

# Assessing the Implementation of the Regional Policy on Trafficking in Small Arms and Light Weapons Control in West Africa

Mark BolakFunteh\*

The University of Bamenda, Cameroon

Ajibola Fatima Oladejo

Pan African University, Institute of Governance, Humanities and Social Sciences, Cameroon

## Abstract

Economic Community of West African States (ECOWAS) as a regional organization is increasingly assuming the mantle to provide political guidance and reforms. It has gained more power that has allowed promoting, guiding and help to provide the required policies in various functional areas in member states especially in regional security and peacekeeping irrespective of the fact that ECOWAS was originally purposes was to integrate economically. However, its role in the control of trafficking in Small Arms and Light Weapons has not been adequately explored. This research uncovers the initiatives put in place by ECOWAS to control the illicit trade in Small Arms and Light Weapons through its conventions and projects in relation to small arms and light weapons in West Africa. The study was informed by the functionalist and neo-functionalist theories and then constructivist perspective as a methodological tool. A qualitative case study research design was used. Purposeful sampling, interviews and documentary review were used as techniques for sampling and collecting data. A sample size of 19 was used for the study. Semi-structured in-depths interviews were conducted with key informants from institutions and organisations that are involved in the small arms and light weapons issues. National Commissions on Small Arms and Light Weapons (NATCOMs), civil societies and regional bodies that are mostly headquartered in Abuja, Nigeria. The study findings showed that ECOWAS Convention is the main policy document that ECOWAS uses to control the trafficking of SALW. This document has been a useful instrument in efforts to control the trafficking of SALW in West Africa and among its member states although to varying degree of success. In order to have all round success and for the ECOWAS Convention to be effective in the control of SALW, this study recommends that , member states also have to in tandem, implement all relevant instruments including the Convention the UN Firearms Protocol, the UN Programme of Action and the Arms Trade Treaty (ATT) and to also ensure implementation of the Protocol on The Mechanism Related to Conflict Prevention, Management, Resolution and Peacekeeping and the Supplementary Protocol on Democracy and Good Governance. It is also important to put in place more development initiatives that will reduce poverty and promote education.

**Keywords:**Regional security; Policy document; Peacekeeping; Democracy; Good governance.

## 1. Introduction

Small arms and light weapons (SALW), though small, light and easy to use, have been responsible for most of the civilian casualties, forced displacements, human rights violations and increased human suffering over decades (Emmanuel, 2005). Almost 200,000 people die of SALW every year while a host of others suffer from its circumlocutory effects (Small Arms Survey, 2007). As such, in the renewed terrorism in the 21st century, the importance of effective domestic regulations of SALW has received increased attention. The adoption of the United Nations (2001), Weapons Law Encyclopedia (2005), UN (2005), UN (2014) and other initiatives such as the United Nations Coordinating Action on Small Arms (CASA) demonstrate the global commitments on the prevention and control of trafficking in SALW in the world (ECOWAS/UNDP, 2016).

Given the porosity of Africa borders and increased intra-state conflicts in the late 20th century, African leaders recognized early, the need to control the flows of arms in the hands of non-state actors on the continent. The Bamako Declaration on SALW and the African Union Transborderprogrammes were remarkable initiatives of the African thought leaders (African Union, 2000). At sub-regional level, the Economic Community of West Africa States (ECOWAS) has gained more popularity on the control of trafficking in SALW in West Africa. Though the regional body was established to promote economic integration in West Africa (ECOWAS Commission, 1993), its adoption of the Convention on Small Arms and Light Weapons in 2006 signaled a great commitment to regional security (ECOWAS, 2008). Since the adoption of the Convention, the ECOWAS has played a leading role on various initiatives relating the control of illicit trade and trafficking in SALW in Africa (Samuel Atuobi, 2010).

