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Isiaka Alani Badmus\*

WP/CEAUP #2009/01

**Managing Arms in  
Peace Processes:  
ECOWAS and the West  
African Civil Conflicts**



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CENTRO DE ESTUDOS AFRICANOS  
UNIVERSIDADE DO PORTO



MAP SHOWING ECOWAS MEMBER STATES





**(No abstract)**



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# List of Acronyms and Abbreviations



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**AAFC** Allied Armed Forces of the Community [ECOWAS]

**ACP** Arms Collection Programme

**AFL** Armed Forces of Liberia

**AFRC** Armed Forces Revolutionary Council

**ANAD** Accord de Non-Aggression et d'Assistance en Matière de Défense

**APRM** African Peer Review Mechanism

**AWMD** African Weapons of Mass Destruction

**CACDPA** Community Arms Collection and Destruction Programme

**CBOs** Community Based Organisations

**CEDE** Centre for Democratic Empowerment

**CDD** Centre for Democracy and Development.

**CRRP** Community Reintegration and Rehabilitation Project

**DDR** Disarmament, Demobilisation and Reintegration Programme

**DOPHA** Department of Operations, Peacekeeping and Humanitarian Affairs

**DPAS** Department of Political Affairs and Security

**ECOWAS** Economic Community of West African States

**ECOMOG** ECOWAS Ceasefire Monitoring Group

**ECOSAP** ECOWAS Regional Small Arms Control Programme

**ECOWAS Convention** ECOWAS Convention on Small Arms, Light Weapons, their Ammunition and other associated material

**ECOWAS Moratorium** Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa

**ECOWAS Mechanism** ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

**ESF** ECOWAS Standby Force

**EU** European Union

**ERSF** Economic Recovery Support Fund

**EWER** Early Warning and Early Response Me-

chanism.

**FODSA** Foundation for Security and Development in Africa

**GoNU** Government of National Unity

**GNP** Gross National Product

**IANSA** International Action Network on Small Arms

**INPFL** Independent National Patriotic Front of Liberia

**LDCs** Less Developed Countries.

**LPC** Liberia Peace Council

**MAD** Protocol Relating to Mutual Assistance on Defence

**MALAO** Mouvement contre les Armes Légeres en Afrique de l'Ouest

**MFUA** Mouvements et Fronts Unifiés de l'Azaouad

**NGOs** Non Governmental Organisations

**NISAT** Norwegian Initiative on Small Arms Transfers

**NPFL** National Patriotic Front of Liberia

**OAU/AU Bamako Declaration** OAU/AU Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons.

**OCHA** Office for the Coordination of Humanitarian Affairs

**OMC** Observation and Monitoring Centre

**PCASED** Programme for Coordination and Assistance on Security and Development

**RSLMF** Republic of Sierra Leonean Military Forces

**RUF** Revolutionary United Front

**SALW** Small Arms and Light Weapons

**SAPs** Structural Adjustment Programmes

**SMC** ECOWAS Standing Mediation Committee

**SSR** Security Sector Reform

**TEP** Training and Employment Programme

**The Dakar Process** Civil Society Consultation on the Review of the ECOWAS Moratorium and the Evolution of a Draft Supplementary Protocol



**ULIMO--J** a Krahn-based United Liberation Movement of Liberia for Democracy

**ULIMO—K** a Mandingo-based United Liberation Movement of Liberia for Democracy

**UN(O)** United Nations (Organisation)

**UNAMSIL** United Nations Mission in Sierra Leone

**UNDDA** United Nations Department of Disarmament Affairs

**UNDP** United Nations Development Programme

**UNOMIL** United Nations Observer Mission in Liberia

**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

**UNREC** United Nations Regional Centre for Peace and Disarmament in Africa

**UNDPA** United Nations Department for Political Affairs

**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

**UNDPKO** United Nations Department of Peacekeeping Operations

**UNDESA** United Nations Department of Economic and Social Affairs

**UNIDIR** United Nations Institute for Disarmament Research

**WAANSA** West African Action Network on Small Arms





# Article



## IN LIEU OF AN INTRODUCTION

The article entitled *Small Arms and Light Weapons Proliferation and Conflicts: Three African Case Studies* which appeared in the *Nigerian Journal of International Affairs*, vol. 31, no. 2, 2005, was my first major study on the issue of Small Arms and Light Weapons [hereinafter refer to as SALW] proliferation and African conflicts. Ever since, I have closely been following the West African politico-military landscape with reference to SALW proliferation—an interest that was further sharpened by my invitation to the Economic Community of West African States [ECOWAS] Executive Secretariat<sup>1</sup> in Abuja, Nigeria for an interview into its newly initiated Regional Small Arms Control Programme [ECOSAP]. At this juncture, I consider it pertinent to advance a very fundamental conundrum, viz, why such upswelling interest in SALW proliferation and the West African security landscape? The answer to this question is very simple and simultaneously complex. I noticed the seriousness of the distinguished West African officials presented at the panel on the issue and their eagerness and determination to curb the hazardous effects of these 'African Weapons of Mass Destruction' [AWMD]. To be sure, I am aware of the fact that the West African leaders as well as the ECOWAS Executive Secretariat are not relenting in their efforts to stall this hideous situation, especially with the signing of the ECOWAS Moratorium on the Importation, Exportation and Manufacture of SALW on 31 October 1998<sup>2</sup> [Appendix I]. Paradoxically, the signing of this 'confidence-building' mechanism championed by Alpha Omar Konare's Mali, SALW has remained potent in the hands of both State and sub-State actors and an important factor in the West African civil conflicts<sup>3</sup>. This singular fact has left me several mind bugling questions. First, where are the missing links? Does the ECOWAS Mora-

torium represent an ordinary paper or a legally binding document? Second, why is it that the signatories to this Moratorium, more often than not, do not abide by the provisions of the control instrument? Third, why is it always difficult to control SALW during peace support operations and peace processes, especially in West Africa? Fourth, what are the ECOWAS strategies for regional integration, security, good governance and human rights? These are some the vital questions addressed in this study.

I intend not to detail my discussions on the meaning of SALW. Instead, a comprehensive analysis of the roles of ECOWAS as a sub-regional organisation in maintaining regional peace and security become imperative, and the paper is also interested in looking, albeit briefly, at the processes leading to the formation, and dynamics of ECOWAS. This is very fundamental because the insights from such retrospective exercise will help us immensely to really fathom the transcendence of ECOWAS beyond its original mandate, i.e., economic development. *In addendum*, relying on Article 52 of the United Nations [UN] Charter, regional organisations are empowered to maintain regional peace and security. Thus, ECOWAS that was initially established as an institution for economic integration of West Africa ventured into regional security issues as a result of the rebellion that started in December 1989 in Liberia by Charles Taylor against Samuel Doe's government. With the establishment of the ECOWAS Ceasefire Monitoring Group [ECOMOG] that is now the military force of ECOWAS, the stage was set for ECOWAS intervention in the West African civil conflicts. It is true that the Nigeria-dominated ECOMOG brought peace to Liberia, while Sierra Leone would have been a ghost of itself by now and Ivorians are now experiencing peace [albeit fragile] courtesy of the combined roles of ECOMOG and French forces. The question is



why has SALW continued to attract very high premium in the hands of non-State actors and national armies alike? How has ECOWAS been managing arms especially during post-conflict peace building?. This is fundamental considering the fact that for a State that just came out of civil conflict in order not to roll back into anarchy or Hobbesian state of nature; SALW has to be properly managed in the interest of sustainable peace and development. The above arguments will be fully developed in the subsequent sections.

## ECOWAS: SOME BACKGROUND ISSUES

ECOWAS was established by the Treaty signed on 28 May 1975 in Lagos, Nigeria by fifteen West African States<sup>4</sup>. From Generals Yakubu Gowon [Nigeria] to Gnassingbe Eyadema [Togo] through Sangoule Lamizana [Upper Volta, now Burkina Faso], the *raison-d'être* for the West African leaders for the formation of ECOWAS was to promote cooperation and integration in order to create a 'union' for economic growth and development in West Africa. Therefore, ECOWAS is to:

..... promote cooperation and development in all fields of economic activity particularly in the fields of industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions and in social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent<sup>5</sup>.

The idea of economic integration became appealing and imperative going by the adverse socio-economic conditions experienced by West Africa in particular and Africa in general in the immediate post-independence period. Apart from this, the prevailing international political economy of the 1970s was greatly unfavorable to the West African States that had

just won their political independence. Thus, by the mid-1970s, many West African countries, as Nwachukwu [1991: xi] rightly argues, "were already in the throes of economic difficulties in the aftermath of the global oil price shock of 1973. Many of the countries in the sub-region, apart from Nigeria which produces oil, had serious problem of external balances. There was the need for increased foreign financial support, if they were to be able to maintain minimum level of imports to ensure a steady process of economic growth and development"<sup>6</sup>. Consequently, ECOWAS was seen as the best answer, as well as the surest multilateral institutional framework with dynamic strategies for surmounting the economic underdevelopment of West Africa. The reliance on economic integration as the best way to overcome underdevelopment is predicated upon the theoretical logic that integration of this nature affects positively the rate of growth of Gross National Product [GNP] of participating countries [Olaniyan: 1990: 2]. These benefits, according to Jaber [1979: 254 cited in Olaniyan 1990], include:

1. That the enlargement of the size of the market for firms producing below optimum capacity prior to integration normally sets the economies of scale working. Annexed to this is the contention that a large market is needed to sustain efficiently heavy industries, such as engineering and chemical plants. The next effect of large market size, therefore, is to ensure the least unit cost of reduction within the integrated area which will further stimulate demand and consumption and ultimately lead to increased investment and economic growth.
2. Economic integration increases the level of economic activity through increase trade; hence it permits the exploitation of external economies and inter-industry linkages which also has the effect of lowering cost of produc-



tion.

3. That economic co-operation promotes economic efficiency via specialisation and smoothness of trade transactions due to change in the degree and nature of competition and change in uncertainty and unilaterality of trade policies of individual countries. In other terms, integration brings about a more efficient utilisation of resources and the harmonisation of economic and trade policies ushers in a smooth and orderly system of trade among members of a grouping. And finally,

4. That economic integration—except where a deliberate corrective measure is instituted—usually gives rise to the polarisation effect. This effect refers to the cumulative worsening of the relative, or absolute, economic position of a member country or some regions in the integrated area due to concentrated trade creation or attractiveness of labour and capital elsewhere.

Thus, after more than three decades of ECOWAS existence, what can then be said of the organisation? Differently put, what have been its major achievements and what have Member States been doing to realising the organisation's objectives? Despite the fact that the tasks of having an integration [military, economic, socio-cultural] are arduous and complex, ECOWAS has recoded some success in the vital areas of economic advancement of the sub-region. But our major concern in the section that follows in this study is the peace and security dimensions of these achievements.

## ECOWAS AND THE SUB-REGIONAL PEACE AND SECURITY ISSUES

The Economic Community of West African States is one of the sub—regional organisations most actively involved in conflict prevention and management. Since 1990 when the Standing Mediation Committee [SMC] and the Ceasefire Monitoring Group (ECOMOG) were set up in Liberia, ECOWAS has been working relentlessly to restore peace to West Africa. Last year, the most notable development in the sub-region was the advent on the political scene of democratically elected regimes..... [ECOWAS Executive Secretary's Report, 2000].

As stated earlier, since its inception ECOWAS has been preoccupied majorly with the socio-economic development of the sub-region *with little concern* with matters relating to the sub-regional peace and security, political cooperation, democracy and good governance, and human rights. The ECOWAS Treaty practically excluded security-related provisions because political issues were, at that time, believed to be too divisive. The founders of ECOWAS, according to the Nigeria's ex- military leader General Yakubu Gowon, "played down the political aspect when ECOWAS was formed" and in lieu of this determined to build "a bridge of cooperation" promoting economic cooperation. Though attempts *have not been completely lacking* in establishing an ECOWAS security framework as the Authority of Heads of State and Government [the Authority] adopted a Protocol on Non-Aggression in 1978 and a Protocol Relating to Mutual Assistance on Defence [MAD] in 1981 [Federal Ministry of Justice, 1990: 898-908]<sup>8</sup>. These two Protocols aim at strengthening the security and defence of the entire sub-region. Before going further, it is pertinent to illuminate the efforts made by the individual States in the sub-region to integrate their defence strategies at the bilateral level. Instances of these are legion. On 26 March 1971, Guinea and Sierra Leone later joined



by Liberia signed an agreement on matters relating to defence and security under “which arrangement Guinean troops were deployed to Sierra Leone to foil a coup attempt”. Guinean troops were also deployed to Sierra Leone in the early 1990s to halt rebels incursion from Liberia based on the 1971 agreement. Furthermore, the idea of the Senegambia confederation between Senegal and the Gambia was partly rooted in the quest for achieving maximum security, especially on the side of the ‘small’ Gambia. This arrangement aided Senegal tremendously in rescuing Sir Dauda Jawara’s government in the Gambia. Senegal, relying on this agreement, sent its troops to Banjul to foil a coup d’etat and subsequently stationed its soldiers to maintain law and order. Such similar defence pact also linked Nigeria with Benin to provide the basis for mutual assistance on matters of defence. *In addendum*, a giant stride was made in 1984 by five West African States, namely; Nigeria, Niger, Ghana, Benin and Togo when they signed a quadripartite agreement that was centered on cooperation on security, customs, extradition, and the cooperation of their police forces. Interestingly:

The desire for greater cooperation on matters relating to defence and security stems from the recognition by states of the vulnerability of their governments to internal disruptions which can be encouraged and manipulated by forces external to their territorial boundaries. Also, the increase in the incidence of military interventions by states outside the region in conflicts occurring within the region added to concern over the security of states. The Chadian civil war and the interventionist role played by some of the extra-regional states especially France and Libya, in that war raised alarm throughout the sub-region. This concern was compounded by the Libyan aggressive search for alliance partners in West Africa [Ministry of External Affairs, Nigeria, 1991: 120].

Reverting to the 1978 Protocol, it explicitly made it clear that “ECOWAS cannot attain its objectives save in an atmosphere of peace and

harmonious understanding among Member States of the Community”<sup>9</sup>. Therefore, Articles 1 and 2 of the Protocol stipulate that Member States shall, in their relations with one another, “refrain from the threat or use of force or aggression, or from employing any other means inconsistent with the Charter of the UN and the Organisation of African Unity [OAU] against the territorial integrity or political independence of other Member States”, and to “refrain from committing, encouraging or condoning acts of subversion, hostility or aggression against the territorial integrity or political independence of other Member States”. Laudable as these goals are, the Protocol failed on two crucial issues, viz, occurrence of internal insurrection supported by external actor and rebellion within the Community [Aning, 1999: 76]. Apart from these failures, the Protocol was criticised as a mere aspiration because it did not create institutional and administrative frameworks for dealing with the prohibited acts of aggression. Accordingly, the Non-Aggression Protocol, according to Julius Okolo [1983: 179] “represent [s] a valuable statement of intent and a demonstration of the goodwill that exists among the national leaders of the West African region.....[and] signifies the willingness and commitment by Member States to restrict their sovereignty in a new era”. In the light of the foregoing, the 1981 Protocol was intended to address the shortcomings of the previous treaty. It established a comprehensive security framework for the Community by laying the foundation for dealing with “internal armed conflict within any Member State engineered and supported actively from outside and likely to endanger the security and peace in the entire Community”<sup>10</sup>. In spite of the reaffirmation of the ECOWAS Member States of their commitments to peace and security, they came to the realisation that threats of aggression in the sub-region and



the presence of foreign military bases on the continent is antithetical to peace and socio-economic development. For this reason, they “decided to coordinate and pool their resources together to ensure the external defence of Member States, through mutual assistance in case of aggression against Member States. The organisation was to create Allied Armed Forces of the Community [AAFC] which shall consist of earmarked units from existing National Armed Forces”<sup>11</sup>. The AAFC was intended to deter any breach of the security of Member States. Furthermore, the mandate of the AAFC was equally extended to peacekeeping in inter-state conflicts involving Member States when diplomacy fails, or intra-state conflicts engineered/supported by external actors. The Protocol empowers the ECOWAS Authority to appoint a Force Commander to lead the AAFC<sup>12</sup>. Additionally, it provides for the establishment of: [1] Defence Council consisting Ministers of Defence and External/Foreign Affairs of Member States under the current Chairmanship of the Authority “tasked with completing preparatory work on defence matters for Authority meetings, examining emergency situations, supervising the activities of the AAFC Force Commander, and submitting a report to the Authority at the end of any AAFC operations”<sup>13</sup>; [2] Defence Commission, consisting of Chiefs of Staff of Member States, is to deal with technical defence matters<sup>14</sup>. Furthermore, the Protocol foresees the appointment of a Deputy Executive Secretary [Military/Defense] at the ECOWAS Secretariat to support and oversee defence related activities<sup>15</sup>. In spite of the laudable innovations of MAD, it is disheartening that they were averse by the Francophone Member States, who later concluded a Defence Agreement among themselves that ran parallel to MAD. The *Accord de Non-Aggression et d’Assistance en Matière de Défense (ANAD)* with headquarters in Abidjan, Cote d’Ivoire

encouraged France’s military interventions in the affairs of its Africa’s ex-colonies. Apart from the dangers posed by ANAD, the institutional frameworks depicted in the 1981 Protocol were developed very late for several reasons. These reasons, according to Aning [1999: 78], were “first, latent distrust and doubts about Nigeria’s intentions for the sub-region; second, the sub-regional hegemony’s own domestic and international difficulties and third, there was the institutional and financial incapacity of the Executive Secretariat to perform beyond the narrow confines within which its formal structure defined its existence and duties until 1988”. Hence, when the Liberian crisis erupted in 1989, the ECOWAS Defence Protocol was mere instrument of declarative policy<sup>16</sup>. This definitely hampered ECOWAS intervention in the Liberian crisis at its embryonic stage.

The Liberian civil war<sup>17</sup> that erupted on 24 December 1989 by an armed insurrection led Mr. Charles Taylor against the government of Samuel Doe served as a major test for ECOWAS in conflict prevention and management. The origins of the war which can be located within the context of bad governance, exploitative economic policies, corruption, etc, represent the zenith of people’s disenchantment with Doe’s administration that became more repressive than the previous William Tolbert regime he toppled in April 1980<sup>18</sup>. Doe exhibited dictatorial tendencies that ultimately reduced the political space. He promulgated several decrees that curtailed fundamental freedoms, while ethnicisation of politics was in top gear. A major political suicide committed by Doe was the killing of Brigadier Thomas Quiwonkpa, the regime number two man who was accused of masterminding a failed coup<sup>19</sup>. Furthermore, President Doe embarked on an ‘endless’ transition to civil rule programme that was shifted thrice while political murders were highly institutionalised as a mode of silencing political



opponents [Ohanwe, 2000: 64-65]. As adumbrated, the rebellion of December 1989 was, *prima facie*, believed by the Liberian government to be a minor border skirmish soon developed into a full scale civil war with devastating effects. Taylor's National Patriotic Force of Liberia [NPFL] struck from the Nimba County on the Liberia/Cote d'Ivoire borders in the eastern part of the country. It was widely believed that these forces were assembled and trained in Libya and Burkina Faso before and later deployed to Cote d'Ivoire for onward invasion of Liberia<sup>20</sup>. With the rebels' advancement towards the capital, Monrovia, hostilities were skyrocketed with both government and rebel forces unleashing unprecedented assaults on the civilian population [both Liberian and West African nationals]. Embassies of foreign missions became objects of attack of Taylor's NPFL, while thousands of West African citizens were killed in the premises of their Embassies for supporting Doe. It was reported that "in the early stage of the war, in July 1990, Taylor attacked the Nigerian Embassy compound in Monrovia and harassed members of its diplomatic corps. A month later, Taylor revisited the Nigerian Embassy and massacred an estimated 700—1000 Nigerians inside the embassy!" [Ohanwe, 2000: 79]. These imperiled security situations and carnage with the accompanied humanitarian disasters gave a signal to the West African leaders of the coming anarchy that need to be arrested in the interest of peace and security. Let it be clearly understood that at this time Doe had completely lost out<sup>21</sup> and the rebels were in perfect control of more than 95% of the Liberian territory, including Buchanan, the country's second largest city. It was within this context that the 13th Summit of ECOWAS held between 28 and 30 May 1990 in Banjul, the Gambia under the Chairmanship of Blaise Campaore, President of Burkina Faso resolved to establish a Standing Mediation

Committee [SMC] to mediate the Liberian imbroglio. The SMC met and decided that urgent action was required to effect an immediate cease-fire, facilitate the evacuation of the large number of refugees, an estimation of which was over 1 000 000, restore some law and order to Liberia and facilitate the establishment of a truly democratic process. Consequently, the July meeting of the SMC Heads of State resolved that:

ECOWAS shall establish, under the Authority of the Chairman of the Authority of Heads of State and Government of ECOWAS and under the command of an ECOWAS member state, a Ceasefire Monitoring Group [ECOMOG] to be composed of military contingents drawn from the member states of the ECOWAS Standing Mediation Committee as well as from Guinea and Sierra Leone<sup>22</sup>.

