

MICRO-DISARMAMENT IN WEST AFRICA

The ECOWAS Moratorium on small arms and light weapons

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This article explores the proliferation of illicit small arms and light weapons¹ in the West African sub-region and efforts by the regional Economic Community of West African States (ECOWAS) to deal with the problem through the ECOWAS Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa. The paper analyses the degree of compliance with the Moratorium by four ECOWAS member states, namely, Ghana, Nigeria, Sierra Leone and Mali.

Introduction

Of the approximately 500 million illicit weapons in circulation worldwide, it is estimated that 100 million of those are in sub-Saharan Africa, with eight to ten million concentrated in the West African sub-region alone.² According to the United Nations (UN):

Small arms and light weapons 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, unlike nuclear, chemical and biological weapons, there are no international treaties or other legal instruments for dealing with these weapons, which States and also individual legal owners rely on for their defence needs.³

The outbreak of violent civil conflict in Liberia in December 1989 and in Sierra Leone in March 1991 marked the beginning of a change to the political and security configuration of the sub-region. In addition, these conflicts have had the combined effect of sucking in millions of illicit small arms, making the Mano River Basin (comprising Guinea, Sierra Leone, Liberia and, by extension, Côte d'Ivoire) an attractive and profitable theatre for illicit arms merchants, mercenaries and other non-state actors. The small arms scourge in West Africa—especially in the Mano River conflict triangle—is compounded by the easy accessibility of natural resources such as rubber, timber and, most importantly, diamonds. This has effectively meant that weapons can be bartered for these resources, thereby sustaining the decade-long wars in Liberia and Sierra Leone.

Furthermore, the conflicts have led to the massive flow of refugees and internally displaced persons, both within and outside of the respective borders. The need to combat security threats posed by the large movement of refugees across the region's porous borders was one of the reasons advanced by the ECOWAS Ceasefire Monitoring Group (ECOMOG) troop-contributing states for their intervention in Liberia in August 1990. In addition to the potential security risk that it creates, large-scale movement of refugees has placed tremendous stress on the often weak infrastructure in recipient states. For instance, the fragile infrastructure in Guinea—which had the unenviable challenge of hosting refugees from Sierra Leone and Liberia—has been stretched to breaking point. The large presence of refugees has also seen a soaring rise in violent cross-border criminal activity, followed by a proportionate increase in xenophobic sentiments towards foreigners—mostly refugees fleeing conflicts in their home countries. Due to weak border controls in the sub-region, it is now commonly accepted that some refugees (often former combatants) have smuggled weapons into refugee camps. This development has led to an alarming increase in gun-related criminal activities in the refugee-recipient states. For instance, Ghana, a traditionally peaceful country, experienced an upsurge in gun-related crimes, believed to be perpetrated by refugees from the Mano River conflict triangle, with some level of domestic collaboration.⁴

From the above it could therefore be seen that the unchecked proliferation of illicit weapons constitutes a serious challenge to human security in West Africa. Since civilians are the primary victims of small arms-related violence both during and after conflict, curbing illicit weapons proliferation would contribute to the protection of civilians. A weapons-free society is therefore an important step towards ensuring the protection of civilians during conflict, and long after the conflict is over.

Background to the Moratorium

In recognition of the serious danger that the

proliferation of illicit small arms pose to human security, ECOWAS under the stewardship of Mali—which had undertaken successful peace negotiations with Touareg rebels—adopted a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa. Adopted by the 21st Session of the Authority of Heads of State and Government of ECOWAS on 30 October 1998, the Moratorium was for a three year period, renewable at the end of that period.⁵ The Moratorium is an unprecedented move by a sub-regional organisation such as ECOWAS, and has since its adoption received international approval both by governments and international organisations. Inspired by the ECOWAS initiative, the continental Organisation of African Unity (re-christened the African Union in July 2002) adopted a common African position on the proliferation of small arms and light weapons, commonly referred to as the Bamako Declaration.⁶

The adoption of the ECOWAS Moratorium is a significant step in addressing the problem of illicit small arms proliferation and general disarmament in the sub-region. It lays the foundation for the development of a region-wide strategy on arms proliferation in particular, and disarmament in general. The preamble to the Moratorium captured the destabilising effect of small arms, stating 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."⁷ Consequently, the broad aim of the Moratorium is to create an environment conducive to socio-economic development in the sub-region. However, its most immediate task is to curb the influx of weapons through various channels into West Africa.

Review of compliance with the Moratorium

The analysis focuses on articles 4, 9, 13 and 7 of the Moratorium, which deal with the creation of national commissions, exemptions, collection and destruction programmes, and

the harmonisation of legislation respectively. The essay focuses on specific national initiatives by Ghana, Nigeria, Sierra Leone and Mali, in line with the provisions of the ECOWAS Moratorium. The choice of the four countries is informed by the following: first, Ghana, though a traditionally peaceful country, faces a serious problem with illicit small arms. Second, despite the fact that Nigeria is not embroiled in a civil war, the country—perhaps due to its large population and protracted military rule—plays host to a disproportionate number of illicit weapons circulating in the sub-region. Third, Sierra Leone, which has recently emerged from a ten-year civil war, is littered with tens of thousands of illicit weapons—posing a serious challenge to sustainable peace and security in that country. And fourth, Mali played, and continues to play, a central role in the development of a regional strategy that culminated in the Moratorium agreement. The analysis will, however, also draw attention to some national initiatives by other ECOWAS member states.

We turn now to analysing specific provisions of the Moratorium with a view to highlighting the level of compliance or non-compliance by the select member states.