Notwithstanding these commitments from the ECOWAS, many countries in the region are still battling with insurgency from rebel groups and terrorists (Araba, 2007). The spillover effects of the armed conflicts in the Sahel are the increased diversion of SALW into the hands of the rebels and insurgent groups who have claimed millions of lives and displaced thousands of civilians from their abode in West Africa (Bashir, 2014). The new emergent security threats put to question the effectiveness of the efforts of the ECOWAS in combating trafficking in SALW in

\*Corresponding Author

the region. Hence, the paramount need to assess the implementation of the regional policy instruments on the control of trafficking in SALW in West Africa: the measures put in place to combat trafficking in SALW by the regional body and how they have been implemented among its Member States.

A good deal of studies has examined the illicit trade in small arms and light weapons in West Africa (Bashir, 2014). While some studies found that increased illicit flows of SALW in West Africa was a result of the armed conflicts in the Sahel, mainly from Libya, and has played key role in the fuelling of the ongoing insurgency in the region (Florquin and Berman, 2005), others confirmed that the demand and supply of SALW has increased in the region due to increased terrorist networks and activities of the rebel groups (Agnekethom, 2008). Notwithstanding the valuable contributions of these studies, there is a dearth of empirical evidence on how the ECOWAS policy on the control of trafficking in SALW has been implemented among the Member States, which was the reason for conducting this study.

The next section explores the theoretical debates on the trafficking in SALW and the missing links on the domestic control of trafficking in SALW. In relation to this, the study advanced two arguments: the effective domestic control of trafficking in SALW can only be realized when the citizens have the assurance of absolute security from the states. Where citizens feel unsecured due to fear of the unknown and the illegitimacy of statecrafts, it is most likely the demand for SALW increases in proportion to the level of the perceived threats. Second, the states acquire SALW to maintain order and protect citizens and not to dehumanize them; any deviation from these reasons have breached the fiduciary contract between the states and the citizens, and hence, could have a dire consequence on the ability of the states to implement effective control of trafficking in SALW. Other sections of the study are arranged as follows: design and methods, the study findings and the last part, conclusion and recommendations.

## **2. Theoretical Debates on the Trafficking in Small Arms and Light Weapons (SALW)**

In the course of the review of literatures, it was discovered that some authors put the basis of their work on other theories/approaches. An approach such as, Global Public Policy, GPP as stated by Laurance, E and Stohl R in the work titled “Making Global Public Policy: The Case of Small Arms and Light Weapons” has been applied to other global issues such as pollution, HIV/AIDS, nuclear proliferations, climate that have seen a reduced occurrences of these phenomenon in recent times can be applied to the issue of SALW through the UN Small Arms Conferences and the UN Programme of Action (Nathan, 2012).

Using the GPP places emphasis on the significant role of national government which remains central to the resolutions of global problems by making use of the IGOs, NGOs, and CSOs. Through a more complex system of global public policy making, the SALW problem will be resolved, which initially, cannot be resolved through the negotiations of a single treaty.

Unfortunately, this approach fails to recognize that issues like this, especially the control of trafficking of SALW is better resolved with a more focused regional body, in which the member states have confidence in. Issues on conflicts are better solved when taken from a specific geographical area in which ECOWAS can do so.

In the view of the foregoing, another approach is the use of Public Health by Wendy Cukier. She pinpoints the use of the “fact based policy” in arguing for that “the public health approach to the problem of SALW provides a useful conceptual framework for developing” fact-based” and effective solutions” (Cukier, 2002).

Wendy defends that the effect of SALW misuse in times of conflicts or other negative activities have a lot of impact on the society in terms of their health, lots of casualties, deaths, post traumatic syndrome, psychological effects; displacement etc can be measured and quantified in order to proffer solutions to the issue of SALW.

She further mentioned that this can be controlled by curbing the demand of SALW. But it is important to note that this approach fails to put out a structural framework for the demand to be curbed. If states have to use this approach, they therefore need an institution to do so which the public health approach failed to include.