The establishment of ECOMOG and its interjection into the Liberian crisis was dogged with controversies and subjected to criticisms especially among the Francophone Member States. First, it was contested that ECOWAS was established to promote economic integration of West Africa and not to perform security related functions. Second, the decision of the SMC to create and deploy ECOMOG is at variant with the provisions of the OAU and the UN Charters outlawing interference in internal affairs of Member States and the 1978 ECOWAS Protocol on Non-Aggression [Adisa, 1993: 168]. Furthermore, the critics of intervention also flawed the SMC's reference to the 1981 Defence Protocol in establishing ECOMOG on two grounds—that the 1981 Protocol had not been operational and even if the Protocol had been operational, it cannot be invoked in the Liberian situation because the civil war was regarded as purely an internal affair of Liberia. And that before such military intervention could be embark upon, Article 16 of the 1981 Protocol required 'a written request for assistance' from the 'legitimate' head of state of the country in problem to the ECOWAS Chairman



simultaneously copying other member states. Thus, Article 16 states that:

When an external armed threat or aggression is directed against a member state of the Community, the Head of State of the country shall send a written request for assistance to the current Chairman of the Authority of ECOWAS, with copies to other members. This request shall mean that the Authority is duly notified and that the AAFCA are placed under a state of emergency. The Authority shall decide in accordance with the emergence procedure as stipulated in Article 6 above.

It is doubtful whether Doe sent such a request<sup>23</sup>. These criticisms were completely debunked by the proponents of intervention. First, in the contemporary international system, economy, politics, and security operate in a symbiotic relationship; implying that they are inseparable. In reality, regional security is a *sin qua non* for regional economic integration. Economic cooperation/integration thrives within the context of political stability and peace and security, good governance and accountability. Dr. Abbas Bundu, the erstwhile ECOWAS Executive Secretary, contends that: “the two are inseparable and therefore have to be discussed *inter alia*. It is clear that regional solidarity and commitment to integration will be considerably enhanced where political stability becomes a common identity and is also perceived as a shared responsibility” [West Africa, 7 July, 1991: 1085]. Even long before the Liberian crisis, the Nigerian military president, General Ibrahim Babangida [1987: 12], had observed that: “The Community is not designed to serve economic purposes alone. We must explore ways and means of reinforcing the political will behind the functioning of ECOWAS”. Second, the argument that the deployment of ECOMOG contravenes the 1978 Non—Aggression Protocol and ‘non-interference’ provisions of the UN and the OAU Charters are unfounded for different mutually reinforcing reasons. First, the apologists of governments in different ECOWAS Member

States, and even beyond, justified ECOMOG interjection on military humanism. Military humanitarianism apparently finds justification in the position of Thomas G. Weiss and Kurt Campbell [1991: 452] that:

When a calamity strikes, either natural or man-made, politicians frequently turn to the military for help: armed forces can respond rapidly and massively to a wide range of crises; they have disciplined and well trained organisations; and they have access to crucial resources such as food, medicine and fuel. They also have transportation capabilities [land, sea, and air] communications equipment, building supplies, tools and temporary shelters

Supporting the above assertion, the former OAU Secretary General, Salim Ahmed Salim contends:

Before ECOWAS undertook its initiative many, including the African media, were condemning the indifference demonstrated by Africa. The most desirable thing would be to have an agreement of all parties to the conflict and the convergence of views of all member states of ECOWAS. But to argue that there is no legal basis is surprising. Should the countries in West Africa just leave Liberians to fight each other? Will that be more legitimate? Will that be more understandable? Salim continued: I will rather make a mistake trying to solve the problem than to remain indifferent in such a situation [Cited in Adisa, 1993: 168].

Furthermore, the words ‘internal affairs’ do not hold in the Liberian case, for, according to the regional proponents of ECOMOG, Taylor’s NPFL was supported by external actors which were to endanger the peace and security of the entire sub-region. Thus, the external supports to the NPFL even contradicts Article 3 of the 1978 Protocol which states that “each Member State shall undertake to prevent any foreigners resident in its territory from committing the acts referred to in Article 2 above against the sovereignty and territorial integrity of Member States” and Article 4 also demanded that “each Member State shall undertake to prevent non-resident foreigners from using its territory as a base for committing acts referred to in Article





2 above against the sovereignty and territorial integrity of Member States". All said, what is of striking importance is that proper procedures for invoking the applicability of the Non-Aggression and Defence Protocols were not followed. For instance, the 1981 Protocol demanded that 'the Authority shall appreciate and decide' whether a particular 'internal conflict' is actively supported from outside and possibly to upset sub-regional peace and security, and therefore qualifies for an armed intervention by ECOWAS<sup>24</sup>. In the Liberian case, however, there was no such concerted determination by the ECOWAS Authority [Kuffor, 1993: 533]. Supporting this thesis is the fact that many of the Community Member States<sup>25</sup>, at that time, asserted that appropriate decision-making channels were bypassed. Thus, the Liberian crisis exposed the lack of a functioning security framework of the Community. Supporting this position Adibe [1994: 162] argues that, "the [May 1990] Banjul Summit basically handed over the issue of the Liberian conflict to the SMC rather than institute the mechanism for collective security as provided for by the Defence Protocol". These problems were later to resurface in ECOWAS intervention in Sierra Leone. The Sierra Leone situation was even compounded by the Nigeria's domineering/flagship role.

With Charles Taylor's help, Corporal Fodah Sankoh's Revolutionary United Front [RUF] launched a military campaign against the All People's Congress Party [APC] led government in Sierra Leone in March 1991<sup>26</sup>. After six years of bloody civil conflict, it was apparent that the RUF couldn't gain power and during this period too, the country, unfortunately, experienced three military coups. First, the April 1992 coup saw the rise of a 28-year-old Captain Valentine Strasser to the presidency. With the assistance of the former British Army Gurkhas, the Gurkhas Security Group and the South African private security force, the Executive

Outcome [EO], Captain Strasser was unable to, either win the war outrightly or halt rebel advancement. This development saw his exit from power as a result of a coup d'etat led by his Chief of Defence Staff, Brigadier-General Julius Maadia Bio and eventually became the new strongman of this West African State in January 1996. As scheduled, elections were held in February 1996 and General Bio stood down after Ahmad Tejan Kabbah was elected to the presidency. Sadly, the advent of democracy and Kabbah's ascendancy to the presidency did absolutely nothing to change the conflict dynamics in Sierra Leone. This is because, though Kabbah may have had democratic legitimacy, he had little power. His position was further weakened after the EO withdrew in January 1997 in line with the terms of the November 1996 Abidjan Peace Accord. On 25 May 1997, the Armed Forces Revolutionary Council [AFRC] overthrew Kabbah, while an alliance was formed between the AFRC, led by Major Johnny Paul Koromah, and the RUF.

With this development, the stage was set for Nigeria's 'interference' in the Sierra Leone's 'internal affairs'. Abuja intervened to support and reinstate Kabbah's government. Nigeria's intervention raised eye brow in West Africa and was questionable. Though, Abuja based its action on the bilateral defence pact that links it with Freetown which called on Nigeria to provide training to Sierra Leone's Armed Forces. In line with the provisions of the defence agreement, it is reported that close to 1000 Nigerian troops were already present in Sierra Leone. This comprised a military training team and a battalion attached to ECOMOG operation in Liberia transiting through Sierra Leone's Lungi Airport. As said earlier, Nigeria's intervention raised many questions. While Abuja claimed that the defence pact with Sierra Leone authorised the intervention, it was widely believed that no agreement 'explicitly' granted those



already stationed Nigerian troops in Freetown to respond militarily in support of President Kabbah. At another level, it is argued that the deposed president requested for Nigeria's military assistance in the wake of the coup, but the legality of such request is suspect. Nigeria then tried to characterise its intervention as an ECOMOG initiative. However, ECOWAS had not authorised the military actions. It is important to note that official ECOWAS authorisation did not come until after three months after Abuja had intervened. Thus:

When seeking to designate its intervention as 'ECOMOG' action, Nigeria took advantage of the fact that ECOWAS still lacked a formal security framework. No institutionalised mechanism had been established during the course of the Liberian conflict. Thus, in response to the crisis in Sierra Leone, Nigeria simply pushed another *ad hoc* approach. Whereas in Liberia, Nigeria sought some form of ECOWAS authorisation prior to intervening, in Sierra Leone, Nigeria responded militarily first and sought ECOWAS approval only after it had intervened [Berman and Katie, 2000: 114].

One important lesson from the volatile security situation of the late 1980s and early 1990s in West Africa is the realisation by the West African leaders that economic integration can only be achieved in a secure environment and that the surest/easiest way to such environment is the deepening democratic culture and good governance. In line with this, in July 1991, the Authority adopted a Declaration of Political Principles and reaffirmed their commitment and adherence to these principles which include:

1. Full enjoyment, by all peoples in West Africa, of their fundamental human rights, especially their political, economic, social, cultural and other rights that are inherent in the dignity of the human person and essential to free and progressive development.
2. Belief in the liberty of the individual and in his inalienable rights to participate, by means of free and democratic processes, in the orga-

nisation and administration of his/her society. In this vein, *all the Heads of State and Government in the sub-region committed themselves to the encouragement and promotion of political pluralism, and the representative institutions and guarantees of personal safety and freedom under the law that are the common heritage of the peoples of West Africa* [Cited in Ahmed, 2003: 60. Italics added].

These political principles formed an integral part of the Revised ECOWAS Treaty that was adopted in 1993. In the 1993 Revised Treaty, the Authority collectively expressed and reaffirmed their commitment as well as adherence to the rules and principles of ECOWAS. These include:

1. The protection and promotion of human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights;
2. Accountability, economic and social justice and popular participation in development;
3. The promotion of a peaceful environment by all citizens;
4. The promotion and consolidation of a democratic system.

### **The ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.**

One crucial aspect of the 1993 Revised ECOWAS Treaty is Article 58 dealing with regional security. Article 58.2 provides that ECOWAS Member States "shall undertake to cooperate with the Community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of intra- and inter state conflicts". Despite the fact that the Article made provision for the need to "establish a regional peace and security observation system



and peacekeeping forces where appropriate<sup>27</sup>, it failed to expand upon the structure of the envisioned peace and security mechanism. The new security framework did not see the light of the day until after a very tough decision taken by the Authority in December 1997. At the Fourth Extraordinary Summit of the ECOWAS Authority held on 17 December 1997 in the Togolese capital, Lome, the ECOWAS Heads of State and Government unanimously agreed to implement the Regional Security provisions of the 1993 Revised Treaty, existing Protocols, and agreed, in principle, to establish a Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. It is hoped that such a Mechanism would aid tremendously in circumventing many of the shortcomings that marred previous ECOMOG operations, to reinforce sub-regional peace and security, and above all, will forge unity/harmony among Member States. This ECOWAS Security Mechanism was finally adopted on 10 December 1999 in Lome. The Protocol establishes the following institutions/structures for its implementation: the Mediation and Security Council; the Defence and Security Commission; the Council of Elders; the ECOMOG; the Executive Secretariat; the ECOWAS Parliament; the ECOWAS Court of Justice; and the Economic and Social Council. It also established the Sub-regional Security Observation and Monitoring system.

The Mediation and Security Council, comprising nine Member States, elected for a two-year mandate, is the principal decision-making organ. The current and immediate past ECOWAS Chair are automatic members of the Council. The Council, whose decisions will require a two-third majority, is charged with the responsibility of taking decisions on all matters relating to sub-regional peace and security. Its responsibilities include: [1] authorising political as well as military in-

terventions; [2] determining mandates and terms of reference for such interventions; [3] reviewing such mandates and terms of reference periodically; [4] appointing actors such as the Special Representatives of the Executive Secretary and the Force Commander, upon the Executive Secretary's recommendation; and [5] informing the UN and the OAU of its decisions<sup>28</sup>. Regarding military intervention, the Mechanism empowers ECOWAS to undertake peacekeeping operations in internal conflict where the situation: threatens to trigger a humanitarian disaster; poses a serious threat to peace and security in the sub-region; erupts following the overthrow or attempted overthrow of a democratically elected government<sup>29</sup>. The Council operates at three levels: [1] the Committee of Ambassadors of the nine Member States accredited to Nigeria and ECOWAS which meet monthly, but more frequently if the need arises. The reports of the Committee on regional peace and security matters will be forwarded to all Council members as well as to any affected State; [2] the Committee of Foreign Affairs, Defence, Internal Affairs and Security. The Committee meets quarterly to deliberate on general political and security situations in the ECOWAS sub-region. The report of the Committee is subject to the approval of [3] the Meeting of the Heads of State and Government of the ECOWAS Mediation and Security Council. The Heads of State meet at least twice a year and decide on any measure to be taken<sup>30</sup>.

The Mediation and Security Council might solicit the expert opinion of Defence and Security Commission. Membership of the Commission shall be dictated by the issues for discussion. Therefore, ECOWAS Member States may be represented by their Chiefs of Staff, Security Chiefs, Experts from the Ministry of Foreign Affairs, Heads of Immigration, Customs, Narcotics, or Border Patrols. The Commission ser-



ves as a technical advisory body to the Mediation and Security Council on the requirements of the administration and logistics support for peacekeeping operations. Thus, it examines the technical aspects of defence matters<sup>31</sup>. The Mechanism also proposed to develop a strategy that would necessarily be based on African traditional methods of settling disputes. The method tasks the elders of the land, who serve as conflict mediators, peacemakers, conflict adjudicators in African communities, with the responsibility of settling disputes. In this spirit, an *ad hoc* Council of Elders was established for the sub-region. This is based on the conviction that Africans should build on their indigenous values and practices to see themselves as their brother's keepers and intervene or mediate in conflicts without impediments to sovereignty [Aderinwale et al, 2000: 5-6]. The Council of Elders will be made up of eminent personalities with excellent credentials from the sub-region, Africa, and beyond. The Council is expected to exploit their vast experience, competence, and goodwill on ECOWAS' behalf to play the role of mediator, conciliator and arbiter. The ECOWAS Executive Secretary is charged with the responsibility of choosing the Council members in close consultation with the current ECOWAS Chair<sup>32</sup>.

The Mechanism envisaged enhanced functions for the Executive Secretary in matters relating to conflict prevention and management. The Executive Secretary will be responsible for the following tasks: administrative, operational, and political aspects of ECOWAS field activities; recommendation of individuals to serve as Special Representatives, Force Commanders, and as Eminent Persons on the Council of Elders; deployment of fact-finding and mediation missions on his/her own initiative; organise and participate in meetings of the ECOWAS Mediation and Security Council; and finally, submission of reports to the

Mediation and Security Council and to the ECOWAS Member States on the activities of the Mechanism<sup>33</sup>.

For proper management and overseeing of ECOWAS field missions, the Mechanism proposed for the establishment of a new branch--the Office of the Deputy Executive Secretary for Political Affairs, Defence, and Security--within the ECOWAS Secretariat<sup>34</sup> consisting of three Departments, viz, Department of Operations, Peacekeeping and Humanitarian Affairs [DOPHA]; Department of Political Affairs and Security [DPAS]; and an Observation and Monitoring Centre [OMC]. The DOPHA will be responsible for the formulation and implementation of policies in all the Community military, peacekeeping, and humanitarian operations, spotlighting on such issues as planning, administering, and monitoring operations, in addition to training. The DPAS is to deal with political-related activities concerning conflict prevention, management, and resolution; formulation and implementation of policies on issues as diverse as cross-border crimes, light weapons flows, drug controls, and peace restoration measures<sup>35</sup>.

Proposals were advanced *a propos de* the establishment of an Observation and Monitoring System. Expectedly, the Observation System would consist in the establishment of a regional network within which Member States would be grouped into zones. A Regional Observation and Monitoring Centre [OMC] should be established within the ECOWAS Executive Secretariat to give early warning of impending crisis. Zonal bureaux are to collect and transmit all information having a bearing on the Community peace and security to the OMC. The OMC is tasked to record and analyse all such data and take action on any signs of a breakdown in relations between Member States or of alarming socio-political developments within Member States. Four [4] zonal



observation centres with headquarters in Banjul [the Gambia]; Cotonou [Benin]; Monrovia [Liberia]; and Ouagadougou [Burkina Faso] will be created so as to quickly draw the necessary political implications and taking appropriate measures<sup>36</sup>.

To overcome many of the shortcomings and structural/operational failures of the previous military interventions, the new Mechanism sets up a permanent Force for the sub-region and laid down procedures to be followed when the decision is taken to intervene. The Mechanism overhauls ECOMOG in terms of its composition, chain of command, duties and roles, and funding for administrative and logistic supports. To redeem its image regarding some noticeable shortcomings of its previous military operations, and to effectively abet its peacekeeping operations with humanitarian action, it is recommended that, in conflict situations or natural disasters, ECOWAS should ensure a towering profile vis-à-vis bringing succor to the affected population and quicken the return of normalcy. Many important recommendations were made in respect of this and peace-building.

To ensure a secured environment for West Africa, the ECOWAS Mechanism provides for a number of recommendations for combating illicit small arms trafficking and proliferation. It is believed that the quantity of arms outside the control of governments in West Africa is estimated at ten million. Such arms fuel conflicts and encourage incidence of cross-border crimes in West Africa. The ECOWAS Executive Secretariat has sought to combat weapons proliferation more effectively by preparing a draft declaration of a Moratorium on light weapons based on the Moratorium presented by Mali on the importation, exportation and manufacture of light weapons. The four zonal observation bureaux are to perform the following roles in relations to the Moratorium, viz,

[1] Monitoring/observation of Moratorium compliance, [2] Facilitation of technical assistance to individual Member States for Moratorium-related activities, [3] Facilitation of Moratorium related activities, [4] Serving as focal points for transmitting arms registration information to ECOWAS database, [5] Serving as focal points for publicity, and finally [6] Facilitation of Member States' dialogue with suppliers [see Obasi, 2002]. The Heads of State and Government of the Community adopted the draft declaration on 31 October 1998.

## **ECOWAS, SMALL ARMS AND LIGHT WEAPONS PROLIFERATION AND THE WEST AFRICAN CIVIL CONFLICTS**

This belief in disarmament does not proceed from idealism, or from naiveté. The best strategy for prevention of armed conflict is to eliminate the means of violence [Alpha Omar Konare, cited in Raymond, 1998].