Article 4: National commissions

Article 4 of the Code of Conduct states that:

In order to promote and ensure co-ordination of concrete measures for effective implementation of the Moratorium at the national level, Member States shall establish National Commissions, made up of representatives of the relevant authorities and civil society. The ECOWAS Executive Secretariat shall prepare guidelines to assist the Member States in the establishment of their National Commissions.⁸

National commissions (Natcoms) are meant to serve as the hub around which national and regional initiatives will revolve. Their main functions are:

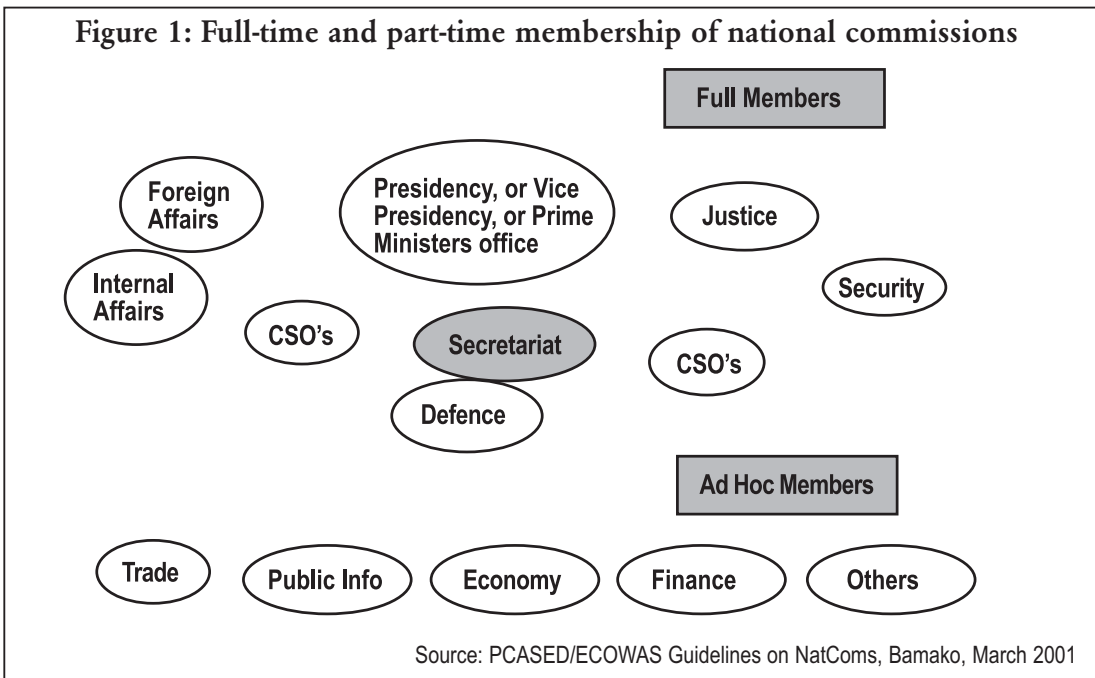
- formulation of strategies, policies and programmes against the proliferation of small arms;

- sensitisation of the public on the need to hand in to the police illegally held weapons;
- update of arms registers and transmission to the ECOWAS Secretariat;
- provision of appropriate recommendations to the ECOWAS Secretariat on exemptions to be granted to the Moratorium for weapons covered by the agreement;
- resource mobilisation for programme expenditures;
- liaison on a permanent basis with ECOWAS and the Programme for Co-ordination for Assistance on Security and Development (PCASED)⁹ secretariats on issues relevant to the Moratorium, as well as issues regarding the proliferation of small arms in general; and
- initiation and development of mechanisms for exchange of information and experience with the other Natcoms.¹⁰

Although the guidelines leave the decision of the composition of the respective Natcoms to member states, it was resolved that they should at the very least include strategic ministries such as foreign affairs, internal/interior affairs and security, defence and justice, as well as representatives of civil society organisations (CSOs) (see Figure 1, page 36).¹¹

At national level, the establishment of Natcoms is perhaps the single most important institutional requirement for the effective implementation of the Moratorium. By August 2003, Natcoms or their equivalents had been established in 14 of the 15 ECOWAS member states.¹² The Mali Natcom was established in 1996 before the adoption of the Moratorium and served as the model for Natcoms in other ECOWAS member states. Ghana, Nigeria and Sierra Leone established national focal points in 2000, 2001 and 2002 respectively. The establishment of Natcoms in Ghana, Nigeria and Sierra Leone all required special legal procedures and the approval of their national assemblies. This is in contrast with the francophone member states where Natcoms can be established by a presidential decree. However, the excessive power of heads of state or government in the francophone countries poses serious questions regarding

Figure 1: Full-time and part-time membership of national commissions



Source: PCASED/ECOWAS Guidelines on NatComs, Bamako, March 2001

the political neutrality and effectiveness of such bodies.

As stipulated in the ECOWAS guidelines, all Natcoms or their equivalent should consist of representatives not only from government but also from CSOs. The inclusion of civil society in Natcoms is a significant development since it marks a radical departure from the hitherto exclusive state-centric approach to dealing with issues of integration in West Africa. Since the illicit proliferation of small arms is a serious cross-border issue, it is important to involve local organisations in the fight against weapons proliferation. The long and porous borders of countries in the region allow for the easy movement of illicit weapons through illegal border crossing points. For instance, it is estimated that there are well over 200 illegal border crossing points between Nigeria and its western neighbour Benin.¹³ Between November 1995 and January 1999, police and customs officials in Nigeria and Benin seized at least 3,500 assault rifles, 80,000 rounds of ammunition and 200 revolvers from smuggling syndicates operating across that country's land border.¹⁴ In a separate incident in August 2002, a joint Nigeria-Benin border patrol arrested a man

and confiscated 5,100 Red Star double barrel gun cartridges.¹⁵

Natcoms and their equivalents meet on an annual basis to review their activities and exchange ideas on successes and challenges in their countries. This annual meeting is important because it serves as a stocktaking exercise that will ensure the continued engagement of national governments with the implementation of the Moratorium. Natcoms serve as important linkages in the implementation of the Moratorium. Furthermore, Natcoms are seen as critical support mechanisms to the ECOWAS Early Warning Observation bureaus located in Monrovia, Cotonou, Banjul and Ouagadougou. They are expected to provide their views on requests by member states for exemptions from the Moratorium to import arms for legitimate national security or for international commitments such as peacekeeping.¹⁶