Security Dilemma (SD) Theory can also be used to explain why there is the demand for the trafficking of SALW. As Simon Saldner in his Thesis titled “*Stopping Destructive Arms Proliferations with the Arms Trade Treaty (ATT)*” agrees that the phenomenon of “arm races” by different states, that is “action- reaction”. States, groups are often in competition to gather vast and assorted arms in their arsenals, in order to outmatch their rivals in time of conflict (Saldner, 2013). And this brings up another element that the SD theory addresses which is fear. Why would states accumulate weapons? Why would think there would be conflict? All these issues points out to the element of “interpretation”, most states interpret wrongly.

Based on the various argument put forward, Functionalism and Neo-Functionalism are still the most adapted in assisting regional bodies fulfill its missions by ensuring all states in it geographical region adhere to the laid out conventions, protocols, mechanism and other initiatives to combat illicit transfer of SALW in the West African sub-region.

In this respect, it is therefore important to understand that the relationship between ECOWAS (regional organization) and control of SALW trafficking calls for an inclusive theory, since there is none in existence that can assist in understanding this issue. Using the Functionalism and refined by Neo-functionalism helps to capture the trends of issue in this study.

These therefore inform the driving forces toward integration under neo-functionalism theory. Thus, the paramount issue at the moment with all regional organizations is to maintain peace and achieve conflict free states and region. ECOWAS for example which was economically integrated now put in most of its budget and focus in ensuring that regional security is achieved. This is because without peace, it is difficult to achieve success in other

areas. Although ECOWAS was not established for the purpose of dealing with issues related to SALW issues, over years, it has been significant in enhancing the control on the misuse, illicit proliferations and illegal trade among its member states. And that’s why it has developed various protocols, conventions, framework etc, to ensure peace and security in the West Africa region.

However, it is been argued as far as regional integration is concerned, that most of the theories developed to capture for example European integration are at most times limited to adequately capture the integration dynamics in Africa (Rosamond, 2000). Notwithstanding, the weakness of the mainstream integration theories in capturing African integration realities, should not limit the use of the theories since at certain times in the history of a discipline, theories extend beyond the empirical facts that have been discovered to test them; and at other times, new facts come to light that cannot be comprehended in terms of the theories available. In this regard to the study of African regional organisations and control of SALW trafficking in West Africa, this brings to light the reasons to borrow theories from other discipline and merge them into this research (Tive, 2013).

These theories address these problems as it put forward how regional integration and illicit trade of Small and Light Weapons could solved with practical solutions. These theories assist in showing how effective sub-regional organization can effectively manage crisis arising from the illicit trade of SALW. Nation-states are also encouraged by this to allow ECOWAS deal with these crises.

### 3. Methodology

The study adopted exploratory design to provide useful insights into how the regional policy on control of trafficking in small arms and lights weapons have been implemented in West Africa. It enabled the participants from 15 ECOWAS countries have a way of expression. Therefore the nature of the issues investigated applied a qualitative research design. The chosen research design was strategic since it as well benefited from the rich interpretative constructivist paradigm that informed the analysis of the data gathered. Because of that, the participants to this study were purposively sampled and the target population was of stakeholders in institutions with a stake in SALW issues in West Africa. ECOWAS was selected as a case for determining the extent and how it has been fighting the illegal transfer of SALW in the region and among its member states.

The methods for data collection were interviews and documentary review. Nineteen interviews were held among the purposively sampled participants from the organisations and institutes with interest in the control of SALWs in the region. ECOWAS Small Arms Division, NATCOMs, civil society as well as review of important documents from selected ECOWAS Commission and Small Arms Division libraries and organisations resource centers. Both primary and secondary data were collected from the ECOWAS Commission Library, ECOWAS Small Arms Division. ECOWAS Convention on Small Arms and Light Weapons, their Ammunitions and other related materials, NATCOMs reports from 2015 to 2018, ECOWAS reports on Small Arms and Light Weapons Control were reviewed. Relevant documents from electronic data bases such as, www.bookzz.org, www.bookfi.org,AU,EU,UN, Small Arms Survey, JSTOR, will be visited and subsequently reviewed to collect rich data to answer the questions of research.

For the current study, we explored respondents’ experiences in relation to the issues of small arms and light weapons trafficking in West Africa sub region and the control measures instituted by the regional body, ECOWAS. In addition, we explored respondents ‘perceptions and lived experiences reducing the occurrences of SALW trafficking in West Africa.

Qualitative research methods used in this study included: purposive sampling, semi structured interviews, and systematic and concurrent data collection and data analysis procedures. Specifically, According to Kyngas and Vanhanen (1990), Qualitative Content Analysis method was used to analyze the data and discover the perception of SALW trafficking and experiences in reducing negative effect in the West African region.

**Table-1.** Participants’ Demographic Characteristics

No	Pseudonym	Sex	Institution group	Interview Date
1	Arire	Male	Regional Body	17/11/2016
2.	Brire	Male	Regional Body	17/11/2016
3	Crire	Male	International Body	16/11/2016
4	Drire	Female	NatCom	28/04/2016
5	Erire	Male	NatCom	28/04/2016
6	Frire	Male	NatCom	28/04/2016
7	Grire	Female	NatCom	28/04/2016
8	Hrire	Female	NatCom	28/04/2016
9	Irire	Male	NatCom	27/04/2016
10	Jrire	Male	NatCom	27/04/2016
11	Krire	Male	NatCom	27/04/2016
12	Lrire	Male	NatCom	27/04/2016
13	Mrire	Male	NatCom	27/04/2016
14	NrIRE	Male	NatCom	26/04/2016
15	Orire	Male	NatCom	26/04/2016
16	Prire	Male	NatCom	26/04/2016
17	QrIRE	Male	NatCom	26/04/2016
18	RrIRE	Male	NatCom	26/04/2016
19	SrIRE	Male	CivilSocietyOrganisation	26/07/2016