### **1. The Genesis**

One important factor fuelling political instability and insecurity in West Africa is the uncontrolled proliferation of SALW which constitutes one of the greatest humanitarian challenges of our time<sup>37</sup>. It is estimated that over ten million of these weapons of destruction are proliferating in the West African sub-region. The availability and easy procurement of SALW by non-State actors, especially war mongers and human rights abusers are, to a large extent, responsible for a great number of civilian casualties in the West African civil conflicts, and nay Africa at large [Koroma, 1999]. The illicit trafficking in arms is of great concerns not only in West Africa, but Africa as a whole. This is evidenced in the fact that in most societies, especially in the Mano River Union countries, SALW is as cheap as second hand clothes. The



sources of SALW proliferation are multifaceted. First, the glut of arms provided by the two opposing superpowers in their competitive pursuit of local advantages in Africa during the Cold War is remarkable. Although, Africa was not directly affected by the Cold War, but a great number of weapons were pumped into the continent by the superpowers to fan proxy inter-state conflicts.

The post-1989 international system left Africa [West Africa in particular] with a problem of surplus weapons in the clear absence of an enemy. The leftover arms have found their way via underground networks involving rouge arms merchants, security entrepreneurs, ethnic militia groups, private military companies, mercenaries, and local smugglers to increase the tempo of on-going wars and facilitate the commencement of new ones in Africa. The recycling of arms accounted for the greatest percentage of arms proliferation in West Africa. Second, until very recently nearly all countries were under one form of authoritarian regime or the other. Bad governance, coupled with the underdevelopment nature of the West African economies with high degree of poverty and all the negative features associated with the LDCs, form the basis of SALW proliferation. Apparently, this is discouraging considering the fact that West Africa is blessed with stupendous human and material resources. For instance, despite its stupendous mineral resource endowments [diamond, rutile, etc], Sierra Leone for sometime now is the poorest country in the whole world, while the sub-regional economic giant, Nigeria, is also among the poor countries of the world. This situation is not favoured by the scramble for sub-regional natural resources 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]. The downsizing of the West African

countries has made the sub-region to loose its destiny to the external forces of capitalism. This is because of the acceptance of the neo-liberal, anti-statist, anti-developmental Structural Adjustment Programmes [SAPs] of the World Bank [WB] and the International Monetary Fund [IMF] to revamp their economies became counterproductive as the implementation of the Bretton Wood's imposed conditionalities further increased the pre-SAPs social crisis by frustrating the masses and wiping out the middle class. The cut-backs in the social services and the withdrawal of states from the provision of most of the basic functions, and the rise of unemployment compelled citizens to cater for themselves. This has increased crime rates in the sub-region. Hence, the increase in arms proliferation.

Other factors at play that warrant arms proliferation include, but not limited to: increase in the activities of, and demand for weapons by the various ethnic militias most especially in Nigeria; the existence of countries that are arms manufacturers in Africa—South Africa, Nigeria, Egypt, Zimbabwe and Morocco among others; breakdown of state structures, poor service conditions for security personnel, etc. Thus, West Africa is finding it difficult in providing or even guaranteeing public safety as a result of weapons proliferation. The overall implications of SALW proliferation, especially, in the sub-region are:

Some 2 million West Africans are reported to have died in conflicts involving SALW since 1990. 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 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. 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 [Ebo and Mazal, 2003: 12]

The proliferation of SALW and their easy transfer from one war theatre to other conflict scene, and by extension to a 'relatively' peaceful country becomes worrisome to the West African leaders thereby prompting them, especially President Alpha Omar Konare of Mali, to initiate and eventually adopt the West African Moratorium<sup>38</sup>. As stated earlier, the West African Moratorium was signed on 31 October 1998 in Abuja, Nigeria for an initial period of three years. It was extended for an additional period of three years on 5 July 2001, and is applicable till 31 October 2004.

## 2. The ECOWAS Moratorium on the Importation, Exportation and Manufacture of SALW

The ECOWAS Moratorium represents a fundamental step and comprehensive strategy towards addressing SALW proliferation in West Africa. The Moratorium is a novel initiative in two respects. First, it is a regional 'confidence-building' agreement that originated at the recipient end where the problems posed by uncontrolled flows of arms are felt. Second, the supplier states, especially the Wassenaar Arrangement<sup>39</sup>, were drawn into, and asked to respect the Moratorium's provisions and to support in its implementation. Thus, the West African Moratorium represents the first ever to be tried by the recipients of arms. Previous attempts at controlling the proliferation of such weapons from the supplier states were highly ineffective.

Three key objectives are central to the Moratorium regime. First, it aims at preventing conflicts. The second is post-conflict reconstructions. The logic behind these objectives is that in post-conflict reconstruction, a major task is to avoid the process sliding back into armed conflict. Another goal is to stem the increa-

ing wave of crime and banditry in the sub-region. This is premised on the strong conviction that the availability and easy access to SALW may invite violent solutions to problems and, consequently, acquisition of SALW for self-defence since there may be no effective police to rely upon. The increase in socio-economic development in general and donor supported development projects in particular constitute the third objective of the West African Moratorium. This is because the basic condition for development in any state is that adequate level of security is maintained by the government of that country. This is, absolutely, the rationale behind the 'security first' approach. This approach, shorthand for an integrated and proportional to security and development, is based on the idea that "without security, conditions will not exist for development projects to be conducted. Part of the development aid may, therefore, best be invested in a more effective law and order mechanism, i.e. in security sector reform under appropriate international monitoring. It is only when functional substitutes are offered for the role that weapons now play that incentive schemes to collect arms can work well" [Lodgaard, 1999]. Furthermore, it is argued that it is only when arms have been brought under control and the security environment has become stable that development programmes can be conducted. And it is only when there is a 'sense of security' for the long term that foreign investments may become substantial. Thus, the imperative of the 'security first' approach which forms the basis and inspires the ECOWAS Moratorium [Lodgaard, 1999; also see Badmus, 2005: 87-91] [See Box 1 for background information].



### **Box 1: Chronology of Events Relating to the ECOWAS Moratorium**

The Moratorium announced at the ECOWAS meeting of Heads of State in Abuja, Nigeria, 30-31 October 1998 originated from a succession of events and initiatives which began in 1993.

Acting upon an initial request from the President of Mali, the Secretary-General of the United Nations established an advisory mission on the control and collection of small arms in the Sahara-Sahel region. The mission visited Mali (1994) as well as Burkina Faso, Chad, Cote d'Ivoire, Mauritania, Niger and Senegal (1995).

A major lesson from these missions was that curbing the dissemination of small arms within each country and throughout the region was an essential factor in establishing the minimal security prerequisites for future development projects to be undertaken effectively.

Hence, an integrated and proportional approach to security and development ("security first") was elaborated and, in principle, endorsed at a high-level consultation of the UN/UNDP and donor countries held in New York on 21 October 1996.

In this spirit, a UNIDIR/UNDP conference on conflict prevention, disarmament and development in West Africa was convened in Bamako on 25-29 November 1996. Delegations from 12 West African countries sought common ground on options for future regional cooperation. The Moratorium proposal drew particular interest throughout the conference. Delegates undertook to convey the suggestion to their respective governments for further consideration.

As participants in the Bamako Conference, both ECOWAS and ANAD took an active part in the discussions on the Moratorium idea. Subsequently, the secretariat of the OAU was briefed on the proposal.

In February 1997, "Friends of the Chair" of the Wassenaar Arrangement--an export control forum based in Vienna--were likewise informed of the Moratorium proposal, and of the West African wish to conduct a dialogue on the matter.

Another consultation of West African countries held in Bamako in March 1997, was attended by a representative of the Chairman in Office of the Wassenaar Arrangement in an observer capacity. This meeting agreed that the Moratorium might be of a three-year duration.

In a public statement of 10 December 1997, the Wassenaar Arrangement "welcomed and encouraged the initiative of the West African countries in establishing a Moratorium on import, export and manufacture of light weapons."

In its communiqué of 12 March 1998, the ECOWAS meeting of Foreign Ministers held in Abidjan instructed the ECOWAS secretariat to prepare a draft text for the declaration of the Moratorium proposal with a view to its adoption and announcement at the upcoming summit of ECOWAS.

At the twenty-first ordinary session of the Authority of Heads of State and Government of ECOWAS, meeting in Abuja, Nigeria on 30-31 October 1998, all 16 Heads of State of ECOWAS "solemnly declare(d) 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 (3) years."

In a public statement of 3 December 1998, the Participating States of the Wassenaar Arrangement confirmed that they "will undertake an appropriate collaborative role with ECOWAS member states to respect the provisions of the moratorium and will be open to providing advi-





sory and/or technical assistance in the implementation of the Moratorium.”

At the ECOWAS Foreign Ministers meeting in Bamako, Mali, 24-25 March 1999, a plan of action was agreed for measures to be undertaken within the framework of the Moratorium, to create a secure environment for development. Four areas were singled out for immediate financial assistance.

The Moratorium is a framework within which a number of measures must be taken in order to achieve the objectives of secure peace and development. Sometimes referred to as associated measures, these measures are vitally important for the success of the entire undertaking, and technical and financial assistance is needed to enhance confidence in the framework as well as to implement these measures in the course of the three-year “period of grace,” i.e. while the Moratorium is in force.

From a list of nine priority items, the Foreign Ministers encouraged immediate financial support for the Program for Co-ordination and Assistance for Security and Development (PCASED) in the following four areas:

1. measures to enhance confidence in the moratorium, such as improving controls at harbors, airports and border crossings. To this end, donor country assistance is sought for the installation and effective operation of such control mechanisms;
2. security sector reform, including initiating and strengthening regional training programs for the uniformed services;
3. incentive schemes to collect and destroy weapons in uncontrolled circulation or unauthorised possession; and
4. cooperation with civil society organisations.

The Foreign Ministers decided to notify the UN Security Council and the Wassenaar Arrangement of the entry into force of the Moratorium, and of the list of the categories of light weapons covered by it. Notice has already been made of the Moratorium in Security Council Resolution 1209 of 19 November 1998, which commends the ECOWAS members for their subregional initiative in combating illicit arms flows.

The Foreign Ministers furthermore supported the convening of the high-level consultation that has been initiated by the Norwegian Initiative on Small Arms Transfers (NISAT) to promote international support for the Program for Coordination and Assistance for Security and Development (PCASED), which was established under UNDP auspices to facilitate the implementation of the Moratorium and its associated measures. PCASED was officially launched in Bamako on 25 March on the occasion of the Foreign Ministers meeting. The high-level consultation was convened at the Henri Dunant Center in Geneva on 5 May.

Source: Adapted from Sverre Lodgaard, 1999.



The ECOWAS Moratorium regime is comprised of three instruments, viz;

1. The Moratorium Declaration [Appendix I]
2. The Plan of Action for the Implementation of PCASED—a UNDP regional project that support ECOWAS Member States in the implementation of the Moratorium [Appendix II].
3. The Code of Conduct for the Implementation of the Moratorium. Adopted on 10 December 1999, this instrument sets out the details of the Moratorium, its dos and don'ts [Appendix III]. The key components of the Code of Conduct include:
  - The establishment of National Commissions [NatComs] in each Member State [Article 4].
  - The establishment of structures within the ECOWAS Secretariat to assist Member States' implementation of the Moratorium and to monitor compliance [Article 5].
  - Reports preparation by member states 'on the ordering or procurement of weapons, components, and ammunitions covered by the Moratorium' purposely to increase transparency [Article 6].
  - The establishment of a database and regional arms register [Article 6].
  - Review and harmonisation of national legislation and administrative procedures [Article 7]
  - Training programmes for military security and police forces [Article 7].
  - The declaration of weapons and ammunition used for peacekeeping operations [Article 8].

### 3. Other African and Global Control Initiatives.

Aside from the West African pioneering initiative, ECOWAS Member States have been involved in other initiatives at the continental and global levels. In this respect, three efforts in the search for viable solutions to the scourge of SALW proliferation merit scholarly attention, viz; the OAU/AU's Bamako Declaration,

the UN Protocol Against the Illicit Manufacture of, and Trafficking in Firearms, Their Parts and Components and Ammunition [The UN Firearms Protocol], and the UN Programme of Action [UNPoA].

#### [A]. *The OAU/AU's Bamako Declaration*

This Declaration was developed out of the need for a common African approach against SALW proliferation at the July 2001 UN Small Arms Conference in New York. The OAU/AU Ministerial conference held between 30 November and 1 December 2000 in Bamako, Mali recommended a number of actions to be undertaken both at the national and sub-regional levels. First, at the national level, it recommended the following: creation of national coordination agencies for small arms; destruction of surplus and confiscated weapons; development and implementation of public awareness programmes; enhancement of the capacity of national enforcement and security agencies and officials, including training and upgrading of equipment and resources; and conclusion of bilateral arrangements for small arms control in common frontier zones. Second, the Bamako Declaration sought to accomplish the codification, harmonisation and standardisation of national norms and the enhancement of sub-regional and continental cooperation among police, customs, and border control services at the sub-regional level [Appendix IV].

Additionally, the creation of the AU Peace and Security Council on 9 July 2002 also gave fillip to the fight against SALW proliferation in Africa. The Protocol Relating to the Establishment of the Peace and Security Council of the AU reiterates the growing concern about the negative impacts of illicit proliferation of SALW on the continent's socio-economic development as well as on its peace and security. The Protocol stresses the need for, and imperative of, a



perfect and coordinated structure to cooperate to tackle the problem of weapons proliferation.

[B]. *The United Nations Firearms Protocol.*

The 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 [UN Firearms Protocol] is a legally binding treaty. The Protocol obligates States 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.

Despite the laudable goals of the Protocol, it is loaded with a number of difficulties. The Protocol is "limited both in scope and content. This is because 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 in the areas in covers" [Small Arms Survey, 2002: 238]. Available data show that as of January 2003, only 6 ECOWAS Member States had signed the UN Firearms Protocol [See Table 1 below].

[C]. *The United Nations Programme of Action [UNPoA]*

Following background investigations into the impacts of small arms on civilian population worldwide, the UN convened a Conference on the Illicit Trade of Small arms and Light Wea-

pons in All Its Aspects in July 2001. The Conference aimed at reaching decisions on steps States should take to combat small arms proliferation. NGOs, under the umbrella of International Action Network on Small Arms [IANSA], in close collaboration with other groups were instrumental to the success of the UN Conference. NGOs presented evidences on the problems encountered in separating legal and illegal transfers, and calling for tough controls on both State and non-State weapons sellers. The conference resulted in the adoption of a Programme of Action to Prevent, Combat, and the Eradicate Illicit Trade in SALW in all Its Aspects [UNPoA]. The UNPoA committed governments to:

- Make illicit gun production/possession a criminal offence.
- Establish a national coordination agency on small arms
- Identify and destroy stocks of surplus weapons
- Keep track of officially held guns
- Issue end-user certificates for exports/transit
- Notify original supplier nation of re-export
- Disarmament, Demobilisation and Re-in-

Table 1: ECOWAS Signatories to the UN Firearms Protocol as of 23 January 2003.

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	

Source: UN Office on Drugs and Crime, 2003



tegration [DDR] of ex-combatants, including collection and destruction

- Support regional agreements and encourage moratoria
- Mark guns at point of manufacture
- Maintain records of gun manufacture
- Engage in more information exchange
- Ensure better enforcement of arms embargoes
- Include civil society organisations in efforts to prevent small arms proliferation.

While the UNPoA gave leeway for countries to explore ways to combat the problem of arms proliferation, it is discouraging that there is a wide gap between declaration of intention which, oftentimes, lead to the signing, ratification of international legal instruments on the one hand, and implementation of the stipulations and requirements of these legal instruments on the other.

Laudable as the rationales behind the adoption of the UNPoA are, they are fraught with operational and technical difficulties. First, it is frightening that the UN document is not well known outside the official circles. The knowledge of the UNPoA is well limited to civil servants and scholars working on these issues. Second, considering the prevailing adverse socio-economic situations of the entire sub-region, the West African States are financially and technically weak. The State institutions tasked to implement the UNPoA are not only under-funded but equally understaffed. The UN agencies in Africa as a whole are technically ill-equipped to implement the UN document. This is the more reason why the Africa-based NGOs need to be more commended and encourage in their resolution to publicise and raise awareness about the 2001 and 2003 conferences.

One fundamental area that needs to be discussed is that, it is apparent that the three instruments [i.e. the Bamako Declaration,

the UNPoA, and the UN Firearms Protocol] are, in premise and provisions, virtually the same. This is because they all call for the establishment of the national coordination agencies, weapons destruction, as well as sensitization programmes for the public. For example, Article 4 of the Code of Conduct for the Implementation of the ECOWAS Moratorium and Section II paragraph 4 of the UNPoA made reference to the establishment of the NatComs and National Coordinating agency respectively purposely to combat arms proliferation. In essence, the reality in West Africa is that most of the NatComs also serve as the National Points of Contact. Due to the under-developed nature of the West Africa's economies, States are financially and technically incapacitated to maintain two different bodies to coordinate SALW issues within and between States. Nevertheless, this strategy actually paid off since it assured effective coordinated efforts towards sustainable strategies and programmes to combat illicit trafficking and use of SALW.

#### **4. The ECOWAS Moratorium and Institutional Arrangements.**

A number of institutional arrangements have been established for the purpose of implementing the ECOWAS Moratorium. PCASED was established by the UNDP in March 1999 and its termination in 2004 led to the establishment of the institutional mechanism known as the ECOWAS Small Arms Control Programme [ECOSAP] that aims at playing pivotal roles concerning SALW control in West Africa. A Small Arms Unit [SAU] has also been created within the ECOWAS headquarters in Abuja, Nigeria.

[A]. *Programme for Coordination and Assistance for Security and Development [PCASED]*

PCASED, aimed at supporting the West African



States in the implementation of the Moratorium, was established to complement the Regional Centre for Peace and Disarmament in Africa [UNREC] set up by the United Nations Department for Disarmament Affairs [UNDDA] in 1986. PCASED was a multidisciplinary structure in terms of the programmes it is to implement. As a result, for general management and technical supports, it was aided by a number of departments and agencies within the UN system such as the Department for Political Affairs [UNDPA], the UNDP itself, the UN Office for Project Services [UNOPS], the UNDDA, Office for the Coordination of Humanitarian Affairs [OCHA], Department of Peacekeeping Operations [UNDPKO], and the UN Department of Economic and Social Affairs [UNDESA]. The inputs from these departments to the PCASED were articulated by the UNREC

It should be emphasised that during its five-year term [1999-2004], PCASED was, despite the problems it encountered, very instrumental in the implementation of the West African Moratorium. While the primary responsibility for its [Moratorium] operation rests with the NatComs in each Member State of ECOWAS, PCASED assisted and facilitated this responsibility [Appendix II]. It was assigned a plan of action based on nine priority areas of activities adopted by the ECOWAS Ministers of Foreign Affairs. For all intents and purposes, going by the financial, technical and other resources at its disposal, it was not feasible to accomplish some of these objectives in the nearest future. Thus, the priority areas were reviewed. The Tripartite Review of April 2001 put down seven new areas of focus for PCASED:

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

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

In spite of the criticisms levied against PCASED, which Ebo and Mazal [2003: 23] described as “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 to ECOWAS]. Therefore, the suggestion of converting PCASED to an ECOWAS programme has received a lukewarm reception”. ECOWAS gave credit to PCASED in its implementation of the Moratorium. ECOWAS report on the evaluation of the roles of PCASED adopted by the ECOWAS Authority in January 2003 commended PCASED especially concerning the NatComs, training of military and security personnel, enhancement of weapons controls at border posts [in particular Benin, Niger, Nigeria and Mali], and the enhanced coordination between PCASED and the ECOWAS Secretariat. Additionally, the report also gave credit to PCASED in the areas of arms collection and destruction programmes, harmonisation of legislations and regional arms register and database.

In spite of the positive assessment of PCASED, as it is common with most institutions, especially those in Africa, PCASED was inundated with a lot of difficulties of which budgetary and financial limitations and technical difficulties plagued its activities. Apart from these, coordination and collaboration with other UN agencies, UNREC in particular, was challenge of PCASED.