One of the major challenges to the establishment of functional Natcoms is the rivalry between key government departments for their control such as foreign affairs, defence and interior. Such rivalries have often delayed the establishment of Natcoms. In addition to competition for control by government

departments, tension exists between governments and CSOs. Since small arms are a security issue, government officials—especially security forces such as the police and military—are hesitant to have civilians in a domain that was hitherto under their exclusive control.

Security in nearly all countries in the sub-region is still viewed from the traditional state-centric approach. A clear manifestation of this trend is the fact that Natcoms in nearly all the French-speaking states, as well as in Nigeria and Sierra Leone, are headed by military or police officers or located within the ministry of defence. This development is perhaps explained by the significant presence of military-turned-civilian heads of state in many of the countries in the sub-region.¹⁷

In addition to rivalry between government departments, there is a perceived lack of political will by some ECOWAS member states in the implementation of the Moratorium. Despite the fact that Natcoms have been established in nearly all the countries, most of these committees are not functional. For instance, Natcoms or their equivalents exist in Ghana, Nigeria, Togo, Cape Verde, Sierra Leone, Benin, Burkina Faso, The Gambia and Niger; however, they lack the human and financial resources to be fully functional and operationally effective. The creation of non-statutory bodies such as the National Committee on Small Arms in Nigeria, instead of Natcoms (as prescribed by the Code of Conduct) deprives it of an operational budget, thereby reducing its efficacy. In addition, most staff of Natcoms across the sub-region are also full-time employees in other government departments; as a result, they see their role in the Natcoms as secondary. Their part-time status, coupled with their lack of technical understanding of issues relating to arms proliferation and disarmament, weakens the operations of Natcoms. In Ghana, which is the current chair of ECOWAS, there is in principle a Natcom, but it is not functional. As of June 2003 the Ghana Natcom had no designated office space and no operational budget.¹⁸ It is important to point out that most of the activities of Natcoms across the sub-region are timed to

coincide with the UN Small Arms Destruction Day—thus their activities revolve around ceremonial dates. One can thus make the argument that the problem of small arms is yet to be fully internalised by some ECOWAS member states. Some of the states see the small arms issue as an opportunity to dance on the international diplomatic stage by carrying out ceremonial arms-burning exercises.

Article 9: Exemptions

In order to allow member states to import weapons to meet legitimate national security needs and international commitments such as peacekeeping, article 9 of the Code of Conduct spells out the procedure for member states wishing to import weapons that are covered by the Moratorium. It states that members may seek an exemption from the Moratorium for these purposes. All requests for exemptions should be forwarded to the Executive Secretariat, which would assess them against criteria developed with the technical assistance of PCASED. Upon receipt of the application for exemption:

The Executive Secretariat should circulate the request to all Member States. Provided there are no objections, the Secretariat will issue a certificate confirming Member States' assent. The certificate should accompany the export license application, together with other documentation on end-use as required by arms-exporting states. Should a member state object, the request for exemption will be referred to the ECOWAS Mediation and Security Council.¹⁹

Furthermore, the article addresses the issue of permits for single-weapon ownership either for hunting or sporting purposes. It states that all applications for such exemptions should be processed by Natcoms and recommended to the ECOWAS Secretariat for approval.²⁰ Guidelines for the issuance of such permits are to be developed by the Executive Secretariat, with technical support from PCASED.

Nine of the 15 ECOWAS member states applied for exemptions in 2001–2002, and the

ECOWAS Secretariat issued 30 such exemptions (see Table 1).

Table 1: Exemptions granted since the adoption of the Moratorium in October 1998

Country	2001	2002	Total
Benin	-	5	1
Côte d'Ivoire	-	9	9
The Gambia	-	1	1
Ghana	1	3	4
Mali	1	-	1
Niger	-	-	
Nigeria	4	3	7
Senegal	2	1	3
Sierra Leone	5	2	7

Source: Consultant's report of the evaluation study of the ECOWAS Moratorium, October 2002; and Focus on small arms in West Africa, 4, May 2003.

The application for exemptions by some member states indicates a degree of compliance with an important aspect of the Moratorium. This level of compliance, though minimal, reflects the importance attached to the process of developing a mechanism to deal with weapons proliferation in West Africa. Thus, given the correct political environment, coupled with political will, the Moratorium can be an effective strategy for disarmament in the sub-region.

In spite of the above-mentioned applications for exemptions, there have been allegations of violations of the Moratorium by some ECOWAS member states. For instance, the UN Panel of Experts on Liberia highlighted serious violations of the UN arms embargo on Liberia. The Panel noted that between June and September 2002, 210.5 tonnes of weapons were delivered to Liberia in violation of both the UN arms embargo and the ECOWAS Moratorium. The Panel noted that the arms were purchased with end-user certificates issued by ECOWAS member states.