Source: Field Data, 2016

### 4. Findings and Discussion

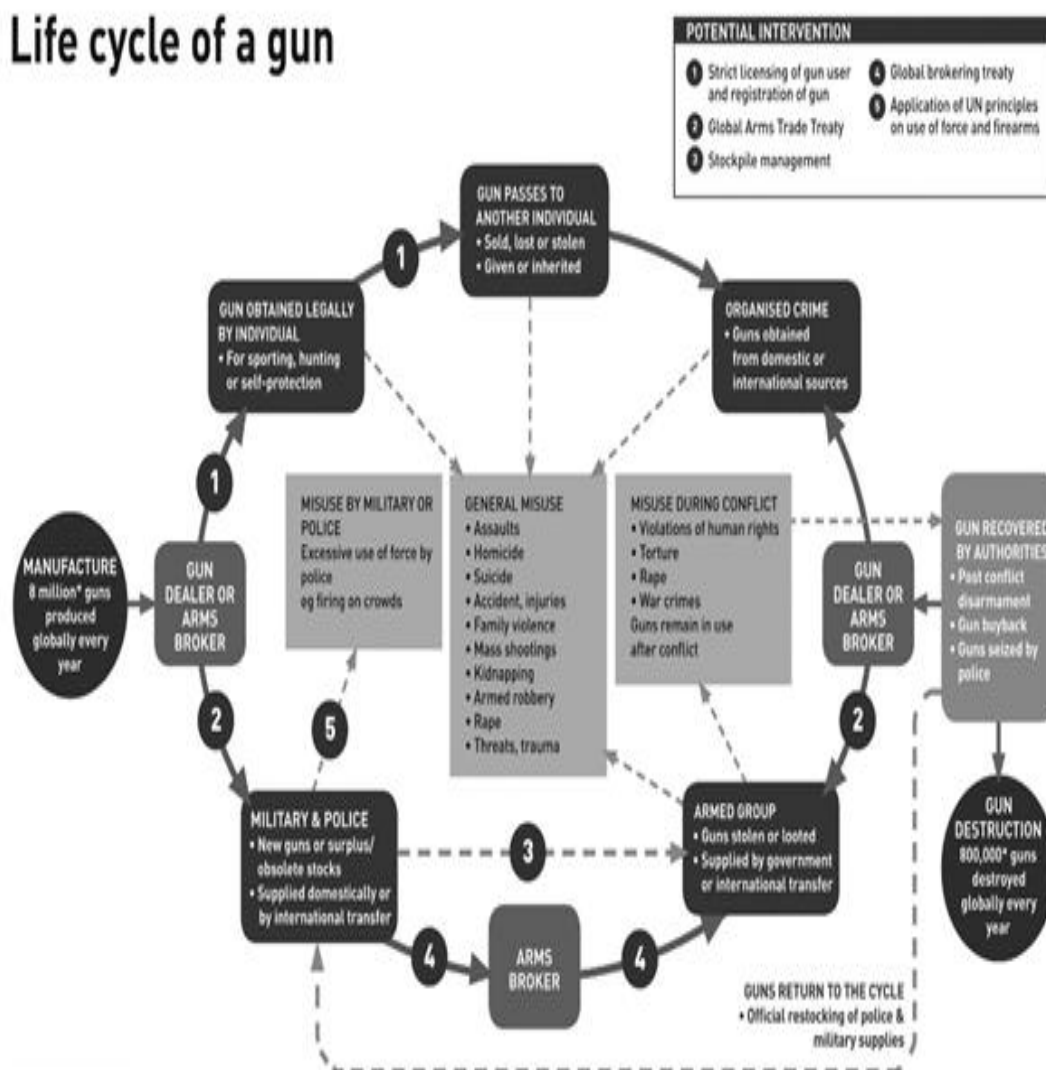
Discussion of findings involves translating statements by respondents into meanings so that answers can be given to the research questions. The three research questions are: How ECOWAS regional policy control the transfer and manufacture of small arms and light weapons in the West Africa region; the operational mechanisms of ECOWAS regional policy in the control of trafficking in small arms and light weapons in West Africa; the challenges encountered in the implementation of the ECOWAS regional policy in the control of trafficking in small arms and light weapons in West Africa.

The results show that SALW can end up being misused in environments when the state is not able to fully control the accessibility to SALW and therefore leads to illegal possession of arms. Generally, economic, social and political transformations that occur within countries and regions have the tendency to increase availability of arms. SALW, unlike other types of heavy arms, circulate in both civilian and military market. The idea that civilian markets are flooded when there are military budgets cuts or producers’ surplus production but the military markets involve legal transfer from producers and certified states to the purchasing state is supported by Saferworld (Saferworld, 2012b).

Though it is not easy to point out how SALW find their ways into one country from another and eventually into the hands of the civilians. But some ways have been identified earlier by Saferworld (2012a) and they are; Stolen or captured peacekeeping stocks (from UN troops), Purchase through the open market, Arms captured from enemies during fighting, Inheritance from family and relatives or friends. Arms supplied by the armed forces, Soldiers defecting from armed groups, Supply from government stockpiles of neighboring states.

The above can be illustrated by a hypothetical life cycle of a gun. Consider the life of a gun manufactured in a peaceful industrialised country. This gun is purchased legally for national defence by another country that is faced with domestic conflict and has gone through all necessary procedures to import the arms legally. The arms which are initially in the possession of states forces are diverted during transits which are latter trafficked or released by looting of the stockpile by corrupt officer. The guns along with other weapons are sold out to small armed group that is not in the interest of the government. Suddenly the stolen guns are used to easily play on the fear of those in the states, there arises cases of assaults, threats, rape violations of human rights and they even go ahead also recruit members. The diagram below suggests this and other ways/paths through which the gun life cycle occurs.

Figure-4.1. Life cycle of a Gun



Source: Saferworld (2012a)

Many options and ways have been initiated to deal with these problems as demonstrated in the studies carried out by [Boutwell and Klare \(1998\)](#), [Edward \*et al.\* \(2002\)](#), [Vines \(2005\)](#), [\(Lamb and Dye \(2009\)\)](#); [Nathan, \(2012\)](#) and [Bashir \(2014\)](#). One of the ways will be to tighten trade regulations and procedures. Another would be to address governmental corruption. Yet another would be making sure that stored weapons are difficult to access, marked and traceable. Or one could focus on reducing the demand or reasons for using weapons, for instance by educating people and providing employment that prevents them from falling under the influence of armed groups and criminal gangs. In the end, a combination of all of these approaches is necessary to reduce the problem.

In West Africa, the regional body: Economic Community of West African States (ECOWAS) takes up this matter with the use of regional policy documents. The first document was the Moratorium, which was later converted into the ECOWAS Convention because the moratorium is not legally binding on the member states. Further substantiated by [Badmus \(2009\)](#); [Bashir \(2014\)](#) that this policy document (Moratorium) came into place as a result of the 1980s wars in Cote d'ivoire, Sierra Leone, Liberia and Tuareg insurrections (Northern Mali and Niger), there was quite some flow of SALW. Indeed the efforts for a systematic fight against the illicit proliferation of SALW, was as a result of frequent Tuareg uprising in Mali and Niger. This led to the Declaration of the Moratorium against Importation, Exportation and Manufacture of SALW in 1998

The respondents stated that some stock have moved from the legitimate to the illegitimate market through corrupt practices and through stealing from government stockpiles. Moreover, the non-binding Moratorium and the above trends necessitated the conversion into the Convention. Similar findings were obtained by [Saferworld \(2012a\)](#). As confirmed from ECOWAS respondents, that the major policy document is the "ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials ([ECOWAS Commission, 2006](#)).

Notwithstanding, the respondents believe that for ECOWAS to have an effective control of the trafficking in West Africa, it needs to ensure that all its member states comply to the ECOWAS Convention and other international instruments. This has also been endorsed by [Edward \*et al.\* \(2002\)](#) in [Sears, Nathan \(2012\)](#). In this respect, a better understanding of the role of regional integration organization is to actively promote the governance institutions in their member states, that is, to incorporate the interests of not only the government representatives, but also those of parliamentarians, political parties, economic actors and civil society representatives. As what is implied in the Constitutive Acts of the African Union and the Strategic Plan by the AU Commission one among suggestions is that governance at the regional level should entail all of this. The ECOWAS Convention ensures this as it in cooperates the Member States, Ministers, the Civil Society Organisations. This statement can also be related to the UNPoA that also made mention of the inclusion of states, regional bodies, CSOs and governments in the fight against SALW ([United Nations, 2001](#)).

Furthermore, the implication of regional policies on the effective control of SALW in member states seems to be considerably fair by both the tendency toward state-centric integration and loyalty to national policies which entails that, the achievements of regional approaches at the national levels are generally more influenced by sovereignty priorities than regional issues. As argued by [Biswaro \(2012\)](#), that functionalist theory helps to explain that even though states still hold on to their sovereignty, they will still be liable to the supra-national authority because of the advancement in technology and globalization. Although, it was discovered that there have been improvements in the ECOWAS member states in adhering to these policy.

However, during the course of interview, it was established that ECOWAS also employ the use of the Arms Trade Treaty (ATT), UNPoA, the International Instrument for the Timely Tracing of Weapons (ITI) together with the ECOWAS Convention but It was revealed that because ECOWAS is not a State, but a Regional Economic Community (REC), it is not signatory to these instrument and so cannot directly implement any of them. That its role is to provide technical, policy advise and assist with the mobilisation of resources.