[B]. *The United Nations Regional Centre for Peace and Disarmament in Africa [UNREC]*. In accordance with the UN General Assembly Resolution 40/1519 of 16 December 1985, UNREC was established in 1986 with office located in the Togolese capital, Lome. Functions within the framework of the UNDDA, UNREC is charged with the overall responsibility of assisting African countries in their efforts towards the implementation of measures of peace, arms limitation and disarmament in close cooperation with the OAU/AU. As already noted, PCASED was originally controlled by UNREC. The growth, both in size and operations, of PCASED coupled with the logistic problems conditioned by the locations of both offices [PCASED in Mali and UNREC in Lome], the organisation structure became virtually irrelevant as it resulted in a very serious of operational problems. These difficulties and complications eventually resulted in the split of the two offices with the appointment of an independent Director for PCASED in 2001. In spite of the good ideas behind its establishment, the inability of the African states especially the Togolese government in translating into concrete reality the political will that they demonstrated with regard to the 1986 Agreement establishing UNREC has been its major quagmire affecting its efficiency in its disarmament and arms control work. Despite these difficulties, UNREC has been able to record some successes in its activities since 2001. The successes, according to the Report on UNREC's activities in the implementation of the UNPoA on small arms, as related to the West African sub-region include:

- Provision of substantive and technical support for 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 sup-

port to the Government of Togo for the elaboration of a national strategy of implementation of the UNPoA 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 [Appendix V].

## 5. The Imperatives of Civil Society Organisations in Combating SALW Proliferation.

As already noted, civil society organisations [CSOs] have been very instrumental in the fight against SALW proliferation in West Africa, especially through awareness raising of the control instruments among the public. This is not to say that CSOs are 100% peace promoters. Apparently, wars do not emerge in a vacuum. Instead, they are the end products of social structure and character of society of which the civil society is an integral part. This implies that civil society can equally be part of the problem of conflict generation or escalation. This is evidenced in Rwanda. It is believed that the genocide in the country in 1994 could not have been possible or taken such horrific magnitude without the support of civil society groups. The ideology of extreme dislike was not only propagated by the Rwandese state, but was also got the blessing of some civil society groups including, of course, some segments of the press.

Within the context of the conflict management and fight against SALW proliferation in



West Africa, CSOs have really proved their worth through their regular consultations and seminars that have positive impacts on curbing SALW proliferation. They have equally influenced regional policy making on SALW control through the provision of valuable inputs, etc. These efforts reached their zenith with the creation of the West African Action Network on Small Arms [WAANSA] in May 2002 and the evolution of the Dakar Process. Despite the progress made by CSOs, it is contended that “there remains a strong need for more civil society structures, in particular NatComs. CSOs need to be recognised by the West African governments as substantial actors in the fight against SALW and it must be ensured that these organisations are empowered to fulfill their roles” [Ebo and Mazal, 2003:27]. To really fathom the potency of CSOs in this endeavour, this study engages in more a detailed discussion of WAANSA.

#### [A]. **The West African Action Network on Small Arms [WAANSA]**

Hosted by the Accra based NGO, the Foundation for Security and Development in Africa [FODSA] and convened by the Centre for Democratic Empowerment [CEDE], 27 organisations from 10 West African States met between 20 and 21 May 2002 in Accra Ghana to launch WAANSA. It [WAANSA] was established with the objective of serving as an umbrella organisation for civil society advocacy and action against the scourge issuing from illicit trafficking and proliferation of SALW in the West African sub-region. This is to facilitate civil society activities in the campaign against the proliferation of SALW in West Africa. [See Box 2 for details into the rationale for its formation].

#### **Box 2: Extracts from the Final Communiqué of the WAANSA Foundation Conference**

We, 54 representatives of West African National and Sub-regional Civil Society Organisations from 10 countries and observers from international Organisations 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, Nian-gua on 20th and 21st May, 2002;

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

Recognising that the illicit trade in and easy access to and availability of SALW continue to exacerbate the conflicts and insecurity in the region;

Aware of the relationship between illicit SALW 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 SALW within the sub-region is the major regional initiative for dealing with the scourge of SALW;

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 SALW;

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

Hereby decide to:

Transform the organising 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 organisations in every country of 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;.....

Consequently, the organisation has received the support of the West African governments, while it has been described as the best-placed vehicle for a coordinated sub-regional civil society action against SALW proliferation. WAANSA is also maintaining good working relationship with IANSA. Both PCASED and WAANSA signed a Memorandum of Understanding [MoU] with the overall aim of cooperation in the following areas: 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. As common with most African NGOs, WAANSA's activities are hindered by financial and other constraints.

**[B]. Civil Society Consultation on the Review of the ECOWAS Moratorium**

**and the Evolution of a Draft Supplementary Protocol [The Dakar Process]**

With funding from Comic Relief [London], the Ford Foundation, and the UNDP/PCASED; the Centre for Democracy and Development [CDD]/ WAANSA organised 'Civil Society Consultation on the Review of ECOWAS Moratorium' was held on 27 January 2003 at Hotel N'Diambour, Dakar, Senegal, with the *Mouvement Contre les Armes Legeres en Afrique de l'Ouest* [MALAO] as host. The consultation was held at the occasion of the ECOWAS/PCASED evaluation of the Moratorium. It presented the civil society groups the golden opportunity to assess the effectiveness or otherwise of the ECOWAS Moratorium as SALW control instrument with the goal of making important contributions to the decisions of the ECOWAS Council of Foreign Ministers, and that of the Authority Summit in Dakar at the end of January 2003. This evaluation was imperative considering the fact that despite the existence and promises of the ECOWAS Moratorium, the sub-region is not immune from the scourges of wars. From the Mano River Basin conflict vortex to ethno-religious conflicts in Nigeria through armed insurgencies in Casamance region of Senegal, SALW trafficking has completely jeopardised the socio-economic development, political stability, social justice and peace of the entire West Africa. Thus, the Consultation's objectives were to:

- Review the Reports 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, Nat-Coms, civil society, and international actors in the implementation of the Moratorium; and,
- Work out advocacy campaigns to make the Moratorium and the proposed protocol binding, with enforceable sanctions.





The Dakar civil society consultation was described as a success story because it turned out as a good example of the capacity of the civil society institutions to influence change via constructive, second-track diplomacy. The consultation was able to identify a quite number of inherent flaws and gaps in the ECOWAS Moratorium. First, despite the fact the Moratorium was an important and pioneering arms control Mechanism in West Africa, it remains not as legally binding instrument. Hence, its voluntary nature has on many occasions hampered ECOWAS in enforcing sanction against States [especially Burkina Faso, Liberia, and Cote d'Ivoire] and private bodies that have violated the instrument's provisions. Though the vast majority of countries have exercised a remarkable degree of compliance. The Moratorium is, as it is known, a political commitment by the leadership as a confidence-building mechanism. The Code of Conduct declares itself a legally binding document [Article 1] but in reality it is not. Nonetheless, the Moratorium's relevance is noticeable in regulating states' action, by shaping values and creating expectations [Small Arms Survey, 2003: 219]. Though, the Consultation saw the need to transform the Moratorium from a voluntary to a binding sub-regional legal instrument, with a corresponding regime of sanctions.

Additionally, the Dakar Consultation also called for a Supplementary Protocol, both to correct the gaps in the existing protocol and to increase the intensity of advocacy campaign so as to make the control instrument well known by the public. The potency of the need for the development of a more effective strategic and operational framework for advocacy on SALW proliferation in West Africa was also emphasised. This is to improve the efficiency of the Moratorium. At the end, the West African Civil Society Evaluation Consultation came out with the call on the West African governments to:

- Enact a Supplementary Protocol on small arms.
- Establish an effective, efficient and active small arms unit within ECOWAS Secretariat.
- Support and promote a more effective PCA-SED.
- Convert the ECOWAS Moratorium into a permanent sub-regional convention, without prejudice to the proposed supplementary Protocol.
- Introduce and sustain an awareness raising programme at the governmental level
- Encourage and support civil society in their advocacy activities and programmes
- Update and harmonise small arms legislation with a view to blocking national gaps and forging a regional legal framework
- Establish, with a sense of urgency, a database of experts working on small arms issues.
- Reassess the location of the observation bureaux with a view to enhancing the viability and efficiency of an Early Warning and Early Response [EWER] Mechanism<sup>49</sup>.

Furthermore, the Consultation was able to secure its [civil society] participation at the ECOWAS Foreign Ministers meeting held on 28 January 2003 in Dakar, Senegal where the consultation's communiqué was presented to the ECOWAS Meeting.

## 6. ECOWAS CONVENTION ON SMALL ARMS AND ECOSAP

While most of the ECOWAS efforts on regional security have been extensively dealt with above, one important area of achievement that needs to be discussed with respect to the implementation and effectiveness of the ECOWAS Moratorium is the creation of the Small Arms Unit [SAU] within the ECOWAS headquarters. The termination of PCASED paved the way for the establishment of ECOSAP to implement the newly adopted ECOWAS Small Arms Con-



vention [Appendix VII]. This new programme is intended to enable ECOWAS has much more control on its arms control measure. ECOSAP was officially launched on 6 June 2006 in Bamako, Mali in a ceremony witnessed by ECOWAS, UN/UNDP, the AU, and NGOs officials. The 'ECOWAS Convention on Small Arms, Light Weapons, their Ammunition and other associated materials' was finally signed by the ECOWAS Heads of State and Government on 14 June 2006 in Abuja, Nigeria. The adoption finally completes the much eagerly awaited transformation of the 1998 Moratorium into a legally-binding instrument. As already emphasised, the Moratorium, despite the fact that it was the world's first regional small arms Moratorium, was a *voluntary measure*. Because of its voluntary nature, it had little monitoring mechanism and lacked sanction regime. The new Convention is intended to be a permanent commitment to reducing the armed conflict that has plagued the sub—region. The Convention monitoring and implementation mechanism is ECOSAP.

The Convention places outright ban on the transfer of these small arms and light weapons to non-State actors while it allows ECOWAS Member States access to these weapons only for the purposes of legitimate national defence and internal security or participation in peacekeeping efforts. The Convention is to, according to the lead international consultant on the new instrument, Dr. Sola Ogunbanwo, assist reduce armed conflict by putting:

- A ban on international small arms transfers except those for legitimate self-defence and security needs, or for peace support operations. Exemption requests are submitted to the ECOWAS Executive Secretary by Member States, and there are elaborate and stringent procedures prescribed for determining whether a transfer shall or shall not be authorised.
- A ban on transfers of small arms to non-state

actors not authorised by the importing Member State. Armed groups have contributed to destabilising West Africa, and this ban reflects the particular concerns of the region. This provision of the Convention is unique, and not found in any other international agreement on preventing armed violence.

- Regulation of artisan (or local) arms manufacturers. Again, local gun manufacture is one of the specific problems in the region, and the Convention requires Member States to create an inventory of the arms made by these local manufacturers. In essence, it allows this often murky business but brings the local manufacturers within the law.

- Procedures for sharing information. The Convention requires Member States to establish national databases or registries of all small arms in their jurisdiction. This will help identify the sources of any diversion from authorised to unauthorised gun users, and so help prevent future diversion.

- Encourages dialogue between the region and arms suppliers. There is very little small arms manufacturing capacity in West Africa, and so the majority of weapons in circulation have been supplied by other countries.

- Regulation of small arms possession. The Convention provides a stringent regulatory scheme for anyone wishing to possess small arms. This involves a licensing and registration scheme.

- Management and security of stockpiles. Many small arms in West Africa are stored in government military stockpiles. The Convention requires Member States to ensure the security and proper management of these stockpiles, to prevent diversion to unauthorised users [cited from IANSA Website, 14 April 2007].

The ECOWAS headquarters is tasked to develop a Plan of Action [PoA] to implement the Convention's provisions which will be submit-



ted to Member States for approval. Another vital area of the Convention is that it authorises the creation of a group of independent experts who will assist the Executive Secretary in monitoring implementation of the Convention. If a Member State is found to be in violation of its obligations, the Convention has provision for imposing sanctions. This was not the case under the previous Moratorium. Although signed, the Convention is not yet binding. It needs to be ratified by 9 of the 15 Member States in order to enter into force. Ratification is one of the urgent next steps for the ECOWAS Member States. Signing the Convention at this point is very timely. West African States now have a clear 'common position' for the Review Conference, signed by their Heads of State. This is a very powerful mandate! Since small arms cross borders, eradicating the illicit trade in small arms requires strong and effective international cooperation and commitment. ECOWAS Heads of State and Government have recognised this in the Convention and the text of the Convention should provide a reference point for West African delegates at this important global conference.

## **MANAGING ARMS IN PEACE PROCESSES: ECOWAS AND THE WEST AFRICAN CIVIL CONFLICTS**

Africa became the epicentre of intrastate conflicts in the 1990s as the continent witnessed an unprecedented increase in low-intensity wars. It is estimated that Africa accounted for 90% of world's total during this period. As noted earlier, SALW have been the primary instruments of executing these wars and all the problems associated with them. Despite these negative developments in relations to arms management, the UN Secretary General in line with paragraph 1 of the General Assembly Re-

solution 50/70B adopted on 12 December 1995, appointed a Panel of Governmental Experts on Small Arms to prepare a report on the "nature and causes of the accumulation and transfer of SALW" and on "ways and means to prevent and reduce their excessive and destabilising accumulation and transfer, in particular as they cause and exacerbate conflict". The UN report, with special reference to Africa, identified the uncontrolled and easy availability of SALW as "not only fuelling conflicts but also exacerbating violence and criminality". The UN Panel, in paragraph 79(4) of its recommendations, called for the development of plans to disarm combatants during peace settlements, and for the inclusion "therein plans for weapons collection and their disposal, preferably by destruction"<sup>41</sup>. In spite of the UN efforts in promoting weapons destruction during peacekeeping operations, especially with the call for the development of plans to disarm combatants during peace settlements, such goals have not been fully achieved, especially in West Africa. This is largely because of the absence of comprehensive strategies for achieving DDR objectives of the post-war environments. More often than not, it is disheartening that in West Africa, most of the weapons collected oftentimes find their ways to other theatres of war; thus the cycle of violence becomes endless [Badmus, 2005]. For proper understanding of ECOWAS efforts in combating SALW proliferation, and most imperatively during peace processes with the overall objective of achieving a post conflict peace-building environment in West Africa, this study engages in five [5] case studies, viz, the Mano River Basin Tri-states of Liberia, Sierra Leone and Guinea Conakry; Mali and Niger. Although, ECOWAS was and is still very instrumental in this endeavour, its efforts are also complemented by other international institutions, especially the UN.



- **Liberia**

While the historical account of the Liberian civil war has been provided in the earlier part of this study, this section analyses exhaustively ECOWAS' efforts in managing arms during peace support missions in that particular country. Since disarmament constituted one of the fundamental tasks of ECOMOG, while relying on Article 1(2) of the ECOWAS decision that established it, the peacekeeping force started consultations in earnest with the rebel leaders in a confidence building process<sup>39</sup>. The disarmament process that started well suffered setbacks as a result of the killing of President Samuel Doe by Prince Yormie Johnson's led Independent National Patriotic Front of Liberia [INPFL] in September 1990. The consequential deteriorating security situations, the 'doubted' ECOMOG credibility, as well as its inability to arrest the situation saw the replacement of its Ghanaian Commander Brigadier Arnold Quainoo with a Nigerian General Joshua N. Dongoyaro who eventually jettisoned ECOMOG's pacifying posturing and the already voluntary disarmament programme. Instead, General Dongoyaro favoured 'an all-out war to defeat and disarm all the factions' as aptly captured in the 1997 BASIC Report:

The disarmament process did not resume until late 1990 after the 'all out-war' policy had failed. Up to this point, a number of cease-fire agreements had been reached between the various factions and ECOMOG. However, fighting continued, due in great part to a fundamental lack of mutual trust as well as the ability of the factions to exploit natural resources including gold and diamonds. As a result, ECOMOG was unable to guarantee nation-wide security, and had insufficient resources to extend its operation to cover all the originally agreed disarmament locations<sup>43</sup>.

Efforts were intensified to bring peace to Liberia. Under the auspices of ECOWAS and the UN, two peace agreements were concluded between 1993 and August 1996. At the heart of the 1993 Geneva agreement was the voluntary

disarmament. The agreement urged the parties to the conflict to agree and express their intent and willingness to disarm under the supervision of ECOMOG; monitored and verified by the United Nations Observer Mission in Liberia [UNOMIL]<sup>44</sup>. In spite of the good spirit of the accord, lack of trust as well as insecurity of the faction leaders eventually saw its failure; that ultimately led to the Abuja accord of August 1996. In accordance with the 1996 agreement, disarmament process commenced on 22 November 1996 with the grand objective of disarming 50 000 combatants from the rebel movements by 31 January 1997. The reason for this new development could be explained in two different ways. First, it was apparent to the faction leaders at that time that the only way to peace was to disarm their combatants and second, these leaders too were war wearied where it dawned on them that the costs of the war had outweighed its gains. Thus, by 31 January 1997, more than 20 000 fighters had been demobilised, who held 9 570 weapons, and 1.2 million pieces of ammunition [See Table 2 for details].



Table 2: Liberia: Disarmament Statistics as at 31 January 1997.

	Personnel		Weapons		Ammunition	
Faction	Estimated Force	Disarmed by 31/1/97	Estimated for Hand over	Hand over by 31/1/97	Estimated for Handover	Handover by 31/1/97
NPFL	12,500	11,553				
AFL	7,000	571				
ULIMO	6,800	5,622				
Others		2,616				
Total	32,200	20,362		9,570		1.2 million pieces

**Source:** BASIC Publication, No. 23, December, 1997

Additionally, ECOMOG force was able to collect 3 783 weapons outside the official disarmament sites. For example, after the initial voluntary disarmament period, a cache seized by ECOMOG at the residence of Alhaji Kromah, leader of the Mandingo-based United Liberation Movement of Liberia for Democracy [ULIMO—K] faction included an anti-aircraft gun, two mortars, 660 bombs, 80 grenades, 86 rifles, and 40 613 rounds of ammunition<sup>45</sup>.

The scenario painted above would make one to conclude that the international community had done well in bringing sustainable peace to Liberia. Relying on this assertion in its totality is misleading. Apparently, while it is true that the UN was able to negotiate and convince the new Liberian president, Mr. Charles Taylor to destroy these weapons, it is widely believed that many weapons were still in the possession of the rebels, while a great number of arms caches were undiscovered. Furthermore, lack of trust and suspicions among war mongers hindered disarmament process. This apparently explains why the destruction of these weapons in August 1999 did virtually nothing to secure post-conflict peace building in Liberia. Apart from the problems identified above, it is argued that Taylor did not fully integrate ex-combatants into civil society. In actual fact:

During the destruction ceremony, approximately 100 ex-combatants, many with war injuries, protested the inaction of the UN and the Taylor government in aiding ex-combatants, in Monrovia. Liberia has 6 000 registered ex-combatants, many of whom turned in their weapons in order to receive resettlement money as a part of their reintegration. However, many complain that they have in fact received nothing. In addition, many ex-combatants were incensed that billions are being spent on re-building Kosovo while Liberians are virtually ignored. All these factors co-joined to ignite another bloody civil conflict when a rebellion was mounted against Taylor's government [Rachel Stohl, 1999: 2]

- **Sierra Leone**

The Sierra Leonean civil war that started in March 1991 was widely believed to be an offshoot, and the consequences of the Liberian civil conflict. Led by an Army Corporal, Foday Sankoh, the war was estimated to have consumed more than 75 000 lives, while over 350 000 and one million people were internally displaced and became refugees in the neighbouring countries respectively [Davies, 2000: 350]. The zenith of the civil conflict saw massive illicit proliferation of SALW among the Republic of Sierra Leonean Military Forces [RSLMF], the Revolutionary United Front [RUF], and the military junta of Major Paul Johny Koromah. The international mediation efforts saw the



signing of the November 1996 Abidjan Peace Accord between the rebel movement and the government, the failure of which led to the signing of the much publicised Lome Peace Agreement. Under the Lome Accord, the process of DDR and the establishment of Government of National Unity [GoNU] were central. With this development came the UN Resolution 1270 that was fundamental in the UN peacekeeping activities in this rather unfortunate West African country. The resolution led to the establishment of a peacekeeping force known as the United Nations Mission in Sierra Leone [UNAMSIL]. The important mission of UNAMSIL was to see the parties adhere strictly to the terms of the Lome Peace Agreement. In line with the Agreement and the spirit of the March 2000 Bamako Peace Accord under the auspices of ECOWAS, by May 2000, an estimated 12 695 assorted small arms and 253 535 rounds of ammunition had been collected [Berman, 2000: 25]. UNAMSIL peacekeepers also collaborated with ECOMOG officers in this endeavour. In 2001, the Sierra Leonean Police Force with the support of the UN through the UNDP launched an Arms Collection Programme [ACP] to recover illicit SALW. By May 2002, the Community Arms Collection and Destruction Programme [CACDPA] “had collected over 10 000 weapons. The disarmament and demobilisation of 48 000 ex-combatants was completed in January 2003, with more than 25 000 weapons and 935 000 rounds of arms” [Ebo and Mazal, 2003]. The NatCom was established in 2002 to complement these efforts despite the fact that it has not been noticeable. With the Support of the ECOWAS Member States, the World Bank [the Bank] has also been instrumental in fighting SALW proliferation in Sierra Leone. The Bank established a Trust Fund in support of the Sierra Leonean Government’s implementation of the DDR Programme to achieve post-war sustained peace. It is recorded that the Bank

provided a huge amount totaled \$41.3 million to the Community Reintegration and Rehabilitation Project [CRRP] [Badmus and Ogunmola, Forthcoming]. Another fundamental effort in this regard is the double programme: (1), the Economic Recovery Support Fund [ERSF], and (2), the Training and Employment Programme [TEP]. Both programmes aim at empowering local communities in the socio-economic realm, and reintegration and rehabilitation of the former combatants, providing counseling and training in skill acquisition.

- **Guinea Conakry.**

The Guinean experience with SALW proliferation dates back to the immediate post-independence period when a national ethnic militia sprang up. The attempted coup d’etat of November 1976 and the eventual military takeover of 1984 further created a security quagmire as SALW with the increased vulnerability of the Guinean society due to uncontrolled proliferation of weapons. This is because the newly constituted military government distributed freely weapons to the pro-regime soldiers to fight former President Ahmed Sekou Toure’s militia. Despite the fact that Conakry established its own NatComs in 2000, its domination by the military and civilians loyal to the military regime dented its credibility and transparency and hampered its efficacy as a SALW national control agency. In the words of Ebo and Mazal [2003: 35], “According to the National Commission, some 17 000—18 000 small arms are due to be publicly destroyed. Guinea has been known to receive funding from Canada and USA; the latter undertake a bilateral project to support weapons destruction. 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”.



- **Niger.**

At the heart of the West Africa's Sahel Savannah lies Niger Republic, a landlocked country of about 10 million inhabitants. Niger has a land mass of 1 267 000 Km. and shares borders with Mali, Nigeria, Algeria, Benin, Libya, and Chad. Economically, the country is poor, characterised by almost all the negative socio-economic features associated with the Less Developed Countries [LDCs]. The socio-economic situations became worst as a result of the civil conflict that plagued the country with nearly 15 rebellious movements contesting with the government for the control of state apparatus. The Chadian civil war, illicit arms movement from Libya, coupled with illegal arms trades in northern Nigeria through the porous Niger-Nigeria border apparently aided the insurgency as well as SALW proliferation in that country with negative consequences on its internal security. In 2003, there were about 4 000 ex-combatants in the country that needed to be reintegrated into civil life.

Consequent on recognising the destabilising and deleterious effects of SALW and the fact that tackling the root causes of military insurgency in the country requires the need for arms destruction, Niger developed a Human Security Approach not only to SALW control but also to the wider peace and security issues. It is heartening to learn that Poverty Eradication Programme became part of the country's National Conflict Prevention Strategy. Since 2 000 arms destruction has been the core activity of the disarmament programme that brought 'relative' peace to the country. Niger embarked on arms for development project in N'guigmi, a town in the Difa region that is very close to the Niger-Chad border. This is part of the good governance programme of the UNDP. The project that started in 2002 is intended to collect an estimated 5 000 SALW in exchange for developmental project. This apparently followed

the Malian example/model. The basic components of the UNDP project are legion. They include: (1) Reintegration of ex-combatants, which lasted from May 2001 to May 2003; (2) a weapon-for-development component known as the Small Arms Collection, Destruction and Control; and (3) a Peace, Disarmament and Education component. This funding for this last component becomes the responsibility of the UNDDA. It is interesting to note that, the project planners spent a considerable amount of time in awareness raising. The campaign also "sought the views of the population on the type of developmental projects they needed. These projects range from the provision of water, enhancement in health service delivery, improved animal husbandry, education, etc. the people were made to rank their felt needs in order of priority and delivery capacity" [FOS-DA, 2003: 2]. *In addendum*, the project officers sought to know the actual number of weapons each community would provide in exchange for development projects. The pilot project, according to Ebo and Mazal, [2003: 38] "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. There are 3 400 ex-combatants in the districts of Air and Azawak who are not covered by the project". Another important dimension to the successful implementation of the DDR programme in Niger is that the country boasts of an effective and efficient civil society groups. The NGO, *Femmes et Famille*, has been very instrumental in the Niger's fight against SALW proliferation. The civil society groups are involved in roles such as educating the rural communities on the primacy of Peace Culture, and training



their members in knowledge, understanding, attitudes, and skills of peace building and maintenance. The classical example of this is the Training of Trainers in Peace Culture organised by the Lome based UNREC in collaboration with the Niger's NGOs in March 2003. In a nutshell, Niger stands out in this endeavour due to the combination of various factors at play, viz, strong civil society network, demonstrated political will and excellent working relations with the UN agencies and ECOWAS. [See Tables 3 and 4 for statistics on the number of arms destroyed between 2000 and 2003; and sources of weapons in Niger respectively].

Ceremonial Place	No. of Arms Destroyed	Year
Agadez	1,234	2000
Difa	100	2001
Agadez	100	2001
Agadez	100	2002
N'guigmi	103	2003

Sources: FOSDA, Focus on Small Arms in West Africa, No. 4, May 2003, p.2.

1	From the Cold War pipeline into Chad, via the porous Chadian-Nigerian border
2	From the illicit arms markets in northern Nigeria, via the porous Niger-Nigeria border
3	From Libya
4	From Mali
5	Local manufacturers
6	From Government stocks stolen by Guerrillas, now recirculating
7	From caravans from and to Algeria.

Source: FOSDA, Focus on Small Arms in West Africa, No. 4, May 2003, p.2.

## • Mali

In June 1990, Mali was plunged into a fratricidal war as a result of the insurgency led by a coalition of Tuareg rebels, known as *Mouvements et Fronts Unifiés de l'Azaouad* [MFUA], fighting for autonomy with untold human and material loss to both the Malian authority and the rebels. The advent of a democratically elected government in Bamako facilitated and eventually resulted in the signing of a peace accord, *Le Pacte National*, with the Tuareg rebels in April 1992. The preference of a pacific solution to the rebellion was particularly remarkable with demobilisation of combatants and destruction of collected weapons as the accord's most striking features. Central to the peace process was the fundamental place and roles accorded the CBOs at the initial confidence-building stage of the peace dialogue. Though a structure named *Commissariat du Nord*, was established and tasked to oversee the implementations of the agreement, the country started experiencing increasing negative spiral of weapons proliferation while attempts at post-conflict peace-building and development were deteriorating into a situation of anarchy. Consequently, the President of the country requested the assistance of the then United Secretary General to halt the proliferation of small arms in the country. Between 1994 and 1995, two fact finding missions visited Mali and the neighbouring countries and ascertained the problems posed by the illicit weapons proliferation to the country's security and development. Furthermore, the missions' report concluded that the weapons proliferation in the countries visited was a function of the developments in other countries in the West African sub-region. Consequently, two main disarmament strategies were recommended, viz, Regional approach and 'Security First' approach. This first strategy entails the involvement of Mali's neighbouring states while the 'Security First' approach sug-





gests that a socio-economic package addressing wider security issue had to follow the collection and destruction of weapons, if the latter was to succeed [BASIC Report, 1997: 12]. The Report concluded that to meet this objective, it would require “a proportional and integrated approach to disarmament and security” known as the ‘Security First’ approach.

Following these recommendations, the United Nations initiated a dual-track integrated approach that was to be viewed as central to the peace agreement. The programme consciously integrated disarmament and development, while also outlining a division of labour. Whilst the UN Secretariat took steps to enhance security by tracking light weapons, the UNDP, individual governments and non-governmental organisations addressed key underlying causes of conflict and poverty. These included developmental issues—tackling the problem of drought, providing portable water, restoring the health delivery system and infrastructure. The peace agreement likewise created ‘Transitional District Colleges’ to handle decentralisation questions, which culminated in conferring a ‘special autonomous status’ on the northern rebel territories. *Le Pacte National* was based on goodwill and required a voluntary approach to the surrender of weapons.

The ‘Security First’ approach actually paid-off in Mali for by 27 March 1996, weapons already collected were destroyed in a bonfire ‘Flame of Peace’ ceremony in Timbuktu while a peace monument was created with the remains of the melted weapons. With the destruction of these weapons, the Mali experience was described as a success story while it also showed the political courage on the parties to the conflict. Furthermore, the effort saw 3 000 rebels completely disarmed [Poulton and ag Youssouf, 1998] and above all, by September 1997 close to 12 000 combatants in the rebel movements had either been absorbed into the

national armed forces or resettled in the civilian realm [see Table 5 for the statistics on the disarmament programme in Mali].

Date	Description	Number
March 1996	No. of individual and Collective Light Weapons Collected	2,700
March 1996	Ammunition Collected	Unspecified
March 1996	Total No. of Weapons Destroyed	2,700
April 1996	No. of Rebel Troops	11,000—12,000
October 1996	No. of Rebel Troops Integrated into National Army	2,090
October 1996	No. of Rebel Troops Integrated into Paramilitary Forces	300
October 1996	No. of Rebel Troops Integrated into the Civil Service	-
October 1996	Total Integrated into Government Structures	2,540
September 1997	Total Supported in Individual and Collective Civil Enterprises	9,435
September 1997	Total No. Demobilised and Integrated Troops.	11,975.
Source: BASIC Publication, No. 23, December, 1997, p. 13		

The Malian peace process and ‘successful’ disarmament programme underscored the primacy of the symbiotic relationship existing between and among the CBOs, national, regional, and international efforts in achieving a sustainable post-conflict peace-building. It demonstrates the fact that one single approach seldom brings easy solution to a very complex and difficult problem such as the is-



sue of SALW proliferation. Thus, an inclusive approach to conflict resolution has proved in Mali as the surest way to achieving post-conflict peace building. In the Malian case, CSOs, CBOs, especially people at the grassroots were recognised and able to play a confidence-building role. Furthermore, the involvement of the neighbouring states, especially Burkina Faso, Algeria, Niger and Mauritania in the peace process helped in no small ways in halting the flow of new SALW into Mali. The financial rewards to the combatants apparently aided in tackling the root cause of the conflict itself and above all, the eventual destruction of the weapons.

### **ECOWAS AND THE CHALLENGES OF REGIONAL PEACE AND SECURITY**

.....the difficulties facing an African regional organisation mandating a peace enforcement operation seem more apparent in a region [West Africa in this case] that does not have the necessary physical and political infrastructures or financial and political infrastructures or financial capacity to develop security structures for conducting peace operation.....[Ero, 1999: 65]

If nothing else, the epigraph above clearly tells us the monumental problems and structural limitations confronting ECOWAS on matters relating to peace and security. The ECOWAS/ ECOMOG's responses to the sub-regional conflicts had, at best, been described as inconsistent and imperfect as clearly witnessed in Liberia and Sierra Leone. Despite these condemnations, ECOMOG was able to record some success in Liberia. This is because:

Throughout most of the conflict, ECOMOG maintained a semblance of order in Monrovia and reduced the widespread massacre and mass starvation in parts of Liberia. Indeed, the phrase, 'Thank God for ECOMOG', used by the civilian population, was testimony to the efforts by ECOMOG to limit the scale of the humanitarian tragedy affecting Liberia [Ero, 1999: 72].

Nevertheless these mixed records of intervention, it is apparent that the organisation is confronted with challenges that are multifaceted in nature.

First, due to the underdeveloped nature of the West African economies, countries of the sub-region lack economic wherewithal that, apparently, threatening the Community's ability to perform creditably in the area of peace and security. ECOWAS' annual budget is nothing to write home about in the face of the organisation's grandiose plan to, especially, implement its new Mechanism on Conflict Prevention. Muster enough funds for peace operation is, oftentimes, problematic as the situation in Liberia and Sierra Leone proved. In the case of Liberia, a Special Emergency Fund of \$50 million was endowed by the SMC to which the ECOWAS Member States were requested to voluntarily contribute, while it also appealed to the international community for support. This is surprising because, as said earlier, these countries are poor and going by the opposing political positions demonstrated by Member States during the Liberian imbroglio, such voluntary contributions failed to materialise. The difficulties encounter by ECOWAS in securing adequate resources for implementing its programmes on conflict prevention and resolutions are enormous. Unfortunately, the grandiose programmes under the 1999 Protocol Relating to Conflict Prevention cannot be implemented in the absence of assistance from the international community. The Community levy that imposes 0.5% tax on all ECOWAS imports has not assessed any ECOWAS Member State for any contribution [ECOWAS, 2005]<sup>46</sup>. It is discouraging that most of the funds available to ECOWAS for its peace and security activities are from the development partners. In 2004 for instance, it is reported that \$5 million available to ECOWAS for conflict prevention and resolution were unused



funds by the UN's Mission in Liberia [ECOWAS, 2005; Dorina, Kapinga-Yvette and Marilyn, 2004]. Furthermore, though there is growing financial contributions from the development partners to ECOWAS' activities in recent years, but this can be counterproductive if care is not taking. This is because relying too much on external funding can jeopardise ECOWAS' activities by not been able to act independently in taking decisions on crucial issues. The overall implication of this has been well captured by the former Executive Secretary of the organisation, Ambassador Lansana Kouyate that, "if we depend 100% on donors, all the good ideas mentioned may never be realised" [cited in Berman and Sams, 2000: 146]. In a nutshell, the inadequacy of funds has, on many occasions, hindered ECOWAS' activities on matters relating to peace and security.

Another problem of ECOWAS is that, the organisation is under-staffed. The workload at the ECOWAS headquarters is far above what the present staff strength can handle. Given the scant resources at their disposal and their number, there is, undoubtedly, limit to what they can achieve. This scenario is impacting negatively on the ability of the ECOWAS Secretariat to assume the responsibilities envisaged for it in the field of security. For instance, the Community Security Mechanism adopted in 1999 established the regional observation centres to report evidence of early warning of conflict<sup>47</sup>. Apart from the logistic problems confronting the centers, their staff strength is scanty [International Peace Academy and ECOWAS, 2002]. Though efforts have now been geared towards strengthening the efficiency and effectiveness of these centres through increase the staff strength. In 2002 for instance, "with \$5.3 million in assistance from the European Union [EU] and the US, ECOWAS developed a communications network to link stations in Member States with the four observation cen-

tres. More recently, the US Agency for International Development [USAID] allocated \$400 000 to assist ECOWAS in implementing an early warning system, strengthen links with civil society, and increase its capacity as a mediator in the sub-region's conflicts" [Dorina, Kapinga-Yvette and Marilyn, 2004: 18]. With this development, the Executive Secretariat is now expanding its internal management capabilities and surging forward in the implementation of the 1999 Protocol. Importantly, capacity building is taking place in all departments of the Executive Secretariat including finance, Human Resources, Administration, and other functional area. Concerted efforts are being undertaken to address the root causes of conflict in the sub-region by strengthening all the instruments of the Mechanism. Additionally, four directors were recently employed for the departments of Political Affairs, Humanitarian Affairs, Defense/Security and Early Warning as envisioned in the 1999 Mechanism. This will definitely ease the workload of the Deputy Executive Secretary for Political Affairs, Defense and Security.

Despite ECOWAS towering figure in peacekeeping activities in the West African civil wars, it has not been involved more actively in the development and reconstruction of post-conflict societies. Though the organisation has not been completely lacking in this area, but the issue is that since the organisation's original mandate is to address the socio-economic issues of West Africa, one would have expected ECOWAS to face the issues of reconstruction, reintegration, and rehabilitation [3Rs] squarely without leaving these tasks for the international community. Truly, peace-building and development projects remain difficult to implement for ECOWAS because of the underdeveloped nature of the West African economies, pervasive poverty, etc all slowing the consolidation of peace.



Turning to the issue of SALW proliferation as it impedes efforts to consolidate peace in the sub-region, it is unfortunate that despite promises of the 1998 Moratorium, PCASED was unable to 'completely' halt arms proliferation. As discussed earlier, the Moratorium is a 'confidence-building mechanism' which is not binding and above all, lack regime of sanction. Though PCASED has now been replaced with ECOSAP, it is too early to comment on its performance. But the bitter truth is that, as with PCASED, ECOSAP is going to face similar financial crisis. This is because ECOSAP is a project estimated to cost \$33 million to implement the newly adopted ECOWAS Convention on Small Arms, up till date only \$4 million has been mobilised. This is delaying ECOSAP to be fully established and staffed. For instance, the newly recruited ECOSAP Director, Mr. Jonathan Sandy has not moved to ECOSAP office in Bamako, rather he is still in Abuja, Nigeria<sup>48</sup>.

Also, there is the crisis of political will among the leadership of the sub-region. Apparently there is a wide gap between their declarations/statements and actions. Oftentimes, the ECOWAS leaders do not honour their promises and pledges on matters relating to peace and security. For example on the issue of arms proliferation, various West African governments have issued statements identifying with the objectives of the control instruments, but their actions have the effects of sabotaging the Moratorium. Aggravating this unfortunate development is the impacts of colonialism where states, especially, Francophone members do always buy French positions on matters concerning West Africa's security. This is the situation of ANAD versus ECOWAS.

Also, there apparently general lack of knowledge about the arms control instrument among the public. For instance, 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.....the region does not have the necessary staff working on SALW issue daily. ECOWAS, PCASED (then), 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 strategies would be predicated" [Ebo and Mazal, 2003: 40]. We hope that with the newly adopted ECOWAS Convention on Small Arms, this problem will be rectified, especially with the increased roles accorded the CSOs.



## CONCLUSION AND PROGNOSIS

I want to conclude this paper with a few and very brief points. First, following from the foregoing analysis, it is apparent that ECOWAS could transcend its present multiple challenges and determine its own solutions to its own problems only by 'genuinely' integrating its economic, natural and human resources. Though, the sub-regional institution, in the last one decade, has performed 'fairly' well in the spheres of peace and conflict, and good governance and democratisation, but more of these efforts are still needed to place the organisation in the credible place as envisaged by its founders. Undoubtedly, ECOWAS needs strong commitments and political will of member states to speed up the implementation of its diverse programmes and protocols. The political will to move beyond the nation-state is, indeed, imperatively needed and an important prerequisite to attain some minimal degree of regional cooperation. This points to the fact that a more serious political will is desired to achieve integration and the genuine sub-regional unity. Indeed, strong political will on the part of the West African leadership required the rejection of extra-African interference in the ECOWAS countries' internal affairs. This is because such interference, always, seek to maintain political, economic, military, as well as cultural dominance over former colonies, are antithetical to ECOWAS progress.

Second, West Africa must strive to move beyond the current balkanisation of the sub-region into Francophone and Anglophone divide spurred by colonialism. This situation has, undoubtedly, engendered fragmented politics among the West African leaders. The-

se sub-regional rivalries have, on many occasions, threatened to jeopardise ECOWAS' potentials. Of the 16 ECOWAS member states<sup>49</sup>, five are Anglophone, nine are Francophone and two are Lusophone. Nigeria that accounts for over two-third of the sub-region's population and its economic hub is, undoubtedly, the hegemonic power of ECOWAS, while Ghana also strive for leadership position. Among the Francophone, both Senegal and Cote d'Ivoire are at the forefront and always suspicious of Nigeria's intentions. As shown in our discussions of the protracted civil conflict in Liberia, both Cote d'Ivoire and Burkina Faso frustrated Nigeria's efforts by being antagonistic to the idea of ECOMOG. Furthermore, the rival organisations such as ANAD are part of the effects of this balkanisation. This unnecessary competition and distrust between this divide must be systematically removed, if a new lease of life was to be given to ECOWAS for its maximum performance most especially, in the area of peace and security.

Third, obviously, human security of citizens and States' security are threatened by non-State actors as in Liberia, Sierra Leone, Cote d'Ivoire, Senegal, Nigeria, etc. Armed insurgent groups have equally challenged and eroded States' capacities to perform the constitutional duties of protecting and defending their citizens as well as maintaining law and order. These negatives scenarios, coupled with the presence of bad governance practice in some of the ECOWAS Member State, have constituted a security nightmare of the West African sub-region [Addo, 2005: 65]. It is widely believed by security analysts and researchers that the situ-



ation is spurred by the clear absence of credible peace enforcement options as was the case during the pre-Mechanism ECOWAS peace making processes. To surmount the problem, there is the need for expediting actions on the process of security sector reform [SSR], both at national and sub-national levels. Such reform must focus on appropriate oversight functions and above all, security agencies must be better equipped. Additionally, it is imperative that the ECOWAS Member States increase their budget expenditure to “adequately resource the security sector towards providing credible security, rather than holding on to minimalist-state principles and concepts to the detriment of peace and security” [Addo, 2005: 65; also see Malan, 2005]. Also, continued Addo, “in line with its coercive diplomacy efforts, ECOWAS should ensure that a well-resourced, robust and credible ECOWAS Standby Force [ESF] could launch and sustain enforcement operations as an option of last resort” [Ibid].

Fourth, to prevent conflict in West Africa and guarantee security, there is the need to deepen the culture of good governance. This calls for the intensification of the African Peer Review Mechanism [APRM] process of the New Partnership for African Development [NEPAD]. The APRM is a process serve to improve the image of Africa. The peer reviewed process by States or even a shadow review by civil society organisations will definitely go a long way in exposing and shaming regimes that are promoting or sponsoring instabilities in Africa as a whole [Adedeji, 2002: 42]<sup>50</sup>.

Fifth, going by the present situation in the West African sub-region, the gradual implementation of the ECOWAS Mechanism has ‘relatively enhanced’ its security situation compared to the pre-Mechanism period. This is because the Pre-Mechanism ECOWAS interventions in conflict situations and peace-making process were highly *ad hoc* in nature,

erratic and not well-defined. The Mechanism has perfectly rectified the lacunas by establishing a formal structure of intervention and procedures to follow in such intervention. While this is a positive development, Prosper Addo [2005: 65-66] noted that, “the ECOWAS Conflict Mechanism is still in its infant stages, and yet to be fully operationalised. This factor should be considered in brokering over-ambitious framework-substantive and unrealistic implementation agreements in peace-making process”. Apparently, a sense of realism is absolutely needed with regards to what ECOWAS can and cannot accomplish.

Sixth, the impacts of SALW proliferation on the West African security landscape have been well analysed in this study. There is no doubt that arms proliferation has bent the sub-region on its knees. Despite the promises of the Moratorium [during its lifetime], there is presently a clear cut gap between arms proliferation and human security largely defined as human well-being. SALW proliferation is hampering socio-economic developments of the sub-region and deepening, on daily basis, a “culture of violence”. Consequently, there is the need for determined efforts on the part of the West African leadership to address the problem of poverty. This can only be made possible by linking disarmament to effective measures to tackle the socio-economic causes of demand. Anything short of this is meaningless. Although, most of the multilateral institutions’ control efforts are premised on the strategy of security and development. But the problem is that most of these efforts are gear towards providing succor and quick impact micro projects designed to alleviate immediate human suffering. For disarmament programmes to yield sustainable peace and development, policy efforts must focus on sustainable security. Long term developmental projects that will enhance socio-economic conditions of the people are call



for. This is premised on the belief that when people are economically secured, the rate of crimes and banditry will be greatly reduced.

Seventh, the foregoing calls for serious commitments to disarmament, demobilisation, reintegration and rehabilitation [DDR]. This is fundamental because by retraining and integrating the demobilised combatants into civil life and addressing their needs, there is high tendency for the ex-combatants to feel sense of belonging. In post-conflict environments, ECOWAS needs to place particular attention to DDR by mobilising resources both within the sub-region and from the development partners to address the special needs of the demobilised soldiers in terms of their health and medical care, education, counseling, and vocational trainings.

Eighth, the international community must ensure that the newly adopted ECOWAS Small Arms Convention is respected. Though, ECOWAS has done fairly well in combating weapons proliferation but there is a persistent and urgent need for a 'frank' dialogue between the sub-regional institution and the Wassenaar Arrangement on how the Wassenaar countries can help contribute 'genuinely' to the implementation of the Convention. The Arrangement can play an important role in this connection via national legislative and political measures. In this respect, all weapons producing countries must inform arms manufacturers about the West African Convention and put in place the appropriate national regulations.

Ninth, although the potency of the civil society has been noticed recently, there is the need for close relationship between and among the CSOs, WAANSA [as an umbrella organisation] and ECOWAS. Funds should be made available to WAANSA so as to intensify its efforts in coordinating and service civil society involvement in combating SALW proliferation. This should

also include technical support in articulating a Civil Society Regional Action Plan [Ebo and Mazal, 2003: 42]

Tenth, it becomes necessary for ECOWAS to intensify its efforts in the area of capacity building. This is essential for the success of the newly adopted Small Arms Convention. In recent years, ECOWAS has embarked on this venture, especially in all the functional areas at its headquarters. The fact still remains that the institution's focus should be on initiating and strengthening regional training programmes for the security agents such as the Police, customs, immigration officials to meet their needs. This should be complemented with the adequate provision of the necessary as well as the state-of-the arts tools to make them efficient in the performance of their duties.

Eleventh, it well noted that the West African States lack economic wherewithal. Notwithstanding, they should be more committed to honour their pledges. Member States should not starve ECOWAS so as to realise the promises of the Convention. In the same manner, it is apparent that the success of the control instrument in combating weapons proliferation also lies with the CSOs, ECOWAS should make sure that these organisations do not lack funds to continue their sustained advocacy campaign to raise awareness among the public about the Small Arms Conventions and other African and global instruments. Finally, ECOWAS needs to cooperate *more* with civil society organisations. CSOs are of immense help in both the promotion of the culture of peace and in keeping pressure on all actors involved in weapons proliferation to follow through on their commitments, be they ECOWAS Member States, intergovernmental organisations, such as the UN and the AU, the weapons suppliers [Wassenaar countries in this case], or financial donor countries.



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# notes

\* **Isiaka Alani Badmus** is presently an Independent Researcher based in Lagos, Nigeria (Email: [isiakabad@excite.com](mailto:isiakabad@excite.com); [badmus\\_in\\_nigeria@yahoo.co.uk](mailto:badmus_in_nigeria@yahoo.co.uk)). He was previously a Researcher at the Centre for Social Science Research and Development [CSSR&D], Lagos, Nigeria, and Senior Programme Officer, Educational Services Consult [now Lead City University] Ibadan, Nigeria. His educational background includes a Bachelor's and Master's degree in International Relations from the Obafemi Awolowo University, Ile Ife, Nigeria; and a Bachelor's degree in Law [LL.B (Hons.)] from the University of Ibadan, Nigeria. He also hold a Diploma in French Language and Civilisation; Post-Graduate Diploma in Democracy and Diversity; and Diploma in Peace and Conflict Research from *Universite de Cocody—Abidjan*, Cote d'Ivoire; New School University [TCDS], New York, USA; and Uppsala University, Sweden respectively. Mr. Badmus has previously held visiting scholar/student positions at the Department of Peace and Conflict Research, Uppsala University, Sweden [2000]; Fellow of the Transregional Centre for Democratic Studies, New School University, New York, USA/ Democracy and Diversity Graduate Institute, Cape Town, South Africa [2002]; Uppsala University/ Swedish Government Scholar to the United Nations Office in Geneva, Switzerland [2000]. In addition, he won the prestigious Swiss Government [Pro-Helvetia] scholarship for the 13<sup>th</sup> Session of the European Summer University (Euroregion 2001), Institute of Federalism, University of Fribourg, Switzerland (*Not utilized*) and has attended various noted professional training programmes, seminars and conferences in Africa and beyond. Mr. Badmus' current research interests include, but not limited to, Security Studies/Military Science; Peacekeeping; Conflict Prevention; Post-Conflict Peace Building; Civil War Theory/ Duration and Termination; Ethnicity and Conflicts in Africa; Conflicts in Africa and Post-Conflict Transitions in African States; International Law of War and Peace [Laws of Armed Conflict]; Disarmament and Arms Control, Humanitarian Affairs/Complex Humanitarian Emergencies [CHE]; Governance, Democratisation and Civil Society in Africa; and Afro-Asia Relations.

A specialist in Regional Security Studies, and Democracy and Good Governance, Mr. Badmus has over seven years' experience in the fields of research, training, and administration. He has strong leadership and management experience having co-managed a project on *Understanding and Promoting Positive Leadership in Nigeria*. A nationwide study supported by a grant from the Ford Foundation, New York, USA, and monitored by its West Africa Office, Lagos, Nigeria, between March 2002 and March 2006, etc. He is the author of numerous publications in major peer-referred journals such as: *Africa Insight* [Pretoria] South Africa; *Contexto Internacional* [Rio de Janeiro], Brazil; *Afrique et Developpement/Africa Development* [CODESRIA] Dakar, Senegal; *Peace Research: The Canadian Journal of Peace Studies*, [Manitoba], Canada; *Journal of Social Sciences: Interdisciplinary Reflection of Contemporary Society* [New Delhi], India; *The Anthropologist: International Journal of Contemporary and Applied Studies of Man* [New Delhi]; *Development and Socio-Economic Progress*, [Cairo], Egypt; *Law and Politics in Africa, Asia, and Latin America* [*Verfassung Und Recht In Ubersee*] [Hamburg], Germany; *Ufahamu* [Professor J.S. Coleman African Studies Center, University of California at Los Angeles], USA; etc. His forthcoming major study is titled: "Nigeria Defence Policy and National Security: A Forty Year Appraisal". His other major book projects are tentatively titled: [1] "Putting Guns in Their Place: ECOWAS/Civil Society Organisations Partnership in Securing West Africa"; and [2] "ECOWAS and Conflict Management in West Africa". A polyglot International Relations specialist, Mr. Badmus speaks English and French fluently and passable Spanish and Portuguese.

<sup>1</sup> The ECOWAS Executive Secretariat became a Commission effective from 1 January 2007 with a President, Vice President, and seven Commissioners covering more focused and manageable sectoral areas.

<sup>2</sup> The ECOWAS Moratorium on the Importation, Exportation and Manufacture of SALW, henceforth refer to as 'the ECOWAS Moratorium' or 'the West African Moratorium'.

<sup>3</sup> There are currently 639 million SALW circulating globally of which about 10 million are in West Africa, see Small Arms Survey, 2001, chapter 2, p. 63.



<sup>4</sup> The fifteen signatories to the Treaty of Lagos are: Cote d'Ivoire, Nigeria, Togo, Ghana, Guinea, Dahomey [now Benin], Guinea-Bissau, Senegal, Mauritania, Niger, Sierra Leone, Liberia, Mali, the Gambia and Upper Volta [now Burkina Faso]. Cape Verde joined ECOWAS in 1977. The organisation is now comprised of 15 countries with the withdrawal of Mauritania from the Community in December 2000.

<sup>5</sup> Article 2, Treaty of the Economic Community of West African States, 28 May 1975, reprinted in *International Legal Materials*, vol. 14, 1975, p. 1200

<sup>6</sup> Also see Badmus, 2006.

<sup>7</sup> Interview with Yakubu Gowon, *Daily Times* [Lagos], 27 July 1992 cited in Adibe, 1994, p. 102. See Berman and Sams, 2000, p. 80

<sup>8</sup> A/SP3/5/81 Protocol Relating to Mutual Assistance on Defence, done at Freetown, Sierra Leone, on 29 May 1981 in : *Nigeria's Treaties in Force 1970-1990*. vol. 4. Lagos: Federal Ministry of Justice, 1990. It entered in force in 1986.

<sup>9</sup> ECOWAS Protocol on Non-Aggression, 22 April 1978, ECOWAS Secretariat, Abuja.

<sup>10</sup> Protocol Relating to Mutual Assistance on Defence [MAD], A/SP3/5/81, Chapter 11 Art. 4[b].

<sup>11</sup> *Ibid.*, Article 13.

<sup>12</sup> *Ibid.*, Article 14

<sup>13</sup> *Ibid.*, Articles 7-10

<sup>14</sup> *Ibid.*, Article 11

<sup>15</sup> *Ibid.*, Article 12.

<sup>16</sup> See Aning, 1999 and Adisa, 1993.

<sup>17</sup> This study is not interested in discussing the origin and dynamics of the war. Rather, it looks at the politics surrounding the establishment of the ECOWAS' Interventionist Force in Liberia and its divisive effects on the regional security, especially from the Francophone States. We try to unravel the weaknesses of ECOWAS in instituting the appropriate collective security mechanism as envisaged by the 1981 Defence Protocol.

<sup>18</sup> The Coup d'etat of 12 April 1980 was highly welcome by the indigenous Liberians as it was regarded as the opportunity to liberate them from more than a century domination and subjugation by the American-Liberians. This coup was, according to George Klay Kieh, "another juncture critical in Liberia's political history: it provided an excellent opportunity to transform the country's age-old neo-colonial political economy and its vagaries", see Kieh, 1989. The joyous mood of the indigenous Liberians by declaring

openly that, "this is our first year of independence" was short-lived as Doe's administration became tyrannical. For details see, Liebenow, 1987

<sup>19</sup> Examples of Doe wickedness abound: He executed 13 members of Tolbert's cabinet including, of course, President William Tolbert he overthrew and also eliminated all the original coupists that brought him to power including Thomas Quiwonkpa. Additionally, ethnicisation of politics became upswellings with the killings of Gio and Mano ethnic groups because Doe thought they were against his government, while his own Krahn ethnic group occupied key positions in government and the military.

<sup>20</sup> Taylor invaded Liberia with an initial group of less than 100 men, most of whom were remnants of Brigadier Quiwonkpa's supporters who fled to Cote d'Ivoire when their leader was killed. Taylor's insurgency marked the beginning of the journey of self destruction for Liberia. See Sesay, 1995

<sup>21</sup> Doe's Armed Forces of Liberia [AFL] at this time were already battered and disarrayed, and the President became a refugee in the Executive Mansion.

<sup>22</sup> See ECOWAS Standing Mediation Committee, Decision A/DEC.1/8/90, on the Cease-fire and the establishment of ECOMOG for Liberia, Banjul 7 August 1990.

<sup>23</sup> What is sure is that Doe wrote the Chairman and Member of the SMC instead of the ECOWAS Heads of State and Government in July 1990 requested for the deployment of peacekeeping force. Though Doe's deputy Harry Moniba insisted that President Doe did write the ECOWAS Chairman, see James Butty "Interview with Harry Moniba", *West Africa*, 25 February—1 March 1992. Furthermore, the situation was more complicated by the fact that at this point was Doe actually regarded as the legitimate President of Liberia?. Also see Adisa, 1992, p. 216-217; Ofuatey—Kodjoe, 1994.

<sup>24</sup> Protocol Relating to Mutual Assistance on Defence [MAD], A/SP3/5/81

<sup>25</sup> Led by Cote d'Ivoire and Burkina Faso, these states were mainly Francophone members

<sup>26</sup> For interesting discussions on the civil war in Sierra Leone see, Ero, 1999; Richards, 1996. For analysis on private military companies in Sierra Leone, see Francis, Deng, 1999

<sup>27</sup> Article 58.2(f)

<sup>28</sup> "Draft ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security", meeting of ECOWAS Ministers of Defence, Internal Affairs,



and Security, Banjul 23-24 July 1998, p. 4, para. 17, cited in Berman and Sams, 2000.

<sup>29</sup>. Article 25 of the Protocol Relating to the ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

<sup>30</sup>. See Berman and Sams, 2000, p. 141-42

<sup>31</sup>. Protocol Relating to the ECOWAS Mechanism for Conflict Prevention, Management, and Resolution, Peacekeeping and Security, p. 6, paras 21-23.

<sup>32</sup>. Ibid., p. 7, paras 24-27.

<sup>33</sup>. Ibid., pp. 7-8, para. 28.

<sup>34</sup>. It is sad that the office of the Deputy Executive Secretary for Political Affairs despite its centrality in the 1993 Revised ECOWAS Treaty was never established. The office of the Deputy Executive Secretary for Political Affairs, Defense and Security [DES/PADS] was just created in 2001 in order to create the capacity to cope with its new peace and security work.

<sup>35</sup>. Protocol Relating to the ECOWAS Mechanism for Conflict Prevention, Management, and Resolution, Peacekeeping and Security, pp. 8-9, para. 31.

<sup>36</sup>. The composition of the zone is as follow: Zone 1 [The Gambia, Guinea Bissau, Mauritania, Senegal, and Cape Verde]; Zone 2 [Burkina Faso, Cote d'Ivoire, Mali, and Niger]; Zone 3 [Liberia, Ghana, Guinea, and Sierra Leone]; Zone 4 [Benin, Nigeria, and Togo].

<sup>37</sup>. It should be noted that SALW by themselves rarely cause wars in which they are being used, but their easy availability always contribute towards increasing the tempo of, and prolonging these conflicts.

<sup>38</sup>. Literature is rich on the background and overview of the ECOWAS Moratorium and other SALW control initiatives in West Africa. See Ebo and Mazal, 2003.

<sup>39</sup>. Wassenaar Arrangement on Export Control for Conventional Arms and Dual-Use Goods and Technologies is an informal group of 33 arms exporting States: Argentina, Greece, Hungary, Finland, Italy, Japan, Germany, Czech Republic, France, Belgium, Bulgaria, Canada, Australia, Austria, Ireland, the Netherlands, New Zealand, Turkey, South Korea, United Kingdom, Ukraine, United States, Portugal, Russian Federation, Romania, Sweden, Spain, Slovakia, Switzerland, Norway, Poland, Denmark, and Luxembourg.

<sup>40</sup>. See Consultation communiqué, Dakar, Senegal, 27 January 2003.

<sup>41</sup>. See "Report of the Panel of Governmental Experts on

Small Arms", 1997.

<sup>42</sup>. The Article urged all factions to surrender their weapons to the West African peacekeeping force, and refrain from importing or acquiring all types of arms and ammunition.

<sup>43</sup>. See BASIC Publication, No. 23, December 1997.

<sup>44</sup>. Mr. Taylor wanted to keep these weapons for the country's Armed Forces because according to him, Liberia was too poor to buy new weapons for security purpose.

<sup>45</sup>. Other actors were: a Krahn-based ULIMO—J led by Roosevelt Johnson; another Krahn-based group, the Liberia Peace Council [LPC] led by George Boley.

<sup>46</sup>. The levy that was adopted in 1996 fully entered into force in July 2003, see Council of the European Union, "Sixth ECOWAS-EU Ministerial Troika Meeting Communiqué

<sup>47</sup>. Article 23-24 of the Protocol Relating to the ECOWAS Mechanism for Conflict Prevention, Management, and Resolution, Peacekeeping and Security.

<sup>48</sup>. See [www.malikounda.com](http://www.malikounda.com). Accessed 15 February, 2007

<sup>49</sup>. See note no. 4 above

<sup>50</sup>. For interesting discussions on NEPAD and Africa's economic development, see Anyang Nyong'o Peter, Ghirmazion Aseghedech, and Lamba, Davinder [eds.], 2002.



# Appendix



## Appendix I

ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons, 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 ECOWAS Member States and a threat to the peace and security for 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 Lome, 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, Defense, Internal Affairs and Security held in Yamoussoukro 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 Resolution of the 50th, 51st and 52nd Sessions of the General Assembly;

CONSIDERING the outcomes of the meetings of Ministers of Defence, Internal Affairs and Se-

curity and of Minister 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 on other arms manufacturers for a moratorium on Light Weapons in West Africa;

HEREBY SOLELY DECLEAR 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 (3) YEARS.

DIRECT the ECOWAS Executive Secretary, in collaboration with the United Nations system to convene a meeting of Ministers of Foreign Affairs and of expert 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 Organization 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 assess 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 BEIGN EQUALLY AUTHENTIC.

Signed by:

H.E. Mathieu Kerekou--- President of the Republic of Benin.

Hon. Ablasse Ouedraogo--- Minister of Foreign Affairs for and on behalf of the President of Burkina Faso.

Hon. Carlos Alberto Wahanon de Carvalho Veiga—Prime Minister of the Republic of Carbo Verde.

H.E. Henri Konan Bedie—President of the Republic of Cote d'Ivoire.

H.E. Col. Yahya A.J.J. Jammeh—President of the Republic of Gambia.

H.E. (Rtd.) Flt.-Lt. Jerry John Rawlings—President of the Republic of Ghana

H.E. General Lansana Conte—President of the Republic of Guinea

H.E. Joao Bernardo Vieira – President of the Republic of Guinea Bissau

H.E. Charles Taylor—President of the Republic of Liberia

H.E. Alpha Oumar Konare—President of the Republic of Mali

S.E. Mohamed A. Ould Moine—Ambassador for and on behalf of the President of the Islamic Republic of Mauritania.

H.E. Ibrahim Mainassare Bare—President of the Republic of Niger.

H.E. General Abdulsalami Abubakar—Head of State, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria.

H.E. Abdou Diouf—President of the Republic of Senegal

H.E. Alhaji Ahmad Tejan Kabbah---President of the Republic of Sierra Leone

H.E. Gnassingbe Eyadema —President of the Togolese Republic

## Appendix II

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 socioeconomic 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 Peace and Disarmament in Africa will seek the active collaboration of intergovernmental 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, as-

sist 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 sys-



tems.

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 in-



tra 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 multi-lateral 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 transnational 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 multi-lateral 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.

#### **Appendix III.**

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 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 Secretariat

1. Structure, 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 procedure may include:

- (i) The initial establishment of four Zonal Observation Bureaux
- (ii). Mission 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 the 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 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 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 license 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 THIS CODE OF CONDUCT IN TWO ORIGINALS IN ENGLISH AND FRENCH BOTH TEXTS BEING EQUALLY AUTHENTIC.

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

#### **Appendix IV**

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 Members States of the Organisation 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 (LXII));

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. WETHEREFOREREAGREE 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 sectors 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.

## Appendix V

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

UNITED NATIONS REGIONAL CENTRE FOR PE-

ACE 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 (WA-ANSA). 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), organized 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/WA) 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 these 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 Pro-

gramme 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".

## **Appendix VI**

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 SALW 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 re-

#### **Appendix: VII**

ECOWAS CONVENTION ON SMALLARMS AND LIGHT WEAPONS, THEIR AMMUNITION AND OTHER RELATED MATERIALS

#### *PREAMBLE*

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

Mindful of Articles 7, 8, and 9 of ECOWAS Revised Treaty relating to the creation, composition and function of the Conference of Heads of State and Government:

MINDFUL of Article 58 of the revised ECOWAS Treaty relating to Regional Security which stipulates that Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region and to establish and strengthen appropriate mechanisms for the timely prevention and resolution of conflicts;

MINDFUL of Article 77 of the Treaty relating to sanctions applicable in cases where a Member State fails to fulfil its obligations to the Community;

MINDFUL of the relevant provisions of the Protocol on the Community Court of Justice adopted on 16 July 1991, the ECOWAS conventions on mutual legal assistance and extradition, signed respectively in Dakar on 29 July 1992 and Abuja on 6 August 1994;

MINDFUL of the Protocol on Non-aggression signed in Lagos on 22 April 1978 and the Protocol on Mutual Assistance in Defence Matters signed in Freetown on 29 May 1981, and more particularly our determination to provide mutual assistance in defence matters in the event of armed aggression or threat of aggression against a Member State;

RECALLING the principles of the Charter of the United Nations, particularly the principle that States shall have the right to defend themselves both individually and collectively, the principle of non-intervention and non-interference in internal affairs of another State, and the principle that each Member shall avoid recourse to the threat or use of force;

RECALLING also the relevant provisions of the



Constitutive Act of the African Union, including the decision by the Executive Council of the African Union requesting the African Union Commission to take necessary measures to establish a legal instrument to prevent, combat and eradicate illicit trade in small arms and light weapons in Africa;

RECALLING equally the ECOWAS Protocol relating to the Conflict Prevention, Management and Resolution, Peace-keeping and Security signed in Lome on 10 December 1999, particularly Articles 3, 50 and 51 relating to the control of the proliferation of small arms and light weapons and illegal circulation of such arms;

TAKING INTO ACCOUNT resolutions of the United Nations Security Council imposing arms embargos on countries in the West African sub-region;

ALSO TAKING INTO ACCOUNT the Bamako Declaration of 1<sup>st</sup> December 2000 on the common African position on the proliferation, circulation and illicit trade in small arms and light weapons;

EQUALLY TAKING INTO ACCOUNT other international, regional and sub-regional initiatives aimed at curtailing the proliferation of small arms and light weapons, and the decision relating to the common African position on the review of the United Nations programme of action on small arms and light weapons adopted in Khartoum in January 2006;

CONSIDERING that the proliferation of small arms and light weapons constitutes a major destabilising factor in ECOWAS Member States and poses a serious threat to the peace and stability of our peoples;

DEEPLY CONCERNED about the uncontrolled flow of small arms and light weapons into Africa in general and West Africa in particular, and aware of the need to effectively control the transfer of arms by suppliers and arms brokers;

AWARE of the need to build peace and prevent conflicts in West Africa, and the disastrous consequences the proliferation of small arms

and light weapons has on the prolongation of armed conflicts and illegal exploitation of natural resources;

AWARE OF THE NEED to prevent, combat and eradicate the illicit manufacture and excessive accumulation of small arms and light weapons, trafficking, detention and use of such arms, which have been seen to have negative effects on the security of each country in the sub-region, human security, international humanitarian law, sustainable development, and human rights;

DETERMINED to achieve the objectives outlined in the Declaration on the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in ECOWAS Member States signed in Abuja on 31 October 1998 and in the Code of Conduct for the implementation of the Moratorium adopted in Lome on 10 December 1999;

DETERMINED ALSO to consolidate the gains of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons and its Code of Conduct, and to take into account the shortcomings observed, with a view to taking corrective measures;

RECOGNISING in this regard the progress achieved in the implementation of the Moratorium, thanks to contributions by the Plan of Action of the Programme for Coordination and Assistance for Security and Development (PCASED);

CONSCIOUS of the need to strengthen the institutional and operational capacity of the ECOWAS Executive Secretariat in order to enable fight more effectively against the proliferation of small arms and light weapons, with a view to obtaining the desired results;

CONSIDERING the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted in 2001;

CONSIDERING the United Nations internatio-



nal instrument adopted in 2005 which seeks to enable States to identify and rapidly trace small arms and light weapons, and the UN Protocol on the manufacture and illicit trade in fire arms, spare parts, components and ammunition adopted in 2001;

TAKING INTO ACCOUNT Security Council Resolution 1325 (2002) on women, peace and security which recognises the specific role of women in peace building;

DEEPLY CONCERNED by the use of children in armed conflicts, and taking account of the United Nations Security Council resolutions on children and armed conflicts;

RECOGNISING the important contribution of civil society organisations in the fight against the proliferation of small arms and light weapons;

BEARING IN MIND the Final Communiqué issued at the end of the Summit of ECOWAS Heads of State and Government held in Dakar on 30 January 2003 which directed the ECOWAS Executive Secretariat to examine the possibility of transforming the Moratorium into a Convention;

HEREBY AGREE AS FOLLOW

CHAPTER I - DEFINITIONS ET OBJECTIFS

### **Article 1: Définitions**

For the purpose of this Convention:

1. **LIGHT WEAPONS:** Portable arms designed to be used by several persons working together in a team and which include notably:

- heavy machine guns;
- portable grenade launchers, mobile or mounted;
- portable anti-aircraft cannons;
- portable anti-tank cannons, non-recoil guns;
- portable anti-tank missile launchers or rocket launchers;
- portable anti-aircraft missile launchers;
- mortars with a calibre of less than 100 milli-

metres;

2. **SMALL ARMS:** Arms used by one person and which include notably:

- firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine;
- revolvers and pistols with automatic loading;
- rifles and carbines;
- machine guns;
- assault rifles;
- light machine guns.

3. **AMMUNITION:** Devices destined to be shot or projected through the means of firearms including among others:

- cartridges;
- projectiles and missiles for light weapons;
- mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems;

1 **OTHER RELATED MATERIALS:** All components, parts or spare parts for small arms or light weapons or ammunition necessary for its functioning; or any chemical substance serving as active material used as propelling or explosive agent;

2 **ILLICIT:** Covers all that is carried out in violation of this Convention;

3 **MARKING:** Inscriptions permitting the identification of arms covered by this Convention;

**TRACING:** Indicates the systematic monitoring of the movements of small arms and light weapons and their ammunition and other related materials, from the manufacturer until the end user, with a view to helping member States competent authorities to detect illicit manufacture and trading;

4 **BROKERING:** Work carried out as an intermediary between any manufacturer, supplier or distributor of small arms and



light weapons and any buyer or user; this includes the provision of financial support and the transportation of small arms and light weapons;

5 TRANSFER: Includes import, export, transit, transshipment and transport or any other movement whatsoever of small arms and light weapons, ammunition and other related materials from or through the territory of a State;

6 NON-STATE ACTORS: Such as any actor other than State Actors, mercenaries, armed militias, armed rebel groups and private security companies.

7 SMALL ARMS AND LIGHT WEAPONS In this Convention this shall be deemed to include ammunition and other related materials.

#### **Article 2: Objectives**

The objectives of this Convention are:

1 To prevent and combat the excessive and destabilising accumulation of small arms and light weapons within ECOWAS;

2 To continue the efforts for the control of small arms and light weapons within ECOWAS;

3 To consolidate the gains of the Declaration of the Moratorium on the importation, exportation and manufacture of small arms and its Code of Conduct.

4 To promote trust between the Member States through concerted and transparent action on the control of small arms and light weapons within ECOWAS;

5 To build institutional and operational capacities of the ECOWAS Executive Secretariat and the Member States in the efforts to curb the proliferation of small arms and light weapons, their ammunitions and other related materials;

6 To promote the exchange of information and cooperation among the Member States.

## CHAPTER II - TRANSFER OF SMALL ARMS AND LIGHT WEAPONS

### **Article 3: Prohibition of transfer of small arms and light weapons**

1 Member States shall ban the transfer of small arms and light weapons and their manufacturing materials into their national territory or from/ through their national territory.

2 Member State shall ban, without exception, transfers of small arms and light weapons to Non-State Actors that are not explicitly authorised by the importing Member.

3 Small arms and light weapons as defined in this Convention shall not be deemed to be goods for the purpose of Article 45 of ECOWAS Revised Treaty of 1993

### **Article 4: Conditions of Exemption**

1 A Member State can request exemption from the provisions of Article 3 (b) in order to meet legitimate national defence and security needs, or to participate in peace support or other operations in accordance with the decisions of the United Nations, African Union, ECOWAS, or other regional or sub-regional body of which it is a member.

2 For the purpose of paragraph 1 of this article, Member States shall establish and maintain an effective system of export and import licensing or authorisation, as well as of measures on international transit, for the transfer of small arms and light weapons.

4. Each Member State shall take such measures as may be necessary to ensure that licensing or authorisation procedures are secure and that the authenticity of licensing or authorisation of the documents can be verified and validated.

### **Article 5: Procedures for Exemption**

1. The request for exemption for an arms transfer is transmitted for examination to the ECO-



WAS Executive Secretariat and must contain information on:

- a) Details of the arms to be transferred- the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other marks;
- b) Details of the supplier – full details (name of company and representative, address, and full contact details) of all companies and individuals involved, including brokers where relevant;
- c) Details of the supply process – the number and period of shipments, the routes including transit locations, the type of transport to be used, all companies involved in importing, freight forwarding and handling, details of the storage and management of the weapons whilst being transferred, the time period covered by the activity for which the exemption is requested;
- d) Details of the final end user – name of individual/company/institution and representative responsible, confirmation from relevant national authority that the end user is authorised to import weapons;
- e) Details of the end use.

1 The ECOWAS Executive Secretary shall apply the criteria for Article 6 of this Convention for exemption requests as well as those of paragraph (a) of this Article. Reasoned opinion of the ECOWAS Executive Secretary shall be sent confidentially to the Member State in order to confirm or refuse the opinion given. The final decision of Member States shall be taken by consensus. In the absence of a consensus, the exemption request as well as the reasoned opinion of the Executive Secretary shall be submitted for a final decision to the ECOWAS Mediation and Security Council.

2 The granting of an exemption shall be transmitted to the Member State concerned by the ECOWAS Executive Secretary through the issuing of an exemption certificate. The exemp-

tion certificate once issued must accompany the request for an export licence as well as the End-User-Certificate.

3 The ECOWAS Executive Secretary shall forward to the Member States information on exemptions and refusals granted within 90 days. The Executive Secretary shall also compile and publish a comprehensive annual report detailing all international arms transfers granted exemptions, and a list of refusals.

### **Article 6: Cases for Refusal of Exemptions for Transfers**

1. A transfer shall not be authorised if:

- a) Authorisation on export, import, transit, transshipment or brokering considered as donation has not been provided by all States directly concerned with the transfer;
- b) All the required information has not been supplied to the ECOWAS Executive Secretary;
- c) The arms have not been marked according to requirements under this Convention.

2. A transfer shall not be authorised if its authorisation violates obligations of the requesting States as well as those of Member States, under international law including:

- a) Obligations under the Charter of the United Nations – including:
  - i. Binding resolutions of the United Nations Security Council such as those imposing arms embargoes;
  - ii. The prohibition on the use or threat of use of force;
  - iii. The prohibition on intervention in the internal affairs of another State.
- b) Universally accepted principles of international humanitarian law.
- c) Any other treaty or decision by which the Member States are bound, including:
  - i. binding decisions, including embargoes, adopted by relevant international, multi-lateral, regional and sub-regional bodies,



such as the African Union Peace and Security Council, to which a State is party;

ii) Prohibitions of arms transfers that arise in particular treaties which a State is party to, such as OTTAWA Convention on Anti-personnel Mines, the 1980 Convention on Certain Conventional Weapons and its Protocols.

3. A transfer shall not be authorised if the arms are destined to be used:

a) for the violation of international humanitarian law or infringement of human and peoples' rights and freedoms, or for the purpose of oppression;

b) for the commission of serious violations of international humanitarian law, genocide or crimes against humanity;

c) to worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts, or aggravating existing tensions;

d) to carry out terrorist acts or support or encourage terrorism;

e) other than for the legitimate defence and security needs of the beneficiary country;

4. A transfer shall not be authorised if it is destined to:

a) be used for or to facilitate the commission of violent or organised crime;

b) adversely affect regional security; endanger peace, contribute to destabilising or uncontrolled accumulations of arms or military capabilities into a region, or otherwise contribute to regional instability;

c) hinder or obstruct sustainable development and unduly divert human and economic resources to armaments of the states involved in the transfer;

d) involve corrupt practices at any stage – from the supplier, through any middlemen or brokers, to the recipient;

1 A transfer shall not be authorised if it is likely to be diverted, within the transit or importing

country or be re-exported, to unauthorized uses or users or into the illicit trade;

2 The Executive Secretary and all Member States shall provide elements of proof to apply the criteria enunciated in paragraphs a, b, c, d and e of the present article and to indicate the refusal of exemption request made by a Member State.

#### CHAPTER III - MANUFACTURE OF SMALL ARMS AND LIGHT WEAPONS

##### **ARTICLE 7: Control of the Manufacture of Small Arms and Light Weapons**

1 Member States shall undertake to control the manufacture of small arms and light weapons within their national territories;

2 Each Member State shall regulate the activities of local small arms and light weapons manufacturers and shall undertake to adopt strategies and policies to the reduction and/or limitation of the manufacture of small arms and light weapons so as to control the local manufacture as well as their marketing in ECOWAS region.

3 Member States shall undertake to draft an exhaustive list of local manufacturers of small arms and light weapons and the registration of each of them into the national arms registers;

4 Where production and/or assembly capacities of small arms and light weapons exist within the ECOWAS region, Member States shall submit to the Executive Secretary. This data shall include the type of the arms and their quantity on their annual production.

##### **ARTICLE 8: Measures of Control for Small Arms and Light Weapons Manufacture**

Without prejudice to the other measures that Member States will undertake to ensure the effective control of the manufacturing of small arms and light weapons on their national territory, a request for the manufacture of small arms and light weapons will not be gran-



ted if the requesting person has not given information relating to :

- a) Details of the arms to be manufactured – the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other markings;
- b) The procedure for marking; the procedure for entering details of each small arm and light weapon into the national small arms and light weapons register; information on the storage and management of the weapons after manufacture.

#### CHAPTER IV - TRANSPARENCY AND EXCHANGE OF INFORMATION

##### **Article 9: National Database and Registers of Small Arms and Light Weapons**

1 Member States shall establish where they do not exist already, national computerised registers and database of small arms and light weapons.

2 The following information shall be recorded in the national registry:

- a) Description of the product (type or model, calibre) and quantity (if it concerns a batch);
- b) the content of the marking;
- c) the names and addresses of the former and current owners and, when possible, successive owners;
- d) the date of registration;
- e) information concerning each transaction including:
  - i. the name and address of the shipper, the intermediary (where applicable), the consignee and the user indicated on the end-user-certificate;
  - ii. the point of departure, transit and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user.
  - iii. the export, transit and import licence (quantities and batches corresponding to the same licence as well as the validity of

the license);

- iv. full details concerning the method of transport and transporter(s);
- v. the controlling agency or agencies (at point of departure, transit and entry);
- vi. the nature of the transaction (commercial, non-commercial, private or public, conversion, repair);
- vii. where applicable, the insurer and/or the financial institution intervening in the transaction.

3. Records shall be permanently kept in the register.

##### **Article 10: ECOWAS Small Arms and Light Weapons Database and Registers**

1 Member States undertake to establish a sub-regional database and register of small arms and light weapons under the ECOWAS Executive Secretary as a way of promoting confidence.

2 The ECOWAS Executive Secretariat shall develop in collaboration with the Member States the procedures for the setting up and management of the database and register as well as the issues to be covered.

3 The Member States shall provide the ECOWAS Executive Secretariat with all the necessary information for the operation of the sub-regional database and register of small arms and light weapons. Member States also undertake to transmit an annual report to the ECOWAS Executive Secretary detailing their orders or purchase of small arms and light weapons.

4 The ECOWAS Executive Secretary shall present an annual report on the workings of the sub-regional database and register of small arms and light weapons at the Summit of Heads of State and Government.

5 Records shall be kept in the register permanently.





### **Article 11: Register of Arms for Peace Operations**

1. Member States undertake to: a) Establish a register of small arms and light weapons, their ammunition and other related material destined for use in peacekeeping operations both inside and outside the ECOWAS territory under the ECOWAS Executive Secretary as a way of ensuring the control of movements of small arms and light weapons and their effective withdrawal at the end of peace operations in which Member States are participating.

b) Declare in this regard to the ECOWAS Executive Secretariat all small arms and light weapons used in peace operations.

c) Declare to the ECOWAS Executive Secretary all the small arms and light weapons seized, collected and/or destroyed during peace operations on their territory and in the ECOWAS region.

1 The ECOWAS Executive Secretary shall take the necessary measures to ensure the adequate recording of the information transmitted by the Member States participating to peace operations.

2 Records shall be permanently kept in the register.

### **Article 12: Dialogue with Manufacturers and Suppliers**

1 The ECOWAS Executive Secretary and each Member State shall strengthen cooperation and dialogue with national and international manufacturers and suppliers of arms as well as with the competent international and regional organisations in order to ensure their support, respect for and compliance with the spirit and the letter of this Convention.

2 The ECOWAS Executive Secretary shall take the necessary measures to take advantage of the information available from Member States of the Wassenaar Arrangement, the European Union and other manufacturers and suppliers of arms, in order to strengthen the effective implementation of this Convention.

### **Article 13: Prevention of and the Fight Against Corruption**

Member States shall institute appropriate and effective measures for cooperation between administrative departments concerned and law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

#### CHAPTER V - OPERATIONAL MECHANISM

### **Article 14: Control of Possession of Small Arms and Light Weapons by Civilians**

1 Member States shall prohibit the possession, use and sale of light weapons by civilians.

2 Member States shall regulate the possession, use and sale of small arms by civilians.

3 Authorisations may be granted to permit individual possession of one or more small arms and their ammunition in line with the legislation of each Member State. Applications for such authorisations shall be processed by relevant national authorities. All applicants must be the relevant national authority in person. The Executive Secretary shall develop and communicate authorisation procedures to the relevant national authority.

4 Member States undertake to implement a strict control regime for civilian possession of the small arms. The authorisation procedure will involve issuing a license from the relevant national authority for each small arm used by a civilian. Member States shall not grant an authorisation if the applicant does not meet the following criteria:

- a) The required minimum age;
- b) Applicant does not have criminal record and has not been subject to morality investigation;
- c) Proof of a legitimate reason to possess, carry or use for each small arms;
- d) Proof that the prospective owner has undergone safety training and competency training in-



cluding training in the relevant laws regarding small arms;

e) Proof that the weapon will be stored in a safe place and separately from its ammunition.

1 Member States shall impose a limit on the number of weapons a licence may cover and require a 'cooling off' period of at least 21 days before an authorisation is granted for the possession of each weapon. Member States shall include an expiration date on each licence and authorisations shall be subject to periodic review. Contravention of regulations concerning possession of small arms in private hands will allow the small arms to be seized by the authorities, the licence/authorisation revoked, and adequate sanctions including penalties applied.

2 Member States shall include information regarding the civilian possession of small arms within the national small arm database and register established under Article 9 of the present Convention;

3 Member States undertake to introduce minimum penal sanctions for the illicit possession and use of small arms and light weapons and the carrying of unlicensed small arms.

#### **Article 15: Visitors' Certificates**

1 Each Member State shall take the appropriate measures demanding that visitors wanting to import temporarily small arms covered by this Convention for the duration of their temporary stay in the ECOWAS region, prepare in advance an application including information about the purpose, type and marking of small arms to be imported into one of the ECOWAS territories and to declare the arms on their arrival. Such application shall be addressed to the relevant authorities of the Member State concerned for decision.

2 ECOWAS Executive Secretary shall issue guidelines on the procedures to be followed and

communicate them to the relevant authority.

3 If the request is agreed, the competent national authorities shall issue to the visitors an entry certificate and an exit declaration at the visitors' arrival and departure.

4 All certificates shall be recorded by the Member States concerned in the national small arms register referred to in compliance with the above mentioned Article 9.

#### **Article 16: Management and Security of Stockpiles**

1 Member States shall take the necessary measures to ensure the safe and effective management, storage and security of their national stocks of small arms and light weapons;

2 To this effect, Member States shall establish effective standards and procedures for stockpile management, storage and security. These standards and procedures shall include:

- a) appropriate site;
- b) physical security measures of storage facilities;
- c) inventory management and record keeping;
- d) staff training;
- e) security during manufacture and transportation;
- f) sanctions in case of theft or loss.

1 Member States shall ensure that stockpiles of small arms and light weapons by manufacturers, dealers as well as individuals are securely stored in accordance with the appropriate standards and procedures;

2 Member States shall undertake to regularly review, in accordance with national laws and standards, the storage facilities and conditions of small arms and light weapons held by their armed and security forces and other authorised bodies in order to identify, for disposal, surplus and obsolete stocks;

3 The Executive Secretary shall ensure, in collaboration with Member States, that effective



standards and procedures for stockpile management of weapons collected in the context of peace operations are duly observed.

#### **Article 17: Collection and Destruction of Small Arms and Light Weapons**

1. Member States shall undertake to collect and/or destroy:

- a) the arms which are surplus to the national needs or have become obsolete;
- b) seized weapons;
- c) unmarked weapons;
- d) illicitly held weapons;
- e) arms collected in the implementation of peace accords or programmes for the voluntary handing in of weapons.

1 All weapons so collected must be registered and securely stored and or destroyed.

2 Member States undertake to promote and/or carry out programme of voluntary handing in of weapons.

#### **Article 18: Marking**

1 For identification purposes, all small arms and light weapons, their ammunition and other materials, considered as essential by the supplier, shall be assigned a unique and specific marking upon manufacture; this marking shall include the following elements:

2 For small arms and light weapons covered under this Convention,

a) "Classic marking" shall include a unique serial number, the manufacturer's identity, as well as the identification of the country and year of manufacture. Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture. The markings shall be expressed alphanumerically. They must be legible and should be featured on a maximum number of main parts of the weapon, and at the very least on the part designated by the manufacturer as essential as well as on one

other important part of the arm;

b) A "Security marking" shall be applied to all weapons produced after the entry into force of this Convention. This will permit the identification of the weapons in the event that classic markings have been destroyed or falsified. Security markings must be undertaken on component parts that are not easily manipulated after the weapon's manufacture, and the falsification of which would render the weapon unusable;

c) Member States that import a small arm that is not marked in accordance with the provisions outlined under paragraph a) and b) above shall:

- i. Apply a classic marking if the weapons were manufactured before the entry into force of this Convention;
- ii. Apply a classic marking and a security marking if the weapons were manufactured after the entry into force of this Convention; failing this, the weapons cannot be imported or must be destroyed.
- iii. If the importing country and the year of import are not known at the time of manufacture, the acronym of the importing State and the year of importation are marked by a competent institution in the importing country.

3. For ammunition:

a) The markings shall include a unique lot number, the manufacturer's identity, as well as the country and year of manufacture. Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture. These details must feature at least once on the jacket (i.e. cartridge) containing the powder or liquid used in the ammunition or explosive. The markings shall be expressed alphanumerically.

b) The smallest ammunition packaging shall include information outlined under 2(a).



### **Article 19: Tracing**

1 Member States shall exchange information on illicit small arms and light weapons and on seized small arms and light weapons, as well as trafficking in weapons that contravene international law or the internal laws of the States in which the operations take place (condemnation of the person or institution implicated, sanctions, disposal, destruction methods, neutralisation).

2 In the case of other small arms and light weapons, Member States shall exchange the following data on a regular basis:

a) on manufacture (the marking system and techniques used, and authorized manufacturers);

b) on transfers (exports to and/or imports from all other States, transits, information available concerning national legislation, existing practices and controls, authorised dealers and brokers);

c) on existing stockpiles (management, inventory, security, surplus, losses, theft, destruction).

1 The Executive Secretary shall receive request for exemption and shall act in accordance with Article 5 of this Convention.

2 A Member State may initiate a tracing request through the ECOWAS Executive Secretary in relation to small arms and light weapons found within its territorial jurisdiction that it considers to be illicit.

3 To ensure smooth and effective cooperation in tracing, requests for assistance in tracing illicit small arms or light weapons will contain sufficient information including, inter alia:

a) Information describing the illicit nature of the small arm and light weapon, including the legal justification thereof and circumstances under which the small arm and light weapon was found;

b) Markings, type, calibre and other relevant information;

c) Intended use of the information being sought.

1 Member States receiving a tracing request shall acknowledge receipt within a reasonable time frame.

2 Member States shall provide reliable responses to tracing requests made by other Member States within one month from the date of receipt of the said request.

3 In responding to a tracing request, the requested Member States shall provide all available information sought by the requesting Member States that is relevant for the purpose of tracing illicit small arms and light weapons.

4 The requested Member States may seek additional information from the requesting Member States where a tracing request does not contain the information required in Paragraph 3 (b) above.

### **Article 20: Brokering**

1 Member States shall register all citizens and all companies incorporated in their territory that are brokering small arms and light weapons, including financial agents and transportation agents on armament and shall make such registration a requirement for their licit operation.

2 Member States shall ensure that all registered small arms and light weapons brokering agents obtain an explicit authorization for each individual transaction in which they are involved irrespective of where the arrangements take place.

3 Member States shall require that all small arms and light weapons brokering license applications for authorisation provide full disclosure of relevant import and export licences or authorisations and associated relevant documents, the names and locations of all brokering and shipping agents involved in the transaction and the transit routes and points of the small arms and light weapons shipments.



4 Member States shall adopt such legislative and other measures to punish and establish as a criminal offence the illicit brokering of small arms and light weapons.

5 Brokering activities may be assessed under Article 1 and 6 of the present Convention.

#### **Article 21: Harmonization of Legislative Provisions**

1 Member States shall undertake to revise and update national legislation to ensure that the provisions in this Convention are minimum standards for small arms and light weapons control and their ammunition as well as other related materials.

2 Each Member State shall adopt legislative and other necessary measures to establish as a criminal offence in the following cases:

- a) any activity carried out in violation of the provisions of this Convention;
- b) any activity carried out in violation of an arms embargo imposed by the United Nations, the African Union or ECOWAS;

3. The Executive Secretary shall elaborate and propose to Member States guidelines for harmonization of legislative provisions.

#### **Article 22; Strengthening of Border Controls**

Member States, in collaboration with the ECOWAS Executive Secretary, shall:

- a) Strengthen sub-regional cooperation among defence and security forces, intelligence services, customs and border control officials in combating the illicit circulation of small arms and light weapons.
- b) Enhancing the capacity of national defence and security forces, law enforcement and security agencies, including appropriate training in investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources;

#### **Article 23: Public Education and Awareness Programmes**

1 In the interest of promoting a culture of peace, Member States shall design public/community education and awareness programmes at local, national and regional levels in order to involve the population in the efforts to curb the proliferation of small arms and light weapons.

2 Member States in this regard shall undertake to develop and/or strengthen their partnership with civil society organisations at local, national and regional level including women, youth and others, for better information and raise public awareness on the dangers of the proliferation of small arms and light weapons.

3 Member States shall encourage civil society organisations to play a leading role in creating awareness and education of the population.

#### **CHAPTER VI - INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS**

#### **Article 24: Member States**

1 Within the framework of the implementation of this Convention, the States Parties which have not yet done so, shall establish through regulation or legislation a National Commission in accordance with Article 51 of the Protocol on mechanisms for prevention, management, resolution of conflict and keeping peace and security and with the enforcement of the decision of the Conference of Heads of State and Government on December 10<sup>th</sup>, 1999 on the establishment of National Commissions for the fight against the illicit proliferation and circulation of light weapons.

2 The National Commissions shall be established according to the existing ECOWAS guidelines contained in the National Manual prepared by ECOWAS.

3 Member States shall allocate a budget line to ensure effective functioning of National Commissions



4 The Member States shall elaborate their National Action Plans on Small Arms and Light Weapons.

5 Such action plans shall be developed through a national information gathering process involving all relevant national stakeholders including civil society, and the convening of a national forum of all stakeholders to deliberate on the elements to be included in the National Action Plan.

#### **Article 25: The ECOWAS Executive Secretary**

1. The ECOWAS Executive Secretary is responsible for supporting and supervising the application of the provisions of this Convention. To this end the ECOWAS Executive Secretary shall:

- a) define and carry out the policy for mobilising the necessary resources for the implementation of this Convention;
- b) provide the Member States with the necessary financial and technical support for the realisation of their activities;
- c) ensure the monitoring and implementation of this Convention;
- d) present an annual Report to the Summit of Heads of State and Government on the status of implementation of the Convention.
- e) if ECOWAS Executive Secretary deems it necessary, refer a specific urgent and/or serious question regarding the application of this Convention to the ECOWAS Mediation and Security Council.

1 The Executive Secretary shall develop a Plan of action for the implementation of this Convention and submit it to the appreciation of the Member States for adoption. Such a plan shall outline key activities that need to be implemented (such as Capacity Building, harmonization of national legislation, border control, public awareness raising, information exchange among National Commissions, strengthening the capacity of civil society, organisations, etc).

2 Member States shall take the necessary measures to endow the ECOWAS Executive Secretariat with the institutional and operational capacities appropriate to the responsibilities given to the Executive Secretary by this Convention.

#### **Article 26: Cooperation Within and Among States**

1. Member States undertake to promote intra- and inter-state cooperation in the implementation of this Convention. To this effect:

- a) the ECOWAS Executive Secretary shall prepare procedures for interstate cooperation between security forces, the services in charge of border controls and all other services concerned, in the spirit of this Convention.
- b) The ECOWAS Executive Secretary shall facilitate and seek assistance for the training of officials in intra- and interstate cooperation.

#### **Article 27: Complaint Procedure Concerning Violation of this Convention**

1 All concerns relating to the violation of this Convention shall be brought to the attention of the ECOWAS Executive Secretary who would then submit such a complaint to the ECOWAS Mediation and Security Council;

2 If the ECOWAS Mediation and Security Council considers that there is a breach of the obligations under this convention, it shall decide on the appropriate measures to be taken such as sanctions, inquiry, study or refer the matter to the ECOWAS Court of Justice;

3 This review procedure of complaints shall not mean the impossibility for a State or an individual to refer to the ECOWAS Court of Justice if it notes a failure in the application of this Convention.

#### **Article 28: Monitoring the Implementation of this Convention**

1 In order to ensure the monitoring of and compliance with the provisions of this Convention,



the Executive Secretary shall appoint a Group of Independent Experts who supports him. The Group of Independent Experts shall submit a report to the Executive Secretary.

2 Member States, upon the request of the Executive Secretary, shall provide the Group of Independent Experts with all information at their disposal on exemption request.

3 The Group of Independent Experts may seek any other information it shall deem useful for its work in relation with Member States and through cooperation with Member States of the Wassenaar Arrangements, the European Union and suppliers of arms.

4 Each Member State shall submit an annual report to the ECOWAS Executive Secretary on its activities related to small arms and light weapons as well as other matters in relation with this Convention, in accordance with the format of report developed by the Executive Secretary.

5 A Conference of all Parties to the Convention shall be convened by the Depositary as soon as possible after the entry into force of this Convention. The Conference of Heads of State and Government of member States shall review the implementation of this Convention and shall have further mandates as decided by Member States. Other Conferences of Member States shall be held as needed.

## CHAPTER VII - GENERAL AND FINAL PROVISIONS

### **Article 29: Interpretation and Dispute Settlement**

1 Any dispute arising out of the interpretation and/or the implementation of the Convention shall be settled by way of negotiation or by recourse to the ECOWAS Mediation and Security Council.

2 In the absence of a negotiated settlement, the dispute shall be brought before the ECOWAS Court of Justice.

### **Article 30: Special Provisions**

The undertakings ensuing from the provisions of this Convention shall not be interpreted as being in contradiction to the spirit and letter of the Conventions or Accords linking a Member State with a Third State as long as these Conventions and Accords are not in contradiction with the spirit and letter of this Convention.

### **Article 31: Sanctions**

Sanctions mentioned in Article 77 of the ECOWAS Revised Treaty are applicable to all Member States whom the ECOWAS Court of Justice would have found to be in violation of this Convention.

### **Article 32: Final Provisions**

(a) Signature, Ratification, Accession and Entry into Force

1 This Convention shall be open for signature to ECOWAS Member States. It shall be subject to ratification.

2 It shall enter into force on the date of deposit of the ninth instrument of ratification.

3 For a signatory that ratifies this Convention after the date of the deposit of the ninth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

4 Any ECOWAS Member State that has not signed this Convention shall be able to accede to it. In this case, this Convention shall enter into force for that State upon the date of the deposit of the instrument of accession.

b) Amendments

1 Any amendment to this Convention proposed by a Member State shall be submitted to the ECOWAS Executive Secretary who shall notify the Member States.

2 Decision on the adoption of such an amendment shall be taken by the Conference of Heads of State and Government by a two-thirds majority of the Member States.



3 An amendment so adopted shall enter into force for all Member States who are party to this Convention after receipt by the Depository of the instrument of ratification by the majority of Member States.

(c) Withdrawal

1 Each Member State shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events related to the subject-matter of this Convention, have jeopardised its supreme interests.

2 Withdrawal shall be effected by a Member State giving notice, which includes a statement of the extraordinary events it regards as having jeopardised its supreme interest, twelve months in advance to the Depository. The Depository shall circulate such notice to all other Member States.

3 During the period of twelve months referred to in the preceding paragraph, such Member State shall nevertheless continue to observe the provisions of this Convention.

d) Depository Authority

1 This Convention shall be deposited with the Executive Secretary of ECOWAS, who is hereby designated as the Depository of the Convention.

2 The Depository shall:

- a) Receive instruments of ratification;
- b) Register this Convention with the African Union, the United Nations, as well as any other organisation as may be decided by the ECOWAS Mediation and Security Council;
- c) Transmit authentic copies of this Convention to all States in the ECOWAS region, and shall notify them of signatures and ratifications and accession of this Convention.

IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST

AFRICAN STATES (ECOWAS) HAVE SIGNED THIS CONVENTION.

DONE AT ABUJA, ON THE 14<sup>TH</sup> JUNE 2006, IN THREE ORIGINALS IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS, BEING EQUALLY AUTHENTIC





**Autor:** Isiaka Alani Badmus

**Título:** Managing Arms in Peace Processes: ECOWAS and the West African Civil Conflicts

**Editor:** Centro de Estudos Africanos da Universidade do Porto

**Colecção:** e-Working Papers

**Edição:** 1ª (Jan/2009)

**ISBN:** 978-989-8156-11-2

**Localização:** <http://www.africanos.eu>

**Composição:** CP

**Referência bibliográfica:**

BADMUS, Isiaka Alani. 2009. Managing Arms in Peace Processes: ECOWAS and the West African Civil Conflicts. In *e-Working Papers CEAUP*. ISBN: 978- 989-8156 Porto: Centro de Estudos Africanos da Universidade do Porto. <http://www.africanos.eu>

**Preço:** gratuito na edição electrónica, acesso por importação.

**Solicitação ao leitor:** Transmita-nos ([ceaup@letras.up.pt](mailto:ceaup@letras.up.pt)) a sua opinião sobre este trabalho.

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