The report singled out Côte d'Ivoire, The Gambia, Togo and Burkina Faso as the culprits. It stated that:

... the end-user certificates that were used to divert weapons to Liberia in violation of the arms embargo were all from ECOWAS member states ... some member states also seem to violate the Moratorium by importing arms without requesting waivers ...²¹

In a separate report the Panel pointed out that:

... there are a number of accounts of trucks carrying weapons from Côte d'Ivoire into Liberia in 2001 and 2001. These trucks either brought weapons from San Pedro or Abidjan or originated from Burkina Faso, according to eyewitness accounts. Refugees from Lofa County reported that two Burkinabe trucks loaded with weapons had been surprised in Vionjama by Liberian dissidents.²²

Côte d'Ivoire and Guinea-Conakry have also been named for arming the anti-Taylor group—Liberians United for Reconciliation and Democracy (LURD). It was alleged that LURD uses members in both countries as conduits for weapons supplies, and in some cases receives weapons directly from the authorities in those countries. For example, in one incident mentioned in the report, the UN Panel was shown a batch of arms that were captured by the Liberian army from LURD, including 81 mm mortar rounds showing a marking of the United Arab Emirates (UAE)—a country that is known to supply military hardware to Guinea-Conakry. Following the Panel's request for an explanation, the government of the UAE confirmed that the weapons were part of a military assistance package to Guinea. However, the Ministry of Defence in Guinea denied knowledge of the transfer of any weaponry to LURD, arguing that the mortar rounds it had received from the UAE were destroyed during a fire in one of the arms depots of the Guinean armed forces in 2001.²³

However, the Panel noted that:

The LURD rebels do not occupy any area to which significant deliveries by cargo aircraft would be possible, and they do not have access to the sea. A presence of LURD has been noted in

Conakry, in Macenta (Guinea) and in Danane in Western Côte d'Ivoire but even deliveries by road from those places would be impossible without passing several frontier crossings that are guarded by either Guinean or Ivorian border guards.²⁴

Thus, political differences between respective leaders in the sub-region not only complicate the plethora of conflicts that have gripped West Africa in the last decade of the 20th century, but further impede the implementation of regional initiatives such as the Moratorium.

Guinea's support for LURD rebels is directly linked to that country's response to attempts by Charles Taylor to destabilise it by supporting Guinean dissidents operating in Liberia. On the other hand, Burkina Faso and Côte d'Ivoire (until recently)²⁵ were the backers and mentors of Charles Taylor since he launched his insurgency against Samuel Doe in 1989. Consequently, political rivalries and support for dissident groups operating within their borders undermine regional efforts at curbing the illicit proliferation of small arms.

It should be pointed out that most of the weapons imports that have constituted violations of the Moratorium come from countries of the former Soviet Union and Eastern Europe. The UN Panel named Ukraine, Slovakia, Moldova, Kyrgyzstan and Bulgaria as violators of the UN arms embargo and of the ECOWAS Moratorium by supplying weapons to Liberia.²⁶

It is evident from the above analysis that the implementation of the Moratorium is hampered by political differences between member states.

Article 13: Arms collection and destruction programmes

The presence of illicit weapons constitutes a major threat to human security in the sub-region. Consequently, reducing and eventually eliminating illicit weapons from the sub-region is seen as a *sine qua non* for socio-economic development in West Africa. The link between socio-economic development and a stable weapons-free environment was

captured by UN Research Centre for Peace and Disarmament in Africa (UNRCPDA) Director Ivor Richard Fung:

If countries in Africa are to have a chance of realising sustainable socio-economic development, they must first collect and destroy excess weapons not wanted at peace time and curb the flow and proliferation of small arms. Whilst light weapons remain in circulation, the potential for conflicts erupting or resuming will remain very high.²⁷

If not destroyed, excess weapons in government armouries are likely to enter the illicit weapons market and exacerbate the conflict cycle in the region. Article 13 of the Code of Conduct therefore calls for the "collection, registration and destruction of all weapons, ammunition and components covered by the Moratorium ...". The collection and destruction programme will focus on:

- surplus to national security requirements— as with the exemptions, the determination of arms that are 'surplus to national security requirements' remains essentially the prerogative of the member state;
- seizures from illegal possession; and
- weapons and ammunitions collected following peace accords and upon completion of peace operations.²⁸

Since the now-famous 'Flame of Peace' in the northern Malian city of Timbuktu, marking the end of hostilities in that country, several countries in the sub-region have carried out ceremonial arms destruction programmes.

From 1996 to 2002 six member states, four of those emerging from conflict (Mali, Liberia, Sierra Leone and Niger) and two stable ones (Ghana and Nigeria), have all destroyed varying quantities of weapons (see Table 2) either as an indication of the end of hostilities or in compliance with article 13 of the Code of Conduct.

Most of the weapons destroyed during these ceremonies were small arms and light weapons and corresponding ammunitions. In Niger, Liberia, Mali and Sierra Leone, the weapons destroyed were collected during the disarmament, demobilisation, rehabilitation and reintegration (DDRR) programmes fol-

lowing the end of conflict in these countries. In Nigeria and Ghana, the weapons destroyed were those confiscated by the security forces or weapons surrendered in response to amnesty programmes.

Table 2: Ceremonial arms destruction in West Africa, 1996–2002

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

Source: PCASED annual programme report, 2001–2002.

As part of its DDDR programme launched in 2000, the Sierra Leone Police (SLP) embarked on a Community Arms Collection and Destruction (CACD) programme to mop up excess weapons. Through this programme the SLP undertook cordon and search operations, which led to the recovery and subsequent destruction of large quantities of weapons. The SLP worked closely with community leaders in locating weapons left over from the country's DDDR programme. The SLP adopted the carrot-and-stick approach in its attempts to collect arms used in the country's violent civil conflict. In carrying out its cordon and search operations, the SLP invoked the country's firearms legislation (though outdated), which makes it illegal for civilians to possess unlicensed weapons (discussed later). During the operation, the SLP granted eight weeks' amnesty to all civilians possessing weapons (licensed or not) to hand them over at designated weapons collection sites. At the expiration of the amnesty anyone found with a weapon (licensed or not) would be in violation of the country's arms regulations. As part of the drive to review the outdated firearms legislation, the government decided to freeze all licences for the possession of firearms, either for hunting or for per-

sonal safety. However, when the new firearms legislation comes into force all licensed weapons that were confiscated during the cordon and search operation will be returned to their lawful owners, provided they qualify under the new legislation.²⁹

Following the conclusion of the CACD programme the government of Sierra Leone, in collaboration with the United Nations Development Programme (UNDP) and CSOs, embarked on a Community Arms Collection for Development programme. In this phase the government of Sierra Leone, the UNDP and other stakeholders used the 'carrot' approach to encourage the collection and destruction of arms left over from the country's DDDR programme. This programme focused on four pilot chiefdoms in the northern, southern and eastern provinces of Sierra Leone. Each of the identified chiefdoms would present a project proposal related to community development. After the chiefdom had been declared arms-free following a voluntary arms collection programme, the sum of \$20,000 would be handed over to the chiefdom development council for the implementation of the proposed development project. It is important to note that the development project is conceived by the Chiefdom Recovery Committee (CDC), with the UNDP and other stakeholders only coming in as partners in implementing the project.

The 'arms for development initiative' was a practical approach to micro-disarmament in post-conflict societies. At the end of each programme a special ceremony was held at which the paramount chief and his/her CRC were awarded with an arms-free certificate along with \$20,000, provided by the UNDP. It should also be pointed out that unlike the SLP's CACD programme, this strategy emphasises the link between *security* and *development*. For instance, community leaders and members are reminded that the presence of small arms drives away investment, both local and international, the flow of which is crucial for the country's post-conflict reconstruction process.³⁰ This programme, initially focused on four pilot chiefdoms, will now be replicated nation-wide. In addition, plans are under

way to undertake a sub-regional project involving countries in the Mano River Basin.³¹ From 30 November 2001 to 19 March 2002, the CACD programme had collected 9,237 arms (mostly small arms) and a total of 34,035 ammunitions and explosives of all types.

In Ghana, the New Patriotic Party granted amnesty to all persons in possession of unlicensed firearms. The amnesty, which lasted for a period of six months in 2001, was targeted at former government functionaries, among others, who were believed to have large quantities of weapons acquired during the military regime from 1979 to 1992. The amnesty received a favourable response as former government officials and cadres of the Committees for Defence of the Revolution, established during the years of military rule, responded to the amnesty and surrendered nearly 2,000 weapons in their possession. Most of the surrendered weapons were destroyed in commemoration of the UN Small Arms Day in July 2002.³²

Having used the 'carrot' approach, the Ghana police embarked on a weapons retrieval programme. Using information provided by the population, the Ghana police should embark on a cordon and search operation; however, the police acknowledge the daunting task of tracking unlicensed arms, especially in the hands of former government functionaries and cadres.³³

Local gunsmiths have also established cottage industries across the sub-region producing large quantities of firearms, sometimes through the process of 'reverse engineering'.³⁴ Although the Moratorium does not address locally produced arms, in 2003 CSOs such as African Security Dialogue and Research (ASDR) initiated a programme to organise these artisans into an association as a first step towards opening dialogue between the government and local gunsmiths. At present there is an association of gunsmiths that meets once a month to discuss their operations and how they can collaborate with law enforcement agencies in addressing the challenge of proliferation. This is a significant initiative because it provides an opportunity for the police and gunsmiths to meet and

exchange views on the state of illicit small arms in Ghana. Prior to this initiative there was no line of communication between traditional gunsmiths and the police. Instead, the two sides had a rather unfriendly relationship, with the police often accusing gunsmiths of aggravating the problem of gun-related criminal activities and other inter-ethnic rivalries. Dialogue between law enforcement agencies and gunsmiths is an important strategy in Ghana's attempt to deal with illicit weapons proliferation, in line with the Moratorium.³⁵

Article 7: Review and harmonisation of legislation and administrative measures

One of the enduring consequences of colonialism is the emergence of different legal frameworks reflecting the legal systems of the former colonial powers—Britain, France and Portugal. The diverse cultural background of peoples in the sub-region also accounts for differences in customary law, which affects the nature of firearms legislation across the sub-region. For instance, since hunting is a major economic preoccupation of some ethnic groups in West Africa, the development of a regional framework to deal with the possession of firearms should start with a review of domestic laws regulating the possession and use of firearms in all member states.

It is in recognition of this need that article 7 of the Code of Conduct calls on members to "harmonise and adopt the regulatory and administrative measures necessary for exercising control of cross-border transaction with regard to light weapons, components and ammunition relating to them".³⁶ It calls for the training of law and order, immigration, licencing, customs, water resources and forestry officials in the effective implementation of domestic firearms legislation. In this respect member states, with assistance from PCASED and other partners including civil society, will:

- 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; and
- harmonise different national legislation with a view to developing a regional convention on light weapons that would relate to control and reduction, as well as to humanitarian law issues.³⁷

The harmonisation of legislation is aimed at producing a comprehensive regional convention that will reflect the new aspects of collective security in the sub-region and the enhancement of security in general. Current legislation regulating the possession of firearms in nearly all member states does not reflect the contemporary security landscape in the sub-region.

For instance, in Sierra Leone there is no single firearms law, but rather two ordinances established by the British colonial powers. The Arms and Ammunitions Ordinance 1955 No. 14 and the Explosive Ordinance 1955 No. 15 were accepted by the post-independent government but were never passed as laws. They were merely added to the laws of Sierra Leone and have since served as the framework through which civilian possession and use of firearms was regulated.³⁸ Ghana's current arms legislation consists of laws from 1962, aspects of which were revised in 1972 and more recently in 1993. Even with the relatively recent reviews, compared to Sierra Leone, the regulations are still considered to be out of tune with current developments within Ghana and across West Africa.³⁹ However, in response to the Moratorium, both Sierra Leone and Ghana have initiated reviews of their domestic firearms legislation to reflect the current security realities within their borders and across the sub-region. In addition, the governments of Mali, Guinea-Bissau, Guinea-Conakry and Cape Verde have requested assistance from PCASED to review existing laws in their countries. In response to the request, PCASED in June and September 2001 assisted the Malian government and the government of Guinea-Conakry through their Natcoms to review their laws, statutory instruments and administrative procedures, taking into consideration peculiarities and need for

the effective implementation of the Moratorium.⁴⁰ The review process involved key government ministries and a strong network of CSOs in both countries. CSOs play a crucial role in the implementation of the Moratorium.⁴¹ Their activities have ranged from advocacy, research, documentation and capacity building to lobbying national governments to implement key provisions of the Moratorium. Although some ECOWAS member states have started the process of reviewing their national firearms legislations, the objective of harmonising laws at regional level still has a long way to go before it is realised.

The training of security forces is an important step in the process of reviewing and harmonising firearms regulation. The aim of the training programme is to strengthen the capacity of the security forces in the modern methods of arms control. In this vein, ECOWAS, PCASED and the UN Regional Centre for Peace and Disarmament in Africa (UNCPDA) based in Lomé, Togo will develop a curriculum that will serve as a training manual. The training will focus on three objectives:

- Sensitising armed and security forces to the problem of the proliferation of light weapons in West Africa.
- Strengthening their capacity in modern techniques of control of arms and ammunition, as well as better enforcement of the laws and regulations in force within the sub-region.
- Developing 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; and the DDR of combatants into civil society.⁴²

Following the adoption of this pedagogic document, ECOWAS and PCASED have undertaken regional training-of-trainers (TOT) workshops involving more than 300 senior national security officers drawn from the member states. The first TOT workshop was held in Freetown, Sierra Leone, from 13–18 August 2001, bringing together security offi-

cers from the Third Early Warning Observation Zone.⁴³ The second zonal TOT held in Abidjan, Côte d'Ivoire from 15–20 October 2001, was conducted for officers from the Second Observation Group. It was, however, agreed at the Freetown meeting that strict adherence to the zonal observation bureaus was not ideal for the purposes of the training workshops. Officers from Benin, Togo and Guinea-Conakry therefore also participated in the Abidjan workshop.⁴⁴ By the end of October 2002, the final TOTs for countries in Zone 1 and Zone 4 had been held. Training at the zonal bureau level has now been decentralised to the level of individual member states through their Natcoms. The Natcoms of Senegal, Niger, Nigeria, Mali and Burkina Faso have embarked on training programmes in their countries. The aim of the national training programmes is to allow “local security forces to benefit from the most current knowledge and the procedures for the maintenance of peace and the fight against proliferation”.⁴⁵

Conclusion

There is recognition that the proliferation of illicit weapons in West Africa constitutes a major challenge to human security. The fact that small arms have been the weapons of choice for all sides involved in conflict in the region has led to the development of a regional strategy by ECOWAS to deal with the problem of proliferation—the adoption of the Moratorium in October 1998 marked the culmination of such efforts. Since its adoption the degree of compliance has varied, as is highlighted through our specific analysis of articles 4, 9, 13 and 7.

The analysis indicates a concerted effort at national, bilateral and regional levels to deal with the small arms menace in the sub-region. However, a major pitfall of the Moratorium is its lack of legal status. Its implementation is therefore dependent on the goodwill of member states—hence the slow progress in setting up national structures such as Natcoms, as set out in the Code of Conduct. By timing national initiatives to coincide with interna-

tional dates such as the UN Small Arms Destruction Day, member states are merely playing to the gallery of international diplomacy. The problem of small arms is not fully internalised by all member states—there is more awareness and effort at combating the proliferation of small arms in countries that are emerging from conflict. This is, however, not the case in countries such as Nigeria and Ghana, which, though relatively stable, nonetheless play host to large stocks of illicit small arms. In addition, there are no mechanisms in place to deal with member states that violate the Moratorium.

In spite of the apparent challenges to the implementation of the Moratorium, it is perhaps one of the boldest steps taken by ECOWAS to deal with the enormous challenge posed by illicit weapons proliferation.

Policy recommendations

In order to deal effectively with the proliferation of illicit small arms, the following is recommended:

- The ECOWAS Moratorium should be transformed into a convention, thereby making it legally binding on all member states. This would not only oblige member states to implement the protocol but would strengthen ECOWAS in dealing with unscrupulous middlemen/women and other ‘spoilers’. In addition, it would help to speed up the process of harmonising firearms legislation in the sub-region.
- Since small arms constitute a major threat to human security in West Africa, efforts should be made to build a strong link between the illicit trade in weapons and the legal trade. This would compel the major arms producers to comply with the Moratorium by controlling the flow of weapons from their countries. Thus, building an effective link between the two would lead to a convergence of interest between arms-producing and recipient countries—consequently addressing both the demand and supply side of the small arms equation.
- ECOWAS needs to establish a fully staffed department on small arms at its Secretariat.

Given the magnitude of the small arms challenge in West Africa, the current arrangement—with a PCASED liaison officer seconded to the Secretariat—is not adequate to deal effectively with the enormous illicit weapons challenge. The establishment of such a unit would add to the required sense of urgency and enhance co-ordination among member states.

- Since the police play a central role in enforcing the Moratorium there is a compelling need to develop strong links between the police services in the sub-region. Valuable lessons could be learned from the South African Regional Police Chiefs' Organisation, which to date has worked effectively with the Southern African Development Community in its efforts to control illicit weapons proliferation.
- The ECOWAS early warning mechanism should include a strong peer review mechanism that could serve as a check on politicians in the sub-region. In the absence of a viable carrot-and-stick approach, the peer review mechanism should adopt a policy of 'naming and shaming', to ensure compliance by member states.
- In addition, ECOWAS should increase the number of early warning observation bureaus from its current number of four to at least ten. This would maximise the visibility and effectiveness of implementing the Moratorium.
- ECOWAS should develop and strengthen its links with civil society across West Africa. Developing such a link would encourage participation by ordinary citizens in the integration process, thereby making regional programmes such as the Moratorium more representative. For their part, CSOs need to acquaint themselves with ECOWAS policies and programmes so that they can make a meaningful contribution to the integration process.

Notes

1 For a definition of small arms and light weapons see, General and complete disarmament: Small arms, note by the secretary-general, UN

Document A/52/298, 5 November 1997, pp 11-12. The UN defines light weapons as heavy machine-guns, hand-held and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missiles and rocket systems, portable launchers of anti-missile systems and mortars of caliber 100 mm. It defines small arms as revolvers, self-loading pistols, rifles, and light machine guns.

- 2 For details see <www.disarmament2.un.org:8080/cab/salw.htm>. Of 49 major conflicts in the 1990s, 47 were waged with small arms as the weapons of choice. Small arms are responsible for over half-a-million deaths a year, including 300,000 in armed conflict and 200,000 more from homicides and suicides. Based on these figures, one can argue that in conflict zones across the developing world and in sub-Saharan Africa in particular, small arms are the real 'weapons of mass destruction' because they pose the greatest threat to human security. Unfortunately, there is minimal international action to deal with the danger posed by the illicit proliferation of weapons compared to efforts in dealing with nuclear, chemical and biological weapons.
- 3 Ibid.
- 4 Personal interview with police superintendent, Accra, Ghana, 12 July 2003.
- 5 See ECOWAS Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa, 31 October 1998. The adoption of the ECOWAS Moratorium, the first of its kind anywhere in the world, is a significant step in attempts by ECOWAS at developing a region-wide strategy on arms proliferation and disarmament. In addition, the Moratorium is viewed as an arm of what the author has argued elsewhere as the emerging security architecture in the sub-region—this is reflected in attempts to link the implementation of the Moratorium with the Protocol on Conflict Prevention, Management, Peacekeeping and Security adopted in 1999 and the supplementary Protocol on Democracy and Good Governance. Note that the Moratorium was renewed on 1 November 2001 for another three-year period.
- 6 See Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, Bamako, Mali, 30 November–1 December 2000.
- 7 See ECOWAS Declaration of a Moratorium, *op cit*, p 1.
- 8 ECOWAS Code of Conduct, p 3.
- 9 For detailed information on PCASED, see the ECOWAS Plan of Action for the Implementation of the Programme for Co-ordination and Assistance for Security and Development (PCASED), Bamako, Mali, March 1999. PCASED was established with the support of the UNDP. The aim of the programme is to

- assist the ECOWAS Secretariat and member states in the implementation of the Moratorium and to extend it to other regions of Africa. Support from PCASED is supposed to strengthen the capacity of member states in the areas of security and disarmament, which are vital for the region's development. However, at the time of writing, plans are under way for the creation of an ECOWAS Small Arms Programme (ECOSAP) that will consist of a Small Arms Unit to be located at the ECOWAS Secretariat, and an operational unit to be located in Bamako. PCASED will be replaced by the newly created operational unit in Bamako.
- 10 See Decision A/DEC13/12/99 Establishing of National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons, Lomé, Togo, 10 December 1999.
 - 11 See, Guidelines on the Establishment and Functioning of National Commissions Against the Proliferation of Small Arms, ECOWAS/PCASED, Secretariat, Bamako/Abuja, March 2001.
 - 12 Natcoms or their equivalent exist in Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. Note that war-torn Liberia is the only country that failed to set up a Natcom or its equivalent. It is hoped, however, that Charles Taylor's departure from the Liberian political scene would remove obstacles to setting up a Natcom there.
 - 13 Personal interview with senior research fellow, National War College, Abuja, 8 August 2003. As a result of heightened cross-border criminal activity, the Nigerian government closed its land border with Benin for more than three days in the second week of August 2003. The land border was only re-opened after a meeting between the heads of state of the two countries.
 - 14 A-F Musah, The sorrows of war – Small arms, conflict and poverty in West Africa, *Democracy and Development* 2(3), September–December, 1999, p 13.
 - 15 For more information see, Police intercept ammunition at Seme Border, *Focus on small arms in West Africa* 3, November 2002, p 4.
 - 16 See A Multi-Kamara, *PCASED fourth advisory group meeting*, report of the acting director, Bamako, Mali, 1–3 November, 2001, p 10.
 - 17 Personal interviews with: police superintendent, police headquarters, Freetown, 10 June 2003; senior lecturer, Nigerian Defence Academy, Kaduna, 12 August 2003; senior programme officer, PCASED, Bamako, 16 August 2003; chair, Ghana National Commission on Small Arms, Accra, 23 June 2003. Military-turned-civilian heads of state are in power in five ECOWAS states—namely: Guinea-Conakry, The Gambia, Burkina Faso, Niger and Togo—while the democratic credentials of some heads of states—such as presidents Lansana Conte of Guinea, Gnassingbe Eyadema of Togo and Blaise Compaore of Burkina Faso—are seriously questioned.
 - 18 Personal interview with chair, Ghana National Commission on Small Arms, Accra, 23 June 2003.
 - 19 Code of Conduct, op cit, pp 4–5.
 - 20 Ibid, p 5.
 - 21 For details see, Report of the Panel of Experts on Liberia S/2002/1115, UN headquarters, New York, 25 October, 2002, pp 25–26, <www.un.org>. Note that there is a UN arms embargo on Liberia imposed by Security Council Resolution S/Res/788, 1992. The embargo was imposed on the National Patriotic Front of Liberia for its continued attacks on ECOMOG peacekeeping forces and its support to Revolutionary United Front rebels in Sierra Leone. The arms embargo is still in force.
 - 22 Report of the Panel of Experts on Liberia to the Security Council 1343, S/2002/1015, UN headquarters, New York, 26 October 2001, p 65.
 - 23 See Panel Report S/2002/1115, op cit, p 23.
 - 24 Ibid.
 - 25 The Ivorian supply line to Charles Taylor was cut off following the outbreak of violent civil conflict in Côte d'Ivoire in 2000. Some of the insurgents involved in the conflict, which has effectively divided that country in two, were believed to be supported by Charles Taylor before his resignation as president of Liberia in August 2003—such allegations and suspicions strained the relationship between the two former allied states. In addition, Burkina Faso—which has also been accused by the Ivorian authorities of supporting rebel soldiers (a good number of whom are descendants of Burkinabe migrant laborers) in northern Côte d'Ivoire—has also been preoccupied with issues surrounding that conflict, thereby reducing its support to Charles Taylor.
 - 26 Panel Report S/2002/1115, op cit, p 24.
 - 27 Cited in B Herbert, War-battered Liberia burns the bridges to War, *African Peace Bulletin* 24, October/November/December, 1999, p 9.
 - 28 See Code of Conduct, op cit, p 6.
 - 29 Personal interviews with: police superintendent, police headquarters, Freetown, 10 June 2003; senior secretary, Ministry of Internal Affairs, Freetown, 12 June 2003. New firearms legislation has been drafted by the legal department of the SLP with support from the UNDP. However, the new legislation is still in its draft stage as the government is stalling on going forward with it.
 - 30 Personal interview with UNDP director of the Community Arms Collection for Development Programme, Freetown, 11 June 2003; *Final report*, Community Arms Collection and Development Programme, Government of Sierra Leone & UNDP, June 2003.
 - 31 For details on the sub-regional project see, *Project document*, Mano River Union Arms for Development Programme, Freetown, Government of Sierra Leone & UNDP, 30 May 2003.

- 32 Personal interview with police superintendent, Accra.
- 33 Ibid.
- 34 Through the process of 'reverse engineering', local gunsmiths have been able to replicate original automatic weapons such as the AK 47 rifle, adding to the urgency to deal with the small arms menace in the region.
- 35 Personal interview with researcher, Africa Security Dialogue and Research, Accra, 18 June 2003.
- 36 Code of Conduct, op cit, p 4.
- 37 See PCASED Plan of Action, op cit, p 11. Member states are encouraged to draw parallels with similar initiatives such as the Declaration of Principles in the context of firearms control and trans-national organised crime; the European Union Programme on Preventing and Combating Illicit Trafficking in Conventional Arms (1997); the Organisation of American States (OAS) Inter-American Convention against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (1997); and the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.
- 38 *Final report*, Community Arms Collection for Development Programme, op cit, p 2.
- 39 Personal interview with police superintendent, Accra.
- 40 Multi-Kamara, op cit, p 19.
- 41 The West African Action Network on Small Arms (WAANSA) established in May 2002, with headquarters in Accra, Ghana. The network consists of over 45 non-governmental organisations (NGOs) from all 15 ECOWAS member states. WAANSA has since signed a Memorandum of Understanding with PCASED, identifying key areas of co-operation. In addition, national networks such as the Ghana Action Network on Small Arms (GHANSA) and the Sierra Leone Action Network on Small Arms (SLANSA), consisting largely of NGOs, have been formed in most ECOWAS member states.
- 42 For details see, West Africa – Disarmament on the move, *PCASED Annual Report 2001-2002*, Bamako, Mali; and Code of Conduct, op cit, p 5. Note that PCASED, in collaboration with other partners, has developed a curriculum—Training-of-trainers for armed and security forces on the control of the proliferation of small arms and light weapons in West Africa, PCASED, Bamako, 2000. The adoption of this training programme makes West Africa the first region in the world to adopt such a pedagogic instrument for training-of-trainers in the control of small arms. See also B Herbert, ECOWAS adopts curriculum to control the flow of small arms, *The West African Bulletin* 8, December 2000, p 39.
- 43 As part of its attempt to establish an effective early warning system, ECOWAS has divided the region into four zones, with zonal bureaus headquartered in one of the member states in the respective zones. Zone 1 consists of Cape Verde, The Gambia, Guinea-Bissau and Senegal, with headquarters in Banjul, The Gambia; Zone 2 consists of Burkina Faso, Côte d'Ivoire, Mali and Niger, with headquarters in Ouagadougou, Burkina Faso; Zone 3 consists of Ghana, Guinea-Conakry, Liberia and Sierra Leone, with headquarters in Monrovia, Liberia; and Zone 4 consists of Benin, Nigeria and Togo, with headquarters in Cotonou, Benin. Geographic proximity, ease of communication and language were some of the key variables used in the zoning process. The four zonal observation bureaus report directly to the Early Warning Unit at the ECOWAS Secretariat in Abuja, Nigeria. To date three of the zonal observation bureaus—Cotonou, Banjul and Ouagadougou—have been established. The establishment of the Monrovia bureau was impeded by the ousted Liberian president, Charles Taylor. However, it is hoped that his departure will pave the way for the establishment of the Monrovia bureau.
- 44 N Obasi, *Small arms proliferation and disarmament in West Africa – Progress and prospect of the ECOWAS Moratorium*, Adophyl Productions, Abuja, 2002, p 158.
- 45 *PCASED annual report*, op cit, p 11.