Most of the work of implementation is expected to be done at Member State level. For this reason that Member States are the ones who are signatory, because they have territory and therefore control security forces. As pointed out earlier that the major control documents of trafficking in SALW in ECOWAS is the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Materials (ECOWAS Convention) then this study went further to examine how this Convention is used to control the transfer and manufacturing of SALW within the region as most literatures though made mention of the Convention but did not look into this area. This corroborates the assumptions of the neo-functionalism that stresses the instrumental motives of actors; it looks for the adaptability of elites in line with specialisation of roles; and relies on the primacy of incremental decision-making over grand designs ([Haas, 1964](#)).

In line with the Article 45 of [ECOWAS Commission \(1993\)](#), Small Arms and Light Weapons is not deemed to be goods and therefore should not be traded as other goods ([ECOWAS Commission, 1993](#)). This is supported by the view of Arire during the interview that on the transfer of SALW among member states, the Convention has grip on this as most a times, member states often has to apply for the exemption. The Convention which entered into force on the 20<sup>th</sup> of 2009 in its Chapter 2 relating to the transfer of small arms and light weapons, stipulates the principle of prohibition of transfer of arms (Article 3), with the possibility of exemption under specific conditions (Article 4) and following a clearly defined procedure (Article 5). Requests for exemption from Member States are submitted to the ECOWAS Commission which gives its motivated opinion on each request based on the pre-defined criteria (Article 6) and transmits the request together with justified opinion with other Member States for decision.

The exemption procedure outlined in the Convention appears therefore as the cornerstone of ECOWAS policy on SALW and of the entire system put in place to strengthen the control of the circulation of SALW in the region. A proper understanding and compliance with the specific provisions relating to the exemption procedure are essential

conditions for the effective control of the transfers of SALW in the region and hence for the fight against the trafficking of SALW.

In the light of the above, as evidence from the respondents that the “Exemption Procedure” is a best practice of peer review, ensuring transparency among ECOWAS member states in an area which was thought to be secret and this has made the ECOWAS Convention an partially effective tool in the control of trafficking of SALW in the West Africa region (ECOWAS Commission, 1993). Although, no studies made mention of the exemption as a tool for ensuring transparency among member states. But the exemption procedure provides useful information to the arms supplying countries interested in supporting the ECOWAS policy on the control of the transfer of arms, and assist them in verifying the conformity of the request for the transfer of arms by the ECOWAS Member States.

In addition, ECOWAS Member States opted for this restrictive policy on transfer of arms in the region, limiting their own sovereignty on the issue in order to give greater consideration to collective security and advocate for greater transparency. This shows how true the rationale of the theory of Functionalist according to Mitrany (1966) which states that: member states surrender their authority unto a more supranational body that can help tackle an issue in which they as individual states could not solve, such as the case of the trafficking of SALW.

As an affirmation from the respondents and also corroborated by Langumba (2008) the objective of this exemption and general regulation of transfer of arms is to restrict the transfers to the legitimate needs of member States. It also encourages confidence building and transparency among Member States thus contributing to the realization of collective security in the region. The exemption regulation has been instituted for member States only. Transfer of arms to non-state actors is prohibited without any possible exemption if the transfer is not authorized by the importing Members States as specified in Article 3 paragraph 2 of the convention.

With the success indicators of this policy, the loopholes stemming from states that have been given authorization to be exempted are seen to transfer these arms to other states that have not been authorised. The policy failed to look at this as in the case of Liberia who receives arms from Guinea, another member state during its civil war. As Langumba (2008) puts it though there are sanctions upon states that fail to adhere to the convention. There is therefore the need for an amendment in the policy and likewise a consequential sanction than that written in the Article 77 of the ECOWAS Revised Treaty (ECOWAS Commission, 1993).

The decision making process to the granting and not granting an exemption is made up of successive stages involving, the ECOWAS Commission, governments of Member States and the ECOWAS Mediation and Security council. Through its technical Committee on consideration of requests for exemption, the ECOWAS Commission considers each request submitted by any member states based on the combined criteria. The technical committee under the authority of the Commissioner in charge of Political Affairs, Peace and Security, prepares and submits for the consideration of the President the justified opinion of ECOWAS Commission on each of the requests ECOWAS (2009).

The opinion of the ECOWAS Commission is transmitted confidentially together with the request, to each of the other fourteen Member State for review and decision. The decision of member states on the request is taken by consensus. In the absence of consensus by the 14 member States, the ECOWAS Mediation and Security Council take the final decision

Granting of an exemption is notified to the requesting Member States by the issuance of an Exemption Certificate signed by the President of the ECOWAS Commission. In case of refusal, a letter is sent to the requesting Member States by the President of the ECOWAS Commission. Relevant information on exemption or refusals granted is forwarded to Member States by the president of the ECOWAS Commission within a maximum period of ninety (90) days ECOWAS (2009).

The use and validity of the Exemption Certificate to the member states confers authority to transfer small arms and light weapons, their ammunition and other related materials. Usually a certain number of arms manufacturers and suppliers, including the Member States of the Wassenaar Arrangement, demand the submission of the Exemption Certificate issued by the ECOWAS Commission before authorizing any transfer of arms to the ECOWAS region. And the certificate is only valid for one year and if not used before the expiration of the validity period and still wishes to undertake transfer, it will submit a new request for exemption (Interview with Aire, 2016). And this has been practical because of the case of Serbia and France who visited ECOWAS Commission to verify if the exemption certificate presented by Nigeria is authentic and if truly ECOWAS had issued it.

Accordingly, on the manufacturing of arms within the region, there are not so much effective practical measures as was evident from document review and responses from respondents. Though the ECOWAS Convention stated this in the Article 7, that each member should regulate the activities of local small arms and light weapons manufacturers. Further measure of control is that the details of the arms to be manufactured (quantity, exact type and the kind using ECOWAS classification system, information on the storage and management of the weapons after manufacture) has to given by each manufacturer of arms.

Likewise, article 12 states that the ECOWAS Commission and each Member States should all strengthen cooperation and dialogue with national and international manufacturers and suppliers of arms in order to ensure support and compliance with the spirit and letter of ensuring the control of the trafficking of SALW ECOWAS (2009). It is important to mention that little has been achieved in this area of the control of manufacturing of small arms and light weapons and has been fairly neglected. The respondents could not really specify what practical measures they have initiated and the outcome of this. This is supported by the views from Valentine (2007), Atinga (2008), and Tive (2013), that concludes that the cultural norms of the West Africans has made the manufacturing of SALW control of quite difficult. Therefore, the need to look further into the regulations of the both local and international manufacturers and suppliers of SALW.

The Arms Trade Treaty (ATT) can be an effective policy to control the international manufacturing and local manufacturers of SALW has been supported by [Saldner \(2013\)](#) and corroborated by ECOWAS towards its part and effort to control SALW trafficking pushes for the ratification of this treaty by its member states. An achievable effort is seen as eight (8) countries out of the fifteen (15) member states have ratified the ATT. This ratification will ensure that arms trade among countries in the world are more regulated and establishment of transparent transactions and arms procurements will decrease the occurrences of SALW trafficking in the world and most especially in West Africa ([Anonymous](#)).

All institution that participated in this study all acknowledged the existence of the Convention as most of them are involved in its implementation. There were however variations in the level of knowledge about the provision of the convention. Whereas some respondents demonstrated ample knowledge about the provision of the convention, others showed little understanding especially with regards to the Action Plan:

- Capacity building(equipment supply, curriculum development and training),
- Advocacy and Communication,
- Development of partnerships,
- Harmonisation of legal Framework, and
- Monