is responsible for monitoring the proliferation, trading and licensing of small arms in the country and also co-ordinates with neighbouring countries on SALW issues. Ghana is not a signatory to the UN Firearms Protocol.

6.7 Guinea Bissau

Guinea Bissau has an acute illicit small arms proliferation problem. There are about 40,000 ex-combatants still possessing arms from the days of the country's three-decade war of independence from Portugal. The war ended on 10 September 1974 with the official recognition of Guinea Bissau's independence by Portugal, however, after independence the guerrillas were permitted to keep their weapons. As a result, it is estimated that around a third of the population is armed, making Guinea Bissau the most heavily armed population in West Africa.

Guinea Bissau is a source of illicit small arms proliferation for some parts of West Africa, particularly to Casamance rebels. Elements within Guinea Bissau have also been known to 'rent out' their guns to Casamance rebels in exchange for food.

After the 1998/1999 civil war, initiatives did emerge that focused on weapons destruction programmes and the Disarmament, Demobilisation and Reintegration of former combatants (DDR). In July 2001, UNREC provided substantive and technical support to the Government of Guinea Bissau in conducting an assessment of the magnitude and scope of illicit small arms proliferation in the country. The government also wishes to demobilise an estimated 5,000 troops from the country's armed and security forces, and has sought UNREC's assistance and technical expertise in this regard.⁶⁰

The National Commission in Guinea Bissau was established in 2002. Guinea Bissau is not a signatory to the UN Firearms Protocol.

6.8 Guinea Conakry

The problem of illicit small arms proliferation in Guinea can largely be traced back to the creation of a national militia following independence. An attempted coup in November 1976 led to further indiscriminate distribution of weapons to civilians. The military take-over of 1984 further fuelled the small arms proliferation process as stockpiles of weapons were either looted or distributed to pro-putsch soldiers who rose up against the national militia of former leader Sekou Toure. The new junta did not conduct a weapons collection programme, and militia members were neither disarmed nor demobilised.⁶¹

A National Commission was created in 2000. It is dominated by the military and the main civil society actors have close connections to the Presidency. This has the paradoxical effect of ensuring access to the National Commission for the highest echelons of government while at the same time negatively affecting its neutrality and credibility. The National Commission has an office at the airport to monitor arms flows. According to the National Commission, some 17,000-18,000 small arms are due to be publicly destroyed.⁶² Guinea has been known to receive funding from Canada and USA, the latter undertaking a bilateral project to support weapons destruction⁶³. Demonstrating political will to address the scourge of illicit small arms proliferation, Guinea used its presidency of the UN Security Council to raise and discuss the small arms issue.

In accordance with the UNPoA Guinea has identified a National Point of Contact but has yet to establish a National Co-ordination Agency. Guinea is not a signatory to the UN Firearms Protocol.

6.9 Liberia

The conflict in Liberia, and therefore the proliferation of SALW, cannot be studied solely at the national level. The conflict in Liberia is strongly linked to regional and sub-regional political and economic struggles. For example, Liberia was the primary patron providing arms to the RUF. According to a recent UN Data Collection Mission to the MRU, Liberia probably has the highest levels of SALW proliferation within the MRU and it is thought to be the MRU country with the highest level of militarisation of the civilian population.⁶⁴ There is currently an arms embargo against the Liberian government but this has not always been effectively policed, with allegations of sanction-busting being levelled against a number of countries, including Burkina Faso. There is however recognition that Liberia is central to any viable solution to the scourge of small arms proliferation in the MRU.

Liberia has so far failed to establish a National Commission on small arms proliferation and it is doubtful that the political will exists for such a venture. Much will depend on the political architecture which emerges after the exit of former President Taylor into exile in August 2003. A focal point was established in 2000 but has not been active. There is an ECOWAS focal point within the Ministry of Foreign Affairs nominally in charge of small arms. Under the terms of the Liberian Peace Agreement of the 18th August 2003, the International Stabilisation Force (UN Peacekeepers) is mandated to disarm all non-state armed groups and to monitor state stockpiles and reform the military.⁶⁵ Liberia is not a signatory to the UN Firearms Protocol.

6.10 Mali

The first law concerning SALW control in Mali was passed in 1960, and covers civilian use and possession, but not the military and police use of SALW. However, the legislation dates back to the colonial era when Mali was known as the Republic of Soudan, and consequently does not address adequately the current needs and requirements of the country. As a result, the National Commission,

established in 1997, held a workshop in 2001 to review the legislation, but the draft amendment has still to be adopted by the government and voted by the national assembly. This new legislation covers imports, transit and border control.

It is worth noting that legislation establishing SALW control does not cover production and manufacture of SALW, as there is no authorised production in the country. However, indigenous craft production has become a significant problem for authorities in the country.

Given Mali's pioneering role in West African micro-disarmament, the country has enjoyed generous goodwill and funding by external actors. The National Commission is dominated by the military and there is rivalry between civil society actors. However, the National Network of Journalists is very active in awareness raising activities of SALW proliferation, by diffusing information through the local and national media. It has also undertaken confidence-building programmes.

There have also been substantial disarmament efforts, in Léré, Soumpi, Dinaké, Tienkour and Diré. The District of Soumpi is a good example. Soumpi has a population of 13,000 and 22 villages, with 19,000 hectares of land under irrigation, and carried out an arms destruction programme in May 2003, sponsored by Belgium Technical Co-operation. The Malian Government and PCASED are also currently collaborating on a border enforcement pilot project (see section 3.2.7 Enhancement of border controls).

In addition to Disarmament, Demobilisation and Reintegration (DDR) as well as arms destruction programmes, the Malian delegation emphasised the need for international support to finance modernisation projects of infrastructures.⁶⁶ The security of legal SALW stockpiles must be improved in order to deter thefts and therefore reduce proliferation. Mali is also a signatory to the UN Firearms Protocol, 11 July 2001.

6.11 Niger

There are about 4,000 ex-combatants nationwide, as a result of Niger's protracted internecine conflict.

Niger is unique in the sense that it has adopted a Human Security approach to peace and security in general, and SALW control in particular. For example, a Poverty Eradication Programme was integrated into Niger's National Conflict Prevention Strategy.

Two acts regulate SALW in Niger, both of them dating from the sixties, and mainly cover the issue of civilian possession and use. A bill is currently being formulated in order to update the legislation and make it adequate to the current needs and requirements of the country.

Niger was one of the first ECOWAS countries to set up a National Commission on small arms proliferation, in 1998. There is civil society membership of the National Commission, though it remains military dominated.

The UNDP is running a 'Pilot Project for Collection of Illicit Arms and Support for Sustainable Development'.⁶⁷ There are on-going pilot projects in Nguimni in the Difa region where there are about 600 ex-combatants. Difa is distinctive because it is contiguous to Nigeria, Chad, and Cameroon, though located in Niger. This has made it a busy illegal arms trade route. In Difa, the currencies of all four countries are legal tender, reflecting an active black market in small arms. It is therefore appropriate that a pilot project has been located in Difa. The components of the pilot project are:

- Reintegration of Ex-Combatants, which lasted from May 2001 to May 2003;
- A weapons-for-development component known as the Small Arms Collection, Destruction and Control; and

- A Peace, Disarmament and Education component, which is due to commence in May 2003. This component is being funded by the UNDDA and the Hague Appeal for Peace, and will involve selected schools in Nguimni. It will also focus on land issue, a major source of conflict.⁶⁸

The pilot project only covers about 15% of ex-combatants leaving around 3,400 ex-combatants in other districts who are not covered by the project. However at a meeting in January 2003 the Government announced that it intended to develop three more arms-for-development projects, based in Kawar in the Agadez region, Azouak in the northwest region and Tahoua in Timaberi.⁶⁹ There are 3,400 ex-combatants in the districts of Air and Azawak who are not covered by the project.

Civil society has been actively involved in the process, under the leadership of the NGO Femmes et Famille, and enjoys good relations with the UNDP. Civil society groups are involved in Peace Culture training through sensitisation and inter-community meetings, and a Training of Trainers in Peace Culture was organised by UNREC in March, 2003.

Niger has a unique combination of demonstrated political will, strong civil society network and capacity, and good working relations and close collaboration with UN agencies.

Niger is not a signatory to the UN Firearms Protocol.

6.12 Nigeria

Nigeria's illicit small arms proliferation can in part be traced back to the failure to execute an arms collection programme after the 1967-1970 civil wars, and has been further fuelled by ethno-religious conflicts, armed robbery, and leakages from government armouries.

The Defence Industries Corporation of Nigeria, DICON, is the only legal small arms producer in Nigeria.⁷⁰

The Firearms Act (1959) is the main legal instrument addressing the production, import, and export of SALW in Nigeria. Following agreement of the UNPoA in 2001 a review of this law and the other regulations governing small arms was initiated. The need for this review and for more effective regulations is illustrated by the fact that of the 12,000 people arrested in relation to arms trafficking or illegal possession between 1990 and 1999, less than 500 were successfully prosecuted.⁷¹

The Federal Government of Nigeria inaugurated the National Committee on the ECOWAS Moratorium on SALW in 2001. The Committee is made up of officials of the Ministry of Defence, Ministry of Internal Affairs, Defence Industries Corporation of Nigeria, Nigeria Police, State Security Services, National Intelligence Agency, and Nigeria Customs. Civil society is represented on the National Commission. The most recent civil society organisation to be admitted into the Committee is the African Strategic and Peace Research Group (AFSTRAG) which became a member on 26 August 2003.

As a direct response to the UNPoA, Nigeria introduced a policy of destroying all surplus and confiscated weapons. In July 2001, the Federal Government of Nigeria carried out its first destruction of arms and ammunition seized by security agencies. This comprised of:

- 428 rifles;
- 494 imported pistols;
- 287 locally made pistols; and
- 48 dane guns (smooth-bore flintlock guns).⁷²

No other arms destruction exercise has taken place since then.

In February 2003, the National Commission, with the sponsorship of the Programme for Co-ordination and Assistance on Security and Development (PCASED), organised a national seminar on Small Arms and a Culture of Peace in Abuja. During the April 2003 elections, PCASED supported the National Commission in placing awareness-raising advertisements (on gun-free elections) in local newspapers.⁷³

Despite numerous instances of ethno-religious violence and other social disturbances, often involving the use of small arms, there has been no credible organised weapons collection programme following the 'end' of these crises. The Niger Delta is an example of a region that is in urgent need of a weapons collection programme.

In line with the UNPoA Nigeria has identified a National Point of Contact and established a National Coordination Agency. In addition, Nigeria is a signatory to the UN Firearms Protocol, 13 November 2001.

6.13 Senegal

The separatist campaign in the southern region of Casamance has been a major source of illicit small arms proliferation. The possession, production, and transfer of SALW is governed by the 1966 law which has not been reviewed recently and does not necessarily offer stringent enough controls to guard against illicit proliferation.

Senegal has established a National Commission and the work it does has two main objectives; controlling the sources of supplies of illicit SALW and developing programmes to sensitise the public about the dangers of SALW. There is a close partnership between the National Commission and civil society groups but civil society is not represented on the National Commission.

Civil society groups have been mostly involved in advocacy work. No weapons destruction activities have been implemented under UN or ECOWAS auspices. However, surplus and outdated military arms were destroyed in April 2003. There have also been some initiatives focusing on training, particularly of the military and the police. A network of civil society groups involved in small arms control is in the process of being established.

Local production of pistols and hunting rifles is active in the country, but the Senegalese Government has identified trafficking and selling points and is staging operations to retrieve these. The Senegalese Government is also involved in joint operations with Mauritania, Mali, Guinea, Guinea Bissau, and the Gambia, to control trans-border crime focusing on illicit small arms flows.⁷⁴ Special emphasis is being placed on monitoring borders, waterways and ports to check for the illicit movement of SALW.⁷⁵

In accordance with the criteria of the UNPoA, Senegal has identified a National Point of Contact and established a National Co-ordination Agency. It is also a signatory to UN Firearms Protocol, 17th January 2001.

6.14 Sierra Leone

The civil war in Sierra Leone created and sustained an avalanche of illicit small arms proliferation. By May 2000, 12,695 assorted small arms and 253,535 rounds of ammunition had been collected under the Lomé Peace Agreement.⁷⁶

The laws governing small arms possession, production and sales are little known to most Sierra Leoneans, although these laws do exist.⁷⁷

The National Commission was formed in 2002 but has not been very visible. In 2001, the National Police Force of Sierra Leone, in association with the UNDP, launched an arms collection programme to retrieve illegal SALW.⁷⁸ By May 2002, the Community Arms Collection and Destruction Programme (CACDP) had

collected over 10,000 weapons. The disarmament and demobilisation of 48,000 ex-combatants was completed in January 2002, with more than 25,000 weapons and 935,000 rounds of ammunition.⁷⁹ The World Bank has also established a Trust Fund to support the implementation of the Government of Sierra Leone's DDR programme to strengthen an environment conducive to peace. The overall programme aims to collect, register, destroy and dispose of all conventional weapons/munitions retrieved from the combatants during the disarmament process; demobilise approximately 45,000 combatants of the Armed Forces of Sierra Leone, Revolutionary United Front, Civil Defence Forces and paramilitary forces; and prepare for the sustainable social and economic reintegration of ex-combatants for long-term security.

In line with the requirements of the UNPoA Sierra Leone has established a National Coordination Agency but as yet has not identified a National Point of Contact. Sierra Leone is also a signatory to the UN Firearms Protocol, 27 November 2001.

6.15 Togo

SALW control does not feature prominently on the agenda of social discourse in Togo. However, Togo is vital as a transshipment route for illegal arms flows between Ghana, Nigeria, and Côte d'Ivoire. There is also a certain level of national production of SALW in Togo but the extent of this is debated. The Chairman of the National Commission claims that there is not much local production in Togo, but concedes that local manufacturing is increasingly becoming a problem in the areas around Togo's western border with Ghana, such as Bassar, Komkomba, and Dagomba, in addition to Kpalime and Badou.⁸⁰ Other sources however confirm that there is local arms production in Notse in the south and in Pagala in the north.⁸¹

In August 1999, as a result of tension between political parties within the country, the EU facilitated the agreement of the Accord Cadre de Lomé. The objective of the agreement was to create a secure environment for political activities and part of the agreement involved the creation of a Weapons Collection Programme. *A Flamme de la Paix* was organised in October 2001, following the UN Conference, where over 200 weapons were destroyed. In February 2003, 521,000 rounds of assorted ammunitions were destroyed in Atakpame.

The Togolese National Commission was established in 2001, and reorganised in 2002. However the political will to implement small arms control measures appears to be lacking. There is not much to the National Commission beyond the virtually empty building that houses it. The National Commission has no basic equipment to function, even though PCASED deposited the necessary equipment with UNDP Lomé in late 2002. At the time of writing this report, the equipment remains at UNDP offices and has not been handed over to the National Commission. The names of the members of the National Commission are yet to be announced and PCASED has not been invited to hand over the equipment to the National Commission. All four staff of the National Commission are military personnel deployed from the Ministry of Defence.

Civil society action and advocacy are still in their infancy but show encouraging signs. For example, the Cercle des Jeunes pour une Société de Paix (CJSP) has been conducting sensitisation sessions in centres of local arms production (Pagala and Notse), with financing coming from the members themselves. CJSP also participated in a workshop to articulate a National Action Plan on Small Arms Proliferation, as a follow-up to the 2001 UN Conference, in collaboration with UNREC. Initiated by the Ligue Internationale pour les Droits des Enfants (LIDE), an informal meeting of fifteen civil society groups took place in July 2002 to exchange information and experiences. Since then, another meeting has been held to discuss modalities for establishing a national small arms action network. IANSA has agreed to sponsor a foundation meeting of the Togo action network, tentatively in the last week of June 2003. The aims of this network are to mobilise civil society and serve as a framework for dialogue and discussion, develop the capacity of civil society groups, sensitise and educate communities with regard to small arms issues, and finally contribute to the implementation of the ECOWAS Moratorium. Togo is not a signatory to the UN Firearms Protocol.

7. Conclusion and Recommendations

A major structural limitation confronting SALW control in West Africa generally, and the Moratorium in particular, is the persistence of socio-economic and political crises. Various governments have issued statements and speeches identifying with the objectives of the Moratorium, but their activities have the effect of sabotaging the Moratorium. Yet in other states, there is genuine commitment to the Moratorium, and governments are lending support to the creation of networks and structures which would enhance the prospects for effective implementation of the Moratorium. The end result is that the West African security landscape manifests vastly different levels of commitment to the Moratorium and, thus, an uneven operating environment.

There is widespread lack of knowledge about the Moratorium, even in states where there is demonstrated political will. It would be fair to conclude that the Moratorium, so far, belongs to the governments of West Africa, rather than the citizens. Capacity to implement cardinal aspects of the Moratorium remains generally weak. Finance continues to hamper implementation, and the region does not have the necessary staff working on SALW issues daily. ECOWAS, PCASED, and the National Commissions do not have visible and viable resource mobilisation strategies. In many member states where National Commissions exist, there is no National Plan of Action on which resource mobilisation would be predicated.

Given the wide gap between the promises and potentials of the Moratorium and the persistent state of insecurity in West Africa, there is ample room for International Alert and other actors to engage in focused interventions, and to contribute towards enhancing the capacity of (selected) member states to implement the Moratorium and other international agreements. It is hoped that this 'Assessment of Small Arms Control Initiatives' would be useful in giving a general impression of the climate within which the Moratorium functions, and within which assistance would be needed. In-depth

country-specific studies, based on a sub-regional mapping exercise, would be necessary to select the country(ies) for subsequent engagement and assistance. Any effective implementation and improvement of these measures requires tailoring to the nature of arms trafficking in the region. Additional research on the structures and dynamics of circulation within and between conflict areas, and the linkages with regional and global legal transfers, is necessary to understand and subsequently devise specific strategies targeting SALW proliferation. Increased information-sharing and transparency between the various sub-regional countries are equally necessary in order to achieve this.

There is a persistent and urgent need for Disarmament, Demobilisation, Reintegration, and Rehabilitation programmes, which would address the twin problems of poverty and small arms proliferation simultaneously. This would correct the present situation in many states where, too often, implementation of the Moratorium does not extend much beyond the symbolism of 'Flames of Peace'. There needs to be an enhanced appreciation of the link between Human Security, which is related to human life and dignity, and the proliferation of small arms. Indeed, the latter have come to be regarded as the leading threat to Human Security, as they destabilise regions, spark, fuel and prolong conflicts, obstruct relief programmes, undermine peace initiatives; exacerbate human rights abuses, hamper development and foster a "culture of violence". However, micro disarmament programmes in the region are still necessary and contribute to the broader fight against SALW proliferation. There is a strong need for such programmes in regions such as northern Ghana, Nigeria, the Mano River basin and northern Mali and Niger.

Finally, even though the MISAC project is seeking to document patterns in state institutional practices as regards the implementation of small arms measures, recognition and attention should be given to the role of civil society, especially where state capacity/involvement is weak.

Recommendation 1: A Small Arms Coordination Unit should be created within ECOWAS (under DES/PADS) to enhance effective sub-regional interface with and between governments and civil society groups in West Africa. It should be ensured that, if created, this Small Arms Unit receives sufficient funding as well as technical assistance to carry out its mandate and act as the main sub-regional coordinator.

Recommendation 2: In order to build a culture of ownership and sustainability, the mandate and terms of reference of the proposed small arms unit should be articulated by ECOWAS, with the technical expertise as may be identified by both the donors and ECOWAS Secretariat.

Recommendation 3: Current donor relations with West Africa (bilaterally and multilaterally) reflect a lack of coordination and a piece-meal approach between donors. It is recommended that donor assistance should be coordinated and part of a well articulated broad programme, such as the UNPoA, with each donor being responsible for specific themes and aspects. For example, the Dutch-Norwegian Initiative (DNI) on Small Arms Brokering which is currently being discussed with ECOWAS Secretariat should enjoy the input and participation of other donors active in the sub-region. Such a

multilateral approach would facilitate and enrich the process of compliance with small arms control and permit a broader agenda for action.

Recommendation 4: It is recommended that funding should extend beyond states and focus on civil society action and advocacy. The fact that despite its official 'success', the ECOWAS Moratorium is little known among the population indicates a wide gap between West African governments and the people. The capacity of civil society, as the bridge between government and the citizens, needs to be enhanced to widen ownership of the Moratorium to the latter. The specific needs where funding should be channelled include operational costs such as office facilities, communication, and, where necessary, staff salaries. Training is also necessary in various methods and skills of advocacy and lobbying. Research and advocacy capacities should also be enhanced. Much of what is known about illicit small arms flows are general impressions, and this is often known only to governments and a few specialists only.

Recommendation 5: Specifically, the West African Network on Small Arms (WAANSA) should be assisted to evolve into a functional network. Funding should be directed at a small but functional WAANSA secretariat which would coordinate and service civil society involvement in West Africa, on the same terms as IANSA relates to the global civil society action on small arms. WAANSA should be given technical support in articulating a Civil Society Regional Action Plan.

Recommendation 6: National Commissions (focal points) and civil society (not only NGOs) need strengthening of capacities in project preparation, implementation, monitoring and evaluation, and resource-mobilisation strategies, especially in attracting funding from local sources such as the private sector, national philanthropists, and community resources. National Commissions should be empowered and driven by the people, government and civil society.

Recommendation 7: The ECOWAS Moratorium should become a legally-binding instrument. There must be positive development projects on the ground and increased awareness-raising activities to convince the leaders that a legally-binding document will generate peace and promote development.

Recommendation 8: With a view to transforming the ECOWAS Moratorium into a legally binding instrument, the draft Supplementary Protocol (to the ECOWAS Moratorium) should be supported and refined. It is recommended that a conference on 'the Role of Non-State Actors in Illicit Small Arms Proliferation' should be co-organised by ECOWAS and WAANSA with the draft supplementary protocol as a working document. The major outcome of the proposed conference would be the eventual adoption of the supplementary protocol by ECOWAS Heads of States. For this reason, the proposed conference should be held on the fringes of an ECOWAS Summit.

Recommendation 9: There is a need to develop the capacity of the four ECOWAS Zonal Observation Bureaux and civil society organisations to monitor small arms flows in the sub-region. Such a monitoring capacity should form the basis of integrating small arms flows into the early warning mechanism in West Africa. Such monitoring would involve the enhancement of border controls through increased capacity to track weapons flow across the region. It would also involve enhanced capacity for information gathering and analysis, and the procuring and up-grading of essential equipment.

Recommendation 10: There is a strong need for capacity building and enhancement of border control structures. Police, customs, and immigration officials should receive adequate support and training to meet their needs. In addition to this, they should be provided with adequate equipment infrastructure (computerisation for example) to detect SALW and control their circulation.

Recommendation 11: Both state and non-state stakeholders should engage in an effective and

sustained advocacy campaign to raise awareness about the different instruments, such as the UNPoA and the Moratorium. It is also important to transfer the Moratorium's ownership from West African governments to the people of the sub-region.

Recommendation 12: To control firearms at the regional and international levels, it is necessary to control them nationally. A process of review and revision is therefore required in most countries in order to bring legislation up to date with requirements contained in international and regional agreements, and also ensure that national legislation addresses the specific needs and requirements of each State.

Endnotes

- ¹ See Small Arms Survey, *Small Arms Survey 2001: Profiling the Problem*, Oxford: Oxford University Press, chapter 2., p. 63.
- ² The number of 7 million of illicit small arms in West Africa is the most common figure concerning small arms proliferation in the sub-region. However, the 2003 report published by the Small Arms Survey asserts that: "If rebel forces are armed in roughly the same way as typical soldiers elsewhere in the world, with an average of 1.2-2.25 small arms each, the total number of insurgent small arms in West Africa alone never reached the widely assumed seven to eight million. The widespread destruction, and the killing and flight of refugees, appear to have been caught by far fewer weapons in the hands of tens of thousands of fighters." Small Arms Survey 2003, *Development Denied*, Oxford, Oxford University Press, chapter 2, p. 82.
- ³ US\$1 = approx. N120 (naira).
- ⁴ The Mano River Union comprises of Guinea-Conakry, Liberia and Sierra Leone.
- ⁵ *Small Arms Survey 2002, Counting the Human Cost*, Oxford University Press, p.103.
- ⁶ See A. Musah, 'Small arms: A Time Bomb Under West Africa's Democratization Process', *The Brown Journal of World Affairs*, Vol. IX, No. 1, Spring 2002, pp. 243-4.
- ⁷ See Olukoshi, A, 'Structural Adjustment in West Africa: An Overview', in Olukoshi et al (eds), *Structural Adjustment in West Africa*, NIIA/Punmark, Lagos, 1994. Adepoju, A., 1993, *The Impact of Structural Adjustment on the Population of Africa*, London: James Currey.
- ⁸ *This Day Newspaper*, 27 August, 2002, page 5
- ⁹ Foundation for Security and Development in Africa (FOSDA), *FOCUS On Small Arms In West Africa*, Accra, April 2001, p. 1.
- ¹⁰ See 'USA Support Needed for International Campaign to Stop the Use of Child Soldiers'; available at <http://www.woafrica.org>.
- ¹¹ A. Musah, 'The Sorrows of War: Small arms, Conflict and Poverty in West Africa', *Democracy and Development*, Vol. 2, No. 3, September-December 1999.
- ¹² See *Small Arms Survey*, 2001, OUP.
- ¹³ Protocol Relating to the Establishment of the Peace and Security Council of the Africa Union (http://www.africa-union.org/rule_prot/PROTOCOL-%20PEACE%20AND%20SECURITY%20COUNCIL%20OF%20THE%20AFRICAN%20UNION.doc), consulted on 23 June 2003.
- ¹⁴ United Nations Office on Drugs and Crime: http://www.unodc.org/crime_cicp_signatures_firearms.html (consulted on 23 June 2003).
- ¹⁵ *Small Arms Survey 2002, Counting the Human Cost*, Oxford University Press, p. 238.
- ¹⁶ SAFERWORLD/Bradford University/International Alert/IANSA questionnaire for the IANSA Report for the 2003 Biennial Meeting of States. (paper reference for Biennial Report)
- ¹⁷ For example, even though practically all West African states have signed the Mines Ban Treaty, very few of them have been able to supply regular and detailed Article 7 reports detailing their stockpiles.
- ¹⁸ 2001 United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: Section II, paragraph 5: "To establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.
- ¹⁹ <http://disarmament.un.org/cab/docs/list1.pdf> (United Nations Department for Disarmament Affairs, consulted on 26 June 2003)
- ²⁰ Interview with Afi Yakubu, 21 August 2003.
- ²¹ 2001 United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: Section II, paragraph 4: "To Establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons".
- ²² Following the signing of a peace agreement in April 1992, sporadic clashes and banditry persisted. Upon the invitation of President Alpha Konare in December 1993, a UN fact-finding mission concluded that the scourge of small arms proliferation in Mali was significant and required a regional approach, since most of the weapons were coming from neighbouring states. UN agencies and NGOs provided funds to establish infrastructure (infrastructure for DDR or other development assistance?) in the north, and to demobilize and reintegrate combatants. A total of 27,000 SALW were collected from the rebels, and were burnt at the 'Flame of Peace' ceremony in Timbuktu on 27 March 1996. See Musah, 1999, *op. cit.*, pp. 11-18.
- ²³ The UNDP and UN Institute for Disarmament Research (UNIDIR) hosted a sub-regional conference (UN Conference on Conflict Prevention, Disarmament and Development) in Bamako, Mali, in November 1996. In April 1998, the Norwegian Institute for International Affairs (NISAT) convened the 'Oslo Platform for a Moratorium'.
- ²⁴ See Annexes 1, 2, & 3.
- ²⁵ See for example, Paul George, 'Assessing the Future Development of the ECOWAS Moratorium', Paper prepared for International Alert, May, 2001.
- ²⁶ Sola Ogunbanwo & Chick Faye, 'The ECOWAS Moratorium on the Importation, Exportation, and Manufacture of Small Arms and Light Weapons: Evaluation Study' (Consultants' Report), October 2002, p. 11.
- ²⁷ See footnote 15, above
- ²⁸ Comments by Zeini Moulaye, at the Civil Society Consultation on the Review of the ECOWAS Moratorium on the Exportation, Importation, and Manufacture of Small Arms, held in Dakar, Senegal, 27 January 2003; see also George, *op. cit.*, p. 8.
- ²⁹ The Canadian government, through the Pearson Peacekeeping Centre, has agreed to provide PCASED and selected member states with the required technical and financial assistance to implement a pilot programme; see Ogunbanwo & Faye, *op. cit.*, p. 15.
- ³⁰ Finland has provided \$450,000 to UNREC's Small Arms Transparency and Control Regime in Africa (SATCRA) project (2003-2005). The SATCRA project has the aim of promoting transparency in the flow and stock of SALW in Africa. The primary activities of the SATCRA project include developing national databases on the importation, exportation and manufacturing of SALW. In 2001, the Swedish Development Cooperation Agency also provided financial support to PCASED for development of a weapon database.
- ³¹ 'Worrying Problem of Small Arms Proliferation', *THISDAY*, Lagos, 18 February 2003, p. 62.
- ³² A. Musah, 'The Sorrows of War: Small arms, Conflict and Poverty in West Africa', *Democracy and Development*, Vol. 2, No. 3, September-December 1999.
- ³³ This researcher is aware that a few West African NGOs have submitted proposals to donors (including to the Department for International Development (DFID)) on the harmonization of laws on small arms in West Africa. It also featured in the discussions of the ECOWAS Council of Foreign Ministers Meeting in Dakar, Senegal, in January 2003.
- ³⁴ See Ogunbanwo & Faye, *op. cit.*, pp. 16-17.
- ³⁵ *Ibid.*, p. 16.
- ³⁶ See African Strategic and Peace Research Group (AFSTRAG), 'Responses to PCASED Questionnaire', Civil Society Consultation on the Renewal of the ECOWAS Moratorium, Accra, 6-9 June 2001. The document recognises that one source of small arms proliferation in Nigeria is returning troops who had served in Sierra Leone and Liberia.
- ³⁷ George, *op. cit.*, p. 6.
- ³⁸ Ogunbanwo & Faye, *op. cit.*, p. 22.
- ³⁹ Senegal National Report at the Biennial Meeting of States, New York, July 2003.
- ⁴⁰ This conference is the July 2003 United Nations First Biennial Meeting of States to Consider the Implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects at the National, Regional and Global levels, which is part of the follow-up process to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

- ⁴¹ Obasi, N, *Small Arms Proliferation and Disarmament in West Africa*, Apophyl Productions, Abuja, 2002. p. 153
- ⁴² Ogunbanwo & Faye, *op. cit.*, p. 30.
- ⁴³ See <http://www.iansa.org>
- ⁴⁴ See <http://www.iansa.org> for the full report.
- ⁴⁵ See Musue Haddad, 'West Africa and the Moratorium on Small Arms', Perspective, Global Policy Forum, 27 August 2001.
- ⁴⁶ See <http://www.iansa.org> for the full report.
- ⁴⁷ Small Arms Survey, *Small Arms Survey 2003: Development Denied*, Oxford, Oxford University Press, p. 219.
- ⁴⁸ See Annex 5 for the draft Supplementary Protocol.
- ⁴⁹ *Rapport National sur l'Application du Programme d'Action des Nations-Unies en vue de Prevenir, Combattre et Eliminer le Commerce Illégitime des Armes Légeres sur Tous ses Aspects*, June 2003, Cotonou, available on UN Department for Disarmament Affairs website:
<http://disarmament.un.org/cab/docs/nationalreports/2002/Benin.pdf> (consulted on 23 June 2003).
- ⁵⁰ Benin's Statement at the UN Biennial Meeting of States on Small Arms, New York, July 2003
- ⁵¹ The Committees for the Defence of the Revolution (CDR's) were organised at all workplaces, neighbourhoods and military units as defenders of the Revolution. For more information see Sam Mbah & I E Igariewy 'African Anarchism: the History of a Movement', 2001, Sharp Press
- ⁵² See 'Burkina Faso' in S. Odion-Akhaine (ed.), 2001, Index on Militarisation, Lagos: Centre for Constitutionalism and Demilitarisation, p. 40
- ⁵³ NISAT Database: *Burkina Faso: Small Arms Production*, <http://www.nisat.org>, consulted on 28 August 2003.
- ⁵⁴ See 'Report of the UN Panel of Experts on Violation of Security Council Sanctions Against UNITA'.
- ⁵⁵ Mohamed Coulibaly, 2003, *Challenges Facing the Implementation of the Moratorium*, p. 11, UNREC, Mimeo.
- ⁵⁶ Interview with Mr Napoleon Abdulai, Disarmament Expert, PCASED, 12 May, 2003.
- ⁵⁷ Institute for Security Studies, *Résorption de la violence et contrôle de la prolifération des armes légères en Afrique et dans l'Océan Indien, Première Partie: La Prolifération Illégitime des Armes Légeres et son Impact sur la Violence et la Sécurité: Perspectives Sous-regionales*, 1998, Monographie 30, p.9.
- ⁵⁸ Institute of Strategic Studies, Côte d'Ivoire – Security Information, available on <http://www.iss.co.za/AF/profiles/IvoryCoast/SecInfo.html> (October 2003).
- ⁵⁹ Interview with Dr Kwesi Aning, Accra, 20 May, 2003.
- ⁶⁰ Consolidated Report for the First Biennial Meeting of States: Report on UNREC's Activities in the Implementation of the UNPoA on Small Arms.
- ⁶¹ See Report of the UNREC-UNECA Data Collection Mission on the Transborder Flow of Small arms and Light Weapons in the Mano River Union Countries (Guinea, Liberia and Sierra Leone), August-September, 2002.
- ⁶² Interview with Mr Napoleon Abdulai, PCASED, 12 May, 2003. See also Report of the UNREC/UNECA Data Collection Mission to the Mano River Union, *op cit.*
- ⁶³ Interview with Napoleon Abdulai, *op cit.*
- ⁶⁴ UNREC/UNECA Mission Report, *op cit.*
- ⁶⁵ Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties Accra 18th August, 2003, available on http://www.usip.org/library/pa/liberia/liberia_08182003_cpa.html
- ⁶⁶ Communiqué de Presse des Nations Unies portant sur la réunion biennale des Etats de Juillet 2003, référence CD/271, 10/07/03, New York. Available on <http://www.un.org/News/FR/file:FRpress/docs/2003/CD271.doc.htm> (consulted on 15 August 2003).
- ⁶⁷ For further information on this see http://www.undp.org/bcpr/smallarms/docs/proj_niger.pdf
- ⁶⁸ Interview with Mr Dagadu, UNREC, Lome, 22 May, 2003.
- ⁶⁹ See Napoleon Abdulai in IANSA Newsletter, June 2003 'Arms for Development in Niger is Working'
- ⁷⁰ NISAT Database: Nigeria: Small Arms Production, <http://www.nisat.org>, consulted on 28 August 2003.
- ⁷¹ See IANSA/Biting the Bullet 'Implementing the Programme of Action: Action by States and Civil Society', 2003
- ⁷² IANSA/Biting the Bullet 'Implementing the Programme of Action: Action by States and Civil Society', 2003, p. 58, 59.
- ⁷³ See *Guardian, Punch*, Thursday of Saturday 12 April and Sunday 13 April, 2003. Same on 17-18 April 2003
- ⁷⁴ Interview with Colonel Boubakar Dial, 21 May, 2003.
- ⁷⁵ Senegal's Statement at the UN Biennial Meeting of States on Small Arms, New York, July 2003
- ⁷⁶ See Eric Berman, 2000, 'Re-Armament in Sierra Leone: One Tear After the Lome Peace Agreement', Geneva: *Small Arms Survey*. p.25
- ⁷⁷ Interview with Mr Israel Jigba (Sierra Leone Ministry of Defence official), 21 May 2003.
- ⁷⁸ For further information on this see http://www.undp.org/bcpr/smallarms/docs/proj_sierraleone.pdf
- ⁷⁹ Report of the UNREC/UNECA Data Collection Mission to the Mano River Union, *op cit.*
- ⁸⁰ Interview with Colonel Assiah, Chairman of the Togolese National Commission on 23 May, 2003.
- ⁸¹ Interview with Kpela Azouna Foffi, President of *Cercle des Jeunes pour une Societe de Paix* (CJSP), 23 May, 2003.

9. Annexes

9.1 Annex 1- Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons - 1 December 2000

I. WE, THE MINISTERS of the Member States of the Organization of African Unity met in Bamako, Mali, from 30 November to 1 December 2000, to develop an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons in preparation for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, scheduled to take place in New York, from 9 to 20 July, 2001, in accordance with the relevant United Nations General Assembly Resolutions. Our meeting was held in pursuance of: The Decision AHG/Dec. 137 (LXX), adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government held in Algiers, Algeria, from 12 to 14 July 1999, which called for an African approach on the problems posed by the illicit proliferation, circulation and trafficking of small arms and light weapons, and for the convening of a Ministerial preparatory conference on this matter prior to the holding of the United Nations Conference; and the decisions adopted on this matter by the Council of Ministers, at its 68th Ordinary Session held in Ouagadougou, Burkina Faso, from 1 to 6 June 1998 (CM/Dec/ 432 (LXVIII)), the 71st Ordinary Session held in Addis Ababa, Ethiopia, from 6 to 10 March 2000 (CM/Dec.501 (LXXI)) and the 72nd Ordinary Session held in Lome, Togo, from 6 to 8 July 2000 (CM/Dec.527 (LXXII));

II. WE HAVE CONSIDERED the reports of the Secretary-General on the preparation for the Ministerial Conference on the illicit proliferation, circulation and trafficking of small arms and light weapons, as well as the report of the first continental meeting of African Experts and the International Consultation on the illicit proliferation, circulation and trafficking of small arms and light weapons, held in Addis Ababa, Ethiopia, from 17 to 19 May 2000, and from 22 to 23 June 2000, respectively.

III. In reviewing the situation of the illicit proliferation, circulation and trafficking of small arms and light weapons, WE RECOGNIZE the progress made at national and regional levels in developing action programmes for the reduction, prevention and management of small arms and light weapons proliferation. In this regard, we welcome in particular, the ECOWAS Moratorium of 31 October 1998, its accompanying Code of Conduct of 1999 and its Plan of Action under the Programme for Coordination and Assistance for Security and Development (PCASED); the Nairobi Declaration adopted by the Ministers of the countries of the Great Lakes and the Horn of Africa regions on 15 March 2000, and its Coordinated Agenda for Action and Implementation Plan; the progress towards the signature of a SADC Declaration and Protocol on Firearms and Ammunition and its Implementation Programme as discussed in August 2000; the Djibouti declaration of the countries of the Horn of Africa and the Gulf of Aden on antipersonnel landmines, of 18 November 2000; as well as the efforts made by ECCAS Member States, within the framework of the UN Standing Advisory Committee on Security Questions in Central Africa on the proliferation and illicit circulation of small arms and light weapons in Central Africa.

IV. WE REAFFIRM our respect for international law and principles as contained in the Charter of the United Nations, in particular, the respect for national sovereignty, non-interference in the internal affairs of Member States, the right to individual and collective self-defence, as stated in Article 51 of the UN Charter, the right of self-determination of peoples and the right of Member States to develop their own defense systems to ensure national security.

V. WE HAVE DELIBERATED extensively on the various aspects of the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons, and HAVE AGREED on the following African Common Position on the illicit proliferation, circulation and trafficking of small arms and light weapons:

1. WE EXPRESS OUR GRAVE CONCERN that the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons continues to have devastating consequences for stability and development in Africa. We recognize that this problem:

- i) sustains conflicts, exacerbates violence, contributes to the displacement of innocent populations and threatens international humanitarian law, as well as fuels crime and encourages terrorism;
- ii) promotes a culture of violence and destabilizes societies by creating a propitious environment for criminal and contraband activities, in particular, the looting of precious minerals and the illicit trafficking in and abuse of, narcotic drugs and psychotropic substances and endangered species;
- iii) has adverse effects on security and development, especially on women, refugees and other vulnerable groups, as well as on infrastructure and property;
- iv) also has devastating consequences on children, a number of whom are victims of armed conflict, while others are forced to become child soldiers;
- v) undermines good governance, peace efforts and negotiations, jeopardizes the respect for fundamental human rights, and hinders economic development;
- vi) related to the combating and the eradication of the illicit proliferation, circulation and trafficking of small arms and light weapons, and control of their proliferation;
- vii) is both one of supply and demand, transcends borders and calls for cooperation at all levels: local, national, regional, continental and international.

2. WE THEREFORE AGREE that, in order to promote peace, security, stability and sustainable development on the continent, it is vital to address the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in a comprehensive, integrated, sustainable and efficient manner through:

- i) ensuring that the behaviour and conduct of Member States and suppliers are not only transparent but also go beyond narrow national interests;
- ii) the promotion of measures aimed at restoring peace, security and confidence among and between Member States with a view to reducing the resort to arms;
- iii) the promotion of structures and processes to strengthen democracy, the observance of human rights, the rule of law and good governance, as well as economic recovery and growth;
- iv) the promotion of conflict prevention measures and the pursuit of negotiated solutions to conflicts;
- v) the promotion of comprehensive solutions to the problem of the illicit proliferation circulation and trafficking of small arms and light weapons that:
 - include both control and reduction, as well as supply and demand aspects;
 - are based on the coordination and harmonization of the efforts of the Member States at regional, continental and international levels;
 - involve civil society in support of the central role of governments, in this regard.
- vi) the enhancement of the capacity of Member States to identify, seize and destroy illicit weapons and to put in place measures to control the circulation, possession, transfer and use of small arms and light weapons;
- vii) the promotion of a culture of peace by encouraging education and public awareness programmes on the problems of the illicit proliferation, circulation and trafficking of small arms and light weapons, involving all sectors of society;
- viii) the institutionalisation of national and regional programmes for action aimed at preventing, controlling and eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa; and
- ix) the respect for international humanitarian law.

3. WE RECOMMEND that Member States should:

A. At the National Level

- i) put in place, where they do not exist, national coordination Agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring on all aspects of small arms and light weapons proliferation, control, circulation, trafficking and reduction;
- ii) enhance the capacity of national law enforcement and security Agencies and officials to deal with all aspects of the arms problem, including appropriate training on investigative procedures, border control and specialized actions, and upgrading of equipment and resources;
- iii) adopt, as soon as possible, where they do not exist, the necessary legislative and other measures to establish as a criminal offence under national law, the illicit manufacturing of, trafficking in, and illegal possession and use of small arms and light weapons, ammunition and other related materials;

- iv) develop and implement, where they do not exist, national programmes for:
 - the responsible management of licit arms;
 - the voluntary surrender of illicit small arms and light weapons;
 - the identification and the destruction by competent national authorities and where necessary, of surplus, obsolete and seized stocks in possession of the state, with, as appropriate, international financial and technical support;
 - the reintegration of demobilized youth and those who possess small arms and light weapons illegally.
- v) develop and implement public awareness programmes on the problem of the proliferation and the illicit trafficking of small arms and light weapons;
- vi) encourage the adoption of appropriate national legislation or regulations to prevent the breaching of international arms embargoes, as decided by the United Nations Security Council;
- vii) take appropriate measures to control arms transfers by manufacturers, suppliers, traders, brokers, as well as shipping and transit agents, in a transparent fashion;
- viii) encourage, where appropriate, the active involvement of civil society in the formulation and implementation of a national action plan to deal with the problem;
- ix) enter into binding bilateral agreements, on a voluntary basis with neighbouring countries, so as to put in place an effective common system of control, including the recording, licensing and collection of small arms and light weapons, within common frontier zones. B. At the regional level
 - i) Put in place, where they do not exist, mechanisms to coordinate and harmonize efforts to address the illicit proliferation, circulation and trafficking of small arms and light weapons;
 - ii) Encourage the codification and harmonization of legislation governing the manufacture, trading, brokering, possession and use of small arms and ammunition. Common standards should include, but not be limited to, marking, record-keeping and control governing imports, exports and the licit trade;
 - iii) Strengthen regional and continental cooperation among police, customs and border control services to address the illicit proliferation, circulation and trafficking of small arms and light weapons. These efforts should include, but not be limited to, training, the exchange of information to support common action to contain and reduce illicit small arms and light weapons trafficking across borders, and the conclusion of the necessary Agreements in this regard;
 - iv) Ensure that the manufacturers and suppliers of illicit small arms and light weapons, who violate global or continental regulations on the issue, shall be sanctioned. Known brokers and States which act as suppliers of illicitly acquired arms and weapons to combatants in Member States, should equally be sanctioned by the international community.

4. WE STRONGLY APPEAL to the wider international community and, particularly, to arms supplier countries, to:

- i) Accept that trade in small arms should be limited to governments and authorized registered licensed traders;
- ii) Actively engage, support and fund the efforts of the OAU Member States in addressing the problem of the illicit proliferation, circulation and trafficking of small arms and light weapons in the continent;
- iii) Seriously consider ways to discourage and eliminate the practice of dumping excess weapons in African countries and in violation of arms embargoes;
- iv) Enact appropriate legislation and regulations to control arms transfers by manufacturers, suppliers, traders, brokers, shipping and transit agents;
- v) Enact stringent laws, regulations and administrative procedures to ensure the effective control over the transfer of small arms and light weapons, including mechanisms with a view to facilitating the identification of illicit arms transfers; and
- vi) Take full advantage of the forthcoming United Nations Conference to make these commitments known.

5. WE CALL for international partnership to curb the illicit proliferation, circulation and trafficking of small arms and light weapons in Africa. In this regard,

- i) WE APPEAL to international institutions to support initiatives and

programmes aimed at eradicating the illicit proliferation, circulation and trafficking of small arms and light weapons. In this regard, WE REITERATE the call as contained in the relevant United Nations General Assembly Resolutions for financial and other appropriate support for the implementation of these programmes;

- ii) WE APPEAL to Governments, all sector of civil society and donor Agencies for the financial and technical support to national programmes for the reintegration of demobilized youths and those in illegal possession of small arms;
- iii) WE CALL FOR close cooperation between the OAU, regional economic communities, the United Nations Agencies, other international organizations, in close association with civil society Organizations, in addressing the illicit proliferation, circulation and trafficking of small arms and light weapons;
- iv) WE URGE OAU Member States, the United Nations, Regional Organizations, Research Centers, the civil society and the international community as a whole, to develop and fund action-oriented research aimed at facilitating greater awareness and better understanding on the nature and scope of the problem, providing, whenever possible, a basis for continued advocacy and action on prevention measures, and evaluating the impact of these measures;
- v) WE REQUEST that competent international Organizations like INTERPOL, the World Customs Organization (WCO) and the UN Regional Centre for Peace and Disarmament in Africa, play a more important role in the fight against the illicit proliferation, circulation and trafficking of small arms and light weapons;
- vi) WE ENCOURAGE all the Member States of the United Nations, to accede to international legal instruments on terrorism and international organized crime.

6. WE CALL for a realistic and implementable programme of action during the 2001 United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which will take place in New York, from 9-20 July 2001 and WE SUPPORT the efforts by the Chairman of the Preparatory Committee in this regard.

7. WE UNDERTAKE to promote and defend this African common position on the illicit proliferation, circulation and trafficking of small arms and light weapons during the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its aspects.

8. WE REQUEST the Secretary-General to follow up on the implementation of the present Declaration and to present regular progress reports to the Council of Ministers.

9.2 Annex 2 - Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa

*Economic Community of West African States
Twenty-first ordinary session of the Authority of Heads of State and Government
Abuja, 30-31 October, 1998*

We, The Heads of State and Government of the Economic Community of West African States (ECOWAS);

Considering the principles and objectives embodied in the revised ECOWAS Treaty, the Charter of the Organisation of African Unity, and the United Nations Charter;

Considering the fact that the proliferation of light weapons constitutes a destabilising factor for ECOWAS Member States and a threat to the peace and security of our people;

Considering the resolutions of the United Nations Conference on conflict prevention, disarmament and development held in Bamako in November 1996; Considering the directives of the fourth extraordinary session of the ECOWAS Authority of Heads of State and Government which took place in Lomé, on 17 December, 1997, relating to the establishment of a sub-regional mechanism for conflict prevention, management, resolution, peacekeeping and security;

Considering the recommendations of the meeting of ECOWAS Ministers of Foreign Affairs, Defence, Internal Affairs and Security held in Yamassoukro on 11 and 12 March 1998;

Considering the reaffirmation of the commitment made by the ECOWAS Member States at the Oslo Conference held on 1 and 2 April 1998, and the declared support of the international community for the proposal to place a moratorium on light weapons in West Africa;

Considering the repeated encouragement of the United Nations for disarmament in West Africa as stipulated in the relevant resolutions of the 50th, 51st and 52nd Sessions of the General Assembly;

Considering the outcomes of the meetings of Ministers of Defence, Internal Affairs and Security and of Ministers of Foreign Affairs held in Banjul on 23 and 24 July 1998, and in Abuja on 26 to 29 October 1998 respectively, endorsed by us in Abuja on 31 October 1998;

Considering the unqualified approval demonstrated by Member States of the Wassenaar Arrangement and other arms manufacturers for a Moratorium on Light Weapons in West Africa;

Hereby solemnly declare a moratorium on the importation, exportation and manufacture of light weapons in ECOWAS Member States which shall take effect from the first day of November 1998 for a renewable period of three years.

Direct the ECOWAS Executive Secretary, in collaboration with the United Nations system, to convene a meeting of Ministers of Foreign Affairs and of experts to launch the operational framework for the associated measures of the moratorium under the Programme for Coordination and Assistance for Security and Development (PCASED).

Seeking to ensure the success of the Moratorium;

Hereby Solicit the assistance of the Organisation of African Unity, the United Nations and the international community in implementing the Programme for Coordination and Assistance for Security and Development (PCASED).

Direct the Executive Secretary, in collaboration with PCASED, to convene a meeting of Ministers of Foreign Affairs to access and evaluate the moratorium at the end of the initial three-year period.

In faith whereof, we the heads of State and Government of the Economic Community of West African States have signed this declaration.

Done at Abuja, this 31st day of October 1998, in single original in the English and French languages, both texts being equally authentic.

Signatures:

Mathieu KEREKOU

President of the Republic of Benin

Ablasse OUEDRAOGO

Minister of Foreign Affairs for and of behalf of the President of Faso

Carlos Alberto Wahanon de Carvalho VEIGA

Prime Minister of the Republic of Cabo Verde

Henri Konan BEDIE

President of the Republic of Côte d'Ivoire

Col. Yahia A.J.J. JAMMEH

President of the Republic of Guinea

(Rtd) Fit-Lt Jerry John Rawlings

President of the Republic of the Ghana

General Lansana CONTE

President of the Republic of Guinea

Joao Bernardo VIEIRA

President of the Republic of Guinea-Bissau

Charles TAYLOR

President of the Republic of Liberia

Alpha Oumar KONARE

President of the Republic of Mali

Mohamed A. Ould MOÏNE

Ambassador, for and on behalf of the President of the Islamic Republic of Mauritania

Ibrahim Maïnassara BARE

President of the Republic of Niger

General Abdulsalami ABUBAKAR

Head of State, Commander-in-chief of the Armed Forces of the Federal Republic of Nigeria

Abou DIOUF

President of the Republic of Senegal

Alhaji Ahmad Tejan KABBAH

President of the Republic of Sierra Leone

Gnassingbe EYADEMA

President of the Togolese Republic

9.3 Annex 3 - Code of Conduct for the Implementation of the Moratorium

For the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa,

We, the Heads of State and Government of the Economic Community of West African States (ECOWAS);

REAFFIRMING our Declaration of 31 October 1998 of a Moratorium on the importation, exportation and manufacture of light weapons for a period of three years renewable, effective from 1 November 1998;

RECALLING AHG/DEC.137 (XXXV) on the proliferation, illegal circulation and illegal circulation and traffic of light weapons adopted by the 35 Ordinary Session of the OAU Conference of Heads of State and Government held in Algiers, Algeria in July 1999.

AWARE of the compelling need to encourage and promote actions to support the effective application of the Moratorium;

CONVINCED that observance of the Moratorium can best be achieved through transparency and concerted effort, and that the establishment of a Code of Conduct is required for this purpose;

Article 1

Have hereby agreed as follows:

Binding nature of the Code of Conduct

The ECOWAS Member States shall abide by this Code of Conduct in order to implement the Moratorium signed in Abuja, Nigeria on 31 October 1998.

Article 2

Scope of Moratorium

The Moratorium shall apply to the import, export and manufacture of light weapons as defined in the Annex I to this Code of Conduct.

Article 3

Ammunition and components

Import, export and manufacture of components and ammunition for the light weapons defined in Annex I shall also be subject to strict control in accordance with the spirit of the Moratorium. References to weapons or arms in this Code of Conduct shall be deemed to include ammunition and components.

INSTITUTIONAL ARRANGEMENTS

Article 4

Member States

In order to promote and ensure co-ordination of concrete measures for effective implementation of the Moratorium at national level, Member States shall establish National Commissions, made up of representatives of the relevant authorities and civil society. The ECOWAS Executive Secretariat, in collaboration with the Programme for Co-ordination and assistance (PCASED), shall prepare guidelines to assist Member States in the establishment of their National Commissions.

Article 5

ECOWAS Executive Secretary

I. Structures, staff, and procedures shall be established within the ECOWAS Secretariat, in order to :

- a) Assist Member States' implementation of the Moratorium
- b) Monitor compliance
- c) Report progress to the Authority of ECOWAS Heads of State and Government at regular intervals.

2 Such structures and procedures may include:

- (i) The initial establishment of four Zonal Observation Bureaux
- (ii) Missions to Member States to ascertain that existing national arms production is brought to a halt, in conformity with the spirit of the Moratorium
- (iii) Obtaining external funding and technical assistance to support Moratorium-related activities.

ADMINISTRATIVE MECHANISMS

Article 6

Information exchange

In order to increase transparency, Member States shall provide the ECOWAS Executive Secretariat an annual report on the ordering or procurement of weapons, components and ammunition covered by the Moratorium, both from national and international sources. The ECOWAS Secretariat with the assistance of PCASED shall develop an arms register as a confidence building measure, with intention of developing an electronic database of all legitimate stocks of weapons, ammunition and components covered by the Moratorium. Member States shall provide all necessary information to the arms register and database. The Executive Secretary shall include all this information in his annual report to the Heads of State and Government.

Article 7

Harmonisation of legislation and administrative measures

Member States shall harmonise and adopt the regulatory and administrative measures necessary for exercising control of cross-border transactions with regard to light weapons, components and ammunition relating to them. They shall train the law and order, immigration, licensing, customs, water resources and forestry officials required to put such regulatory and administrative measures into effect. The ECOWAS Secretariat will provide the necessary assistance that Member States may require for this purpose. The ECOWAS Secretariat shall in this regard, request appropriate assistance of PCASED.

Article 8

Peace operations weapons register

At the beginning of international peace operations within and outside the ECOWAS zone, all dedicated light weapons and ammunition shall be declared to the ECOWAS Secretariat so as to enable their effective control as well as removal upon completion of the operation.

Article 9

Exemptions

1. Member States may seek an exemption from the Moratorium in order to meet legitimate national security needs or international peace operations requirements. Such requests for exemptions shall be forwarded to the Executive Secretariat which shall assess them against criteria developed with the technical assistance of PCASED .
2. The Executive Secretariat shall circulate the request to Member States. Provided there are no objections, the Executive Secretariat shall issue a 'Certificate confirming Member States' assent. The document shall accompany the export licence application, together with other documentation on end-use as required by arms-exporting states. Should a Member State object, the request for exemption shall be referred to the ECOWAS Mediation and Security Council.
3. Exemptions may be granted to permit individual ownership of a single weapon in categories 1,2, and 3A of Annex I for hunting or sporting purposes. Applications for such exemptions shall be processed by National Commissions and recommended to the ECOWAS Executive Secretariat for approval. The Executive Secretariat, with the technical support of PCASED shall develop and issue guidelines to National Commissions on the exemptions procedure.

Article 10

Visitor Certificates

Member States shall introduce arrangements requiring visitors to apply in advance if they wish to bring arms covered by the Moratorium into any ECOWAS territory, and to declare such arms on entry. If entry is approved, the competent authorities shall issue visitors with an entry certificate on arrival, and an exit certificate on departure. A register shall be kept of all such certificates.

OPERATIONAL ASPECTS

Article 11

Intra- and inter-state Co-operation

The ECOWAS Executive Secretariat and PCASED and in partnership with National Commissions, shall develop procedures for inter-state co-operation between customs, law and order, and all other relevant officials involved in monitoring and implementing the Moratorium; and shall submit them for approval by Member States. The Executive Secretariat shall also with the assistance of PCASED and in collaboration with Member States, develop guidelines for intra-state co-operation between these officials. The Executive Secretariat shall facilitate and obtain assistance for the training of officials in intra- and inter-state co-operation.

Article 12

Enhancing border controls

The Executive Secretariat, in conjunction with Member States and with the assistance of PCASED, will develop more effective border control mechanisms, including improved equipment, and training and co-operation of customs and other border officials.

Article 13

Collection and Destruction of Surplus Weapons

Member States shall in collaboration with the Executive Secretariat, PCASED and other relevant international organisations, carry out a systematic collection, registration and destruction of all weapons, ammunition and components covered by the Moratorium that are surplus to national security requirements, were under illegal possession or collection in the context of peace accords or upon completion of international peace operations.

PROMOTION AND EXPANSION

Article 14

Public relations and outreach

The Executive Secretariat shall, in collaboration with Member States, and PCASED develop and implement an Information Strategy in support of the Moratorium, incorporating and building on the activities already underway. The strategy will enhance understanding of and support for the Moratorium within the ECOWAS region, throughout Africa, and among international organisations and potential external funding partners.

Article 15

Resource mobilisation

The Executive Secretariat, in partnership with PCASED, shall develop and implement a Resource Mobilisation Strategy, in order to secure long term financial support for the Moratorium, and to enhance transparency and good financial management of resources.

Article 16

Dialogue with suppliers and producers

The Executive Secretariat and individual Member States shall engage in dialogue with national and international arms producers and suppliers as well as relevant international organisations, in order to secure their support for and adherence to the spirit and the letter of the Moratorium. PCASED shall assist in this effort.

Article 17

Expansion of Moratorium

Participation in the Moratorium regime may be extended to other interested African States. The ECOWAS Executive Secretariat shall take all necessary measures to encourage other OAU Member States to adopt the Moratorium and shall work with the United Nations Regional Centre for Peace and Disarmament in Africa to facilitate this.

IN FAITH WHEREOF WE THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THESE CODE OF CONDUCT IN TWO ORIGINALS IN ENGLISH AND FRENCH BOTH TEXTS BEING EQUALLY AUTHENTIC.

Done at Lome, this 10th day of December, 1999

9.4 Annex 4 – Plan of Action for the Implementation of the Programme for Coordination and Assistance for Security and Development (PCASED)

INTRODUCTION

The uncontrolled accumulation and proliferation of small arms is a major threat to sub-regional security. Apart from causing destruction of lives and serious human rights violations, the phenomenon undermines development efforts. The diffusion of light weapons also fuels conflicts in Africa, engendering increased criminality and banditry, and the emergence of the child-soldier.

To curb small arms proliferation, the Member States of the Economic Community of West African States (ECOWAS) declared on 1 November 1998 a moratorium on the import, export and manufacture of light weapons in their region. The moratorium covers an initial period of three years which may be extended. The programme for Coordination and Assistance for Security and Development (PCASED) has been put in place as a support to the moratorium.

OBJECTIVES AND PRIORITY AREAS OF PCASED

PCASED has been conceived as a programme which aims to build peace in support of activities that will promote a secure and stable climate for socio-economic development.

In the execution of its activities, PCASED will seek the active collaboration of inter-governmental organisations, and civil society organisations, in particular women's organisations.

In the exercise of its functions, PCASED will benefit from the guidance and technical support of an advisory group consisting of recognised regional and other international experts serving in their personal capacity.

Over an initial five-year period, PCASED will support a series of activities in priority areas such as:

Priority Areas

- Establishing a culture of peace
- Training programmes for military, security and police forces
- Enhancing weapons controls at border posts
- Establishment of a database and regional arms register
- Collection and destruction of surplus and unauthorised weapons
- Facilitating dialogue with producer suppliers
- Review and harmonisation of national legislation and administrative procedures
- Mobilising resources for PCASED objectives and activities
- Enlarging membership of the Moratorium

I. ESTABLISHING A CULTURE OF PEACE

If sustainable peace is to be achieved in the sub-region, appropriate programmes must be put in place to counter the growing culture of violence – which is buttressed by the proliferation of light weapons. In this connection, Member States, ECOWAS Executive Secretariat, PCASED, the United Nations Regional Centre for Peace and Disarmament in Africa, with assistance from their multilateral and bilateral partners, will endeavour to:

- Forge a peace culture in the region through community education programmes and advocacy campaigns whereby local constituencies would acquire knowledge about, and develop the requisite norms against, the possession and accumulation of this class of weapons;
- Assist in developing appropriate peace education material for pertinent segments of society such as students, law and order forces, and ordinary citizenry so that a critical mass of public awareness can be developed on the direct and indirect consequences of the accumulation, proliferation and use of small arms;
- Assist in capacity building for peace through seminars and workshops focusing on the issues of light weapons and sustainable development so as to enhance policy making and public awareness of the challenges involved;

- Develop youth initiatives on the problems of small arms and the potential hazards of the child soldier;
- Conduct seminars on civil-military relations that would focus on the military's role in an emerging democratic political culture.

It will be necessary to develop formal and informal education programmes in respect of these activities.

The formal approach will include devising and teaching appropriate peace education curricula in secondary and higher education institutions; and organisation workshops, roundtable discussions and training programmes for students, policy makers and the citizenry.

The non-formal approaches include sensitisation campaigns using the media and electronic means, sponsoring intra-Community relations.

To successfully carry out these activities, Member States, the ECOWAS Executive Secretariat, PCASED, and the United Nations Regional Centre for 4 Peace and Disarmament in Africa will seek the active collaboration of inter-governmental Organisation, UNESCO, civil society organisations, and women's organisations.

The programme should be commenced as soon as possible, given the length of time it will take a true culture of peace to gain a foothold.

II. TRAINING PROGRAMMES FOR MILITARY, SECURITY AND POLICE FORCES

Effective light weapons control requires strengthening the present structure and improving the capacity of the military, security and police forces through training and improved access to modern arms control methods.

PCASED, in partnership with the ECOWAS Executive Secretariat and with assistance from the relevant partners will assist in:

- Training military, security and police forces in modern techniques of effective control of arms and ammunition as well as enforcement of pertinent laws;
- Developing joint training programmes for military, security and police forces as well as border guards;
- Training national trainers on the small arms proliferation question.

To this end, the Executive Secretariat, PCASED and the United Nations Regional Centre for Peace and Disarmament in Africa will develop a curriculum that will include:

I. General information on the diffusion problem including legal and human rights issues;

II. Modern techniques of maintenance of law and order; methods of collecting small arms, dealing with drug trafficking and cross-border crimes, effective ways of maintaining national weapons arsenals; demobilisation, disarmament and reintegration of combatants into civil society etc.;

III. Seek financial and technical assistance from partners.

Training of military, security and police forces should be a continuous activity and should commence within the shortest possible time.

III. ENHANCING WEAPONS CONTROLS AT BORDER POSTS

Light weapons are easy to conceal and this fact, coupled with the prevalence of porous borders and inadequate government control, works to frustrate arms control efforts.

PCASED shall, in collaboration with the ECOWAS Executive Secretariat, and with the support of bilateral and multilateral partners, assist Member States in:

- Controlling frontiers so that the diffusion problem, particularly illicit flows (smuggling), might be stemmed;
- Enhancing and/or developing an effective capacity to "police" arms transfers and flows;
- Developing a system for detecting and apprehending illicit trans-border flows;

- Putting in place an effective legal and regulatory regime at identifiable points of entry or exit for light weapons;
- Conducting relevant studies on borders and related political and security issues (in particular, light weapons) in the region to understand the nature and gravity of the diffusion problem, and weapons flow routes so that relevant policy prescriptions may be formulated;
- Organising training sessions for border-customs officials on such issues as: monitoring end-user certificates, complying with arms embargo and sharing information; and the use of various border control technology;
- Seeking donor country assistance in providing up-to-date technology to assist border control efforts.

PCASED will seek assistance from inter-governmental and non-governmental organisations with proven expertise in this domain, and which have traditionally cooperated in the identification of groups and individuals engaged in illicit trafficking of weapons and ammunition.

Activities which target improved arms controls at borders will commence as soon as possible and will continue for the entire length of the project.

IV. ESTABLISHING A REGIONAL LIGHT WEAPONS DATABASE AND REGISTER

The diffusion problem is also accentuated by the ineffective registration and licensing systems and by the absence of national filing systems.

To remedy these inadequacies, PCASED and the United Nations Regional Centre for Peace and Disarmament in Africa, in collaboration with ECOWAS Executive Secretariat, will assist Member States:

- In strengthening and/or establishing national filing systems/registries on weapons flows so as to contribute to a timely identification and prevention of excessive and destabilising accumulations, as well as facilitate research and policy development;
- Creating a Light Weapons Information Management (LWIM) system; that is, a database reflecting compilation of national filing systems that would not only facilitate research on the issue but also promote transparency and safeguard weapons from loss especially through theft or corruption, in particular at weapons storage facilities;
- Improving record-keeping and intelligence-gathering as well as creating a transparency regime in light weapons procurement that would facilitate information exchange and promote confidence building while respecting the rights and obligations of Member States of a regional cooperative security system.

PCASED will, at the national level:

- Assist national governments in setting up and/or enhancing their national filing systems especially for captured illegal weapons that would have been taken out of circulation, and ultimately destroyed;
- Assist governments to better organise national holdings and storage facilities;
- Facilitate access by civil society and national commissions to information on the movement of light weapons;
- Compile information on small arms proliferation issues and on potential policies and solutions for combating this scourge;
- Organise in collaboration with the United Nations Regional Centre for Peace and Disarmament in Africa, a workshop to define the operational modalities for a database and arms register.

The cooperation of relevant inter-governmental and non-governmental organisations will be sought.

Activities relating to the establishment of a database and a regional light weapons register will begin immediately and will continue even after the life span of PCASED.

V. COLLECTION AND DESTRUCTION OF SURPLUS AND UNAUTHORISED WEAPONS

For there to be enduring peace and security in the sub-region, all surplus weapons must be retrieved and destroyed. Such surpluses are generally made up of the excess from national armouries, and arms collected from

peacekeeping missions or as a result of peace accords. They are thus not needed for national security or law and order.

Consequently, PCASED and ECOWAS efforts in this area will consist in support action to Member States:

- In establishing a more secure environment which would facilitate post-conflict reconstruction by mopping up excess weapons in Member States through comprehensive voluntary weapons collections programmes (VWCP)
- To ensure reduction of flows by encouraging destruction of surplus weapons.

PCASED will assist Member States in:

- Designing and implementing VWCP such as amnesties and in-kind incentives;
- Developing and implementing sensitisation and persuasion programmes in the local media (radio, TV, press);
- Developing and encouraging inexpensive methods of weapons destruction;
- Working with peacekeeping operations to design effective strategies for the control of arms during the peace process following an intra or interstate conflict;
- Engaging civil society in arms collection efforts.

Activities to collect and destroy surplus and unauthorised light weapons shall commence immediately and should yield significant results during the initial three years of the moratorium.

VI. FACILITATING DIALOGUE WITH PRODUCERS AND SUPPLIERS (WASSENAAR ARRANGEMENT AND OTHERS)

Close collaboration from arms producers and suppliers is a major determinant of success in the effort to control light weapons diffusion.

To ensure that ECOWAS producers respect the provisions of the moratorium, PCASED and the Executive Secretariat will seek to:

- Sensitise producers and suppliers of light weapons and ammunition, and evolve with them common export control strategies; in particular by encouraging them to check the activities of brokering agents so that the latter would provide relevant and critical information pertaining to financial and transportation arrangements in weapons transactions;
- Jointly develop codes of conduct that ensures transparency in the arms trade and the flows of weapons;
- Encourage producers and suppliers to establish a database on weapons transfers, and to mark light weapons at the time of manufacture for ease of tracing.

These are attainable goals if PCASED, the ECOWAS Executive Secretariat, and civil society organisations:

- Encourage dialogue between producers/suppliers and between them and buyers;
- Liaise with the Wassenaar Arrangement and others who are engaged in discussions about promoting supplier restraints.

In addition, PCASED, the ECOWAS Executive Secretariat, and civil society will endeavour to ensure the adoption by producer suppliers of codes of conduct on the arms trade that will address international arms brokering, end-use, monitoring and licensed production.

Thus, PCASED, the ECOWAS Executive Secretariat and civil society organisations will:

- Continue the dialogue with the Wassenaar Arrangement; and others arms suppliers;
- Join efforts with the European Union and other regional organisation to establish politically-binding, common arms export controls.

These activities should be embarked upon immediately and should continue throughout the duration of PCASED.

VII. REVISING NATIONAL LEGISLATION AND ADMINISTRATIVE PROCEDURES

The effective application of the moratorium is contingent on the existence of an adequate system of national laws, regulations and administrative procedures that will permit effective control of the import, export and manufacture of light weapons.

Member States will, with assistance from PCASED, the Executive Secretariat and multilateral and bilateral partners:

- Review, update and harmonise national legislation and regulations on light weapons bearing on civilian possession, use and transfer;
- Apply legal instruments, such as export and import permits and end-user certificates;
- Harmonise different national legislation with a view to developing a regional convention on light weapons that would relate to the control and reduction as well as humanitarian law issues;
- Set up or strengthen National Commissions that would develop strategies and policies relating to small arms diffusing, and coordinate the relevant technical services. Member States shall transmit to the ECOWAS Executive Secretariat and PCASED the names and addresses of members of their national commissions thus established.

In order to meet the above objectives, PCASED shall:

- Initiate a comprehensive study of the legislative and regulatory instruments relative to light weapons in the sub-region;
- Organise, in conjunction with the ECOWAS Executive Secretariat and bilateral and multilateral partners, workshops and training sessions on legislative drafting and harmonisation;
- Work with the ECOWAS Executive Secretariat on the adoption of a regional convention to regulate arms flows within ECOWAS.

Member States can draw inspiration from similar initiatives such as:

- The Declaration of Principles in the context of firearms control and trans-national organised crimes (ECOSOC).
- The "European Union Programme on Preventing and Combating Illicit Trafficking in Conventional Arms " ((1997).
- The OAS "Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials " ((1997).
- The 1997 Ottawa "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction " .

Activities relative to the review and harmonisation of national laws and administrative procedures should commence without delay and should be a continuous process throughout the lifespan of the project.

VIII. MOBILIZING RESOURCES FOR PCASED OBJECTIVES AND ACTIVITIES

For PCASED to succeed, it must be assured of adequate and constant financial, moral and political support.

Member States and their bilateral and multilateral partners, along with the ECOWAS Executive Secretariat, PCASED and the United Nations Regional Centre for Peace and Disarmament in Africa shall endeavour to mobilise the necessary resources to:

- Sustain the PCASED activities as presently defined, and
- Provide a foundation for sustaining this light weapons diffusion control initiative beyond the initial lifespan of PCASED.

Continued resource mobilisation will be carried out through an active awareness and public relations campaign designed to publicise PCASED 'S achievements and needs.

Bilateral and multilateral assistance will be sought to enable work to begin on this important aspect without delay.

IX. ENLARGING MEMBERSHIP OF THE MORATORIUM

The moratorium regime will enjoy even greater success with an enlarged membership of African states.

Other African countries are therefore encouraged to adhere to the Moratorium or to embark on similar initiatives.

The United Nations Regional Centre for Peace and Development in Africa will support OAU and ECOWAS efforts by providing non-ECOWAS African Member States with regular information on the evolution of the Moratorium and involving them in its activities.

The Centre will initiate immediate action in this direction by establishing cooperation ties with other African sub-regional organisations.

9.5 Annex 5 Report on UNREC's Activities in the Implementation of the UNPoA on Small Arms

UNITED NATIONS REGIONAL CENTRE FOR PEACE AND DISARMAMENT IN AFRICA

CONSOLIDATED REPORT FOR THE FIRST BIENNIAL MEETING OF STATES

REPORT ON UNREC'S ACTIVITIES IN THE IMPLEMENTATION OF THE UNPoA ON SMALL ARMS

During the period from July 2001 to May 2003, the following activities were undertaken by UNREC to provide substantive and technical support to Member States of the African region in the implementation of the Programme of Action (PoA) on Small Arms and Light Weapons:

Organized in Lome, Togo (25 September 2001) a Special "African Disarmament Forum" on the "UN Conference on the Illicit Trade of SALW on All Its Aspects" in order to inform the Diplomatic corps, the NGO's, Researchers, etc. on the outcomes of this conference

Provided substantive and technical support to government experts from the ten countries of the Great Lakes region and the Horn of Africa in the elaboration and adoption of a curriculum for training trainers in the control of small arms (July 2001). Organized a training of trainers course benefiting over 30 senior security sector personnel from the police, customs, armed, security, military, paramilitary and other law enforcement agencies of the sub-region in the control of small arms (Nairobi, Kenya, 19-30 November 2001). Finalisation of a Manual for Training Trainers in the Control of Small Arms (January -June 2002).

Provided substantive and technical support to the Government of Guinea-Bissau in conducting an assessment into the magnitude and scope of the small arms problem in that country (July 2001). The Centre drafted a project document which aims to set up a programme to collect and destroy illegal and/or surplus weapons, contribute towards the disarming of some 40.000 ex-combatants still bearing arms from the days of Guinea-Bissau's three-decade-long struggle for independence against the Portuguese, as well as the demobilization of an estimated 5.000 soldiers from the country's armed and security forces.

The Centre provided substantive and technical support to the Government of Togo for the elaboration of a national strategy of implementation of the PoA and the organization of a ceremonial weapons bonfire (Flame of Peace) on 31 October 2001. The event marked the official launching of Togo's National Commission for the Fight Against the Proliferation of Small Arms and the Government's commitment to improve human security, stem gunrunning, violent crime, and small arms proliferation.

The Centre contributed to efforts to ensure the implementation of the PoA by participating in two international conferences: The Tokyo Follow-up Meeting (Japan, 23-25 January 2002) and the meeting held in Pretoria, South Africa (18-21 March 2002) to outline an implementation strategy for Member States of the African region.

The Centre contributed to and participated in the creation in Accra, Ghana (20-21 May 2002) of a civil society network to combat the proliferation of small arms, known as the West African Action Network on Small Arms (W AANSA). Prior to this, the Centre contributed to a consultation of West African civil society organizations in Dakar, Senegal (29 April to 2 May 2002) which was aimed at formulating a manual for training trainers from civil society organisations on peace, security and disarmament issues.

The Regional Centre attended in Conakry, Guinea the workshop on National Commissions (NatCom), organised from 4 to 6 June 2002, by UNDESA and PCASED. The objectives of the workshop were (i) to give account of all activities carried out by each National Commission; (ii) to strengthen their capacities in the area of resource mobilisation and the planning of their activities; and (iii) to reinforce exchange of information between the commissions by putting in place a NatCom network.

The Regional Centre conducted a two-week fact-finding mission to Sao Tome & Principe (from 22 September to 4 October) at the request of the Government of that country with a view to determining the means and ways

of collecting small arms illegally held by the civilian population. Fielded in support of a request made by the United Nations Country Team in Sao Tome & Principe, the mission also had the mandate to advise the Government on ways of disposing of, among others, explosives and some obsolete weapons. UNREC had elaborated a proposed Plan of Action to fight against the proliferation of SALW.

The Regional Centre, in collaboration with the United Nations Economic Commission for Africa (UNECA) through its Sub-Regional Development Centre for West Africa (SRDC/W A) based in Niamey (Niger) fielded a data-collection mission to the Mano River Union (MRU) countries of Guinea, Liberia and Sierra Leone for a period of three weeks in the course of September and October 2002. The mission gathered information and data likely to improve understanding of the magnitude and scope of illicit trafficking in small arms and light weapons on the common borders of the three MRU countries and wrote a project document approved by UNECA which identify practical and realistic ways and activities to stem illicit weapons flows, consolidate peace and security in the three countries, as well as to promote arms control and practical disarmament.

The Regional Centre engaged discussions for agreeing practical modalities for the implementation of a project by the Regional Centre and the Pretoria-based Institute for Security Studies (ISS) to backstop efforts by the Commission of the African Union (AU) to implement both the Bamako Declaration and the Programme of Action adopted by the July 2001 U.N. Conference on SALW. After two missions at the African Union headquarters (6-8 September 2002 and 9-12 February 2003) the project proposal for the joint UNREC/AU/ISS project on the implementation of Small Arms Control Agreements in Africa has been finalized. In this perspectives, the African Commission has submitted to DDA a Memorandum of Understanding which is under consideration by Legal Office.

The Centre Regional attended in Yaounde (Cameroon) from 19 to 23 November 2002, a meeting convened to brainstorm on the possibilities of setting up a project entitled "Micro- disarmament and Human Security in Central Africa". The meeting was organised by the Nigeria-based think-tank African Strategic and Peace Research Group (AFSTRAG) in collaboration with the Pretoria-based Institute for Security Studies (ISS) and the Economic Community of Central African States (ECCAS). The objectives of the meeting were: (i) to analyse the situation of the micro-disarmament in the sub-region; (ii) to draw a programme of activities to support ECCAS in promoting micro-disarmament and human security and; (iii) to determine the role that civil society organisation should play in such a project.

The Regional Centre assisted the Government of Togo, through the Ministry of Defence and the National Commission on the Fight Against the Proliferation of Small Arms and Light Weapons, on 14 February 2003, in the destruction of some 300,000 ammunition seized from gunrunners. The destroyed ammunition had been mainly seized at border areas along the common Togo-Ghana border. Togo sees the disposal of illicit weapons and ammunition as part of its efforts to implement the UN Programme of Action adopted by consensus at the UN conference in July 2001. The ammunition destruction ceremony, at which the Director of the Centre made remarks, was attended, among others, by members of the diplomatic corps, representatives of international organisations, civil society organisations and, senior government and military officials.

The Director of the Regional Centre participated, at the invitation of the German Government, at a policy dialogue entitled "The UN Programme of Action on Small Arms and Light Weapons: Building Capacity and Partnerships for Implementation", from 28-29 April, 2003 in Bonn, Germany. It is jointly organised by INWENT Capacity Building International and the Federal Ministry of Economic Cooperation and Development. The dialogue was organised in preparation of the first bi-annual review meeting of the implementation of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all Its Aspects held in July 2001. The Director presented a paper on the "Arms Control in the Cultural Context: Chances and Risks".

**9.6 Annex 6 – Draft Supplementary Protocol to the ECOWAS
Moratorium on the Importation, Exportation, and Manufacture of
Small Arms and Light Weapons to Address the Role of Non-State
Actors**

WORKING DOCUMENT

Preamble

We, the Heads of State and Government of the Economic Community of West African States (ECOWAS)

REAFFIRMING our Declaration of 31 October 1998 of a Moratorium on the Importation, Exportation and Manufacture of Light Weapons, initially for a period of three years, effective from 1 November, 1998, and renewed in July, 2001;

REAFFIRMING the Code of Conduct for the Implementation of the Moratorium, adopted on 10 December, 1999;

RECALLING the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security, particularly Articles 50 and 51;

CONSIDERING that the proliferation of Small Arms and Light Weapons has not abated since the declaration of the Moratorium;

RECALLING the Plan of Action of the United Nations 2001 Small Arms Conference;

AWARE that non-state actors (hereafter NSAs) (mercenaries, armed ethnic militias, civil defence forces, rebel movements, and private security companies) remain outside the present scope of the Moratorium,

AWARE of the compelling need to introduce mechanisms to actualize the objectives of the Moratorium;

AWARE of the increased and increasing profile and reach of NSAs in the West African security landscape;

RECOGNIZING the indispensable role of Civil Society in the implementation of the Moratorium;

DESIROUS to establish a Supplementary Protocol to address and curtail relations between State Parties and Non-State Actors as related to the illicit transfer of small arms and light weapons;

Hereby declare that it is illegal for member states to hire, assist, or collaborate with non-state actors (private military companies, armed ethnic militias, civil defence forces and arms brokers), and such interaction would be deemed to be against the spirit and letter of the Moratorium.

Article 1: Establishment

There is hereby established within ECOWAS a Supplementary Protocol to the Moratorium On Importation, Exportation, and manufacture of Light Weapons in West Africa, hereafter referred to as 'the Supplementary Protocol'.

Article 2: Objectives of the Supplementary Protocol

The objectives of the Supplementary Protocol shall be as follows:

- a. fill loopholes in the Moratorium, with a view to achieving effective compliance by state and non-state actors with the provisions of the Moratorium;
- b. restrain states from hiring, assisting, or collaborating with private military companies, armed militias, civil defence forces, armed brokers, and other non-state actors whose activities have a direct bearing on the proliferation of small arms and light weapons in West Africa;
- c. reposition the Moratorium to respond more effectively to the scourge of the proliferation of Small Arms and Light Weapons in West Africa;
- d. impress on non-state actors the illegality of their actions in arms proliferation, and the availability of sub-regional legal instruments to ensure their possible arrest and prosecution now, or in the future;
- e. formulate and implement policies that would enhance the capacity of PCASED and National Commissions to address the scourge of proliferation of Small Arms and Light Weapons.

Article 3: State Parties

State Parties to the Moratorium and to the Supplementary Protocol shall

- i. desist from hiring, assisting, or collaborating with NSAs, except as may be necessitated as part of peace agreement negotiations;
- ii. initiate national legislation to domesticate 3(i) above;
- iii. where capacity for manufacturing and/or assembly of SA/LW exist within the sub-region, state parties will furnish ECOWAS Secretariat and PCASED with their annual production data, and details of how such products were distributed.
- iv. Member-states shall refrain from giving to, or receiving from NSAs, and from any form of transaction and collaboration whose end-result is an increase in the quantity and quality of SA/LW by either party
- v. WASSENAAR countries, in further cooperation with ECOWAS states to ensure the success of the Moratorium, will undertake not to supply weapons to West African NSAs or to their proxies/agents.

Article 4: Relationship between State Parties and NSAs

- i. Each state party shall, via its National Commission, provide to PCASED and the ECOWAS Secretariat, an inventory of SA/LW licensed to be carried by private military companies.
- ii. Each National commission shall maintain separate records of SA/LW recovered from NSAs
- iii. No official of any member state accused of involvement in arms transfers to NSAs shall enjoy the immunity that derives from his/her office.
- iv. State parties hereby undertake to cooperate and share intelligence on the activities of NSAs, particularly when and where these relate to illicit arms transfers, either between NSAs, or between Governments and NSAs. Such verifiable intelligence will be made available to the ECOWAS Secretariat and PCASED, for further action by the Mediation and Security Council.
- v. NSAs, as represented by their leadership, shall be liable for prosecution before relevant national courts and international tribunals, or by any other judicial instrument as may be determined by the Mediation and Security Council.
- vi. In cases of post conflict peace- building, no member of a militia, civil defence force, or any non-state actor shall be deemed qualified to possess a weapon, unless and until such elements have been fully integrated into the regular armed forces.

Article 5: The Role of PCASED

In order to bring the Moratorium in line with the provisions of this Supplementary Protocol, PCASED shall

- i. review the training curricula of security forces to include intelligence, investigation, and possible arrest, of non-state actors involved in illicit transfers;
- ii. Assist National Commissions in setting up and enhancing their capacity to monitor NSAs;
- iii. Take steps to speed up the review and harmonization of national legislation and administrative procedures, as a priority area of PCASED;
- iv. Take steps to ensure that Voluntary Weapons Collection Programmes (VWCPs) are not limited to post conflict reconstruction. To this end, PCASED will assist National Commissions to establish and enhance permanent structures for collection of weapons, within the context of viable rehabilitation programmes for bandits and ex-combatants.

Article 6: The Role of National Commissions

In order to bring the Moratorium in line with the provisions of this Supplementary Protocol, National Commissions in each state party shall

- i. perform oversight functions on government relations with NSAs, with a view to ascertaining possible areas of illicit arms transfers and other areas of illegality;
- ii. monitor the activities of local and foreign Private Military Companies, and each member state will introduce domestic legislation to ensure such,
- iii. all non-state actors desirous of operating within any member state, with the intention of using SA/LW, shall apply to the relevant National Commission for a licence to do so
- iv. The Police, and other security agencies that licence the use of firearms shall provide the National Commissions with records of all licences granted on annual basis on a format to be designed by each National Commission
- v. Each National commission will be assisted by PCASED to establish a Weapons Buy-Back and Weapons-In-Exchange-for-Development Programme.
- vi. With the assistance of PCASED, National Commissions will establish viable programmes of encouraging bandits and criminal elements to

- participate in voluntary weapons surrender, and to put in place rehabilitation programmes. National Commissions will take necessary steps to publicize the existence of weapons collection centers and programmes, and take further steps to encourage their use;
- vii. National commissions without a minimum of two (2) CSOs representation shall not be considered to be properly and functionally constituted;

Article 7: Exemptions

Member States may seek an exemption from this Supplementary Protocol for the purpose of entering into agreements with Private Military Companies with the objective of Security Sector Reforms/Transformation.

Such requests for exemptions shall be forwarded to the Executive Secretariat which shall assess them against set criteria for transparency and good governance. In the event of opposition to such application from any member-state, the request for exemption shall be referred to the ECOWAS Mediation and Security Council.

Security and Peacebuilding Programme
International Alert
346 Clapham Road
London SW9 9AP
United Kingdom

Tel. +44 (0) 20 7627 6800

Fax. +44 (0) 20 7627 6900

E-mail: security-peacebuilding@international-alert.org

Website: www.international-alert.org

1-898702-35-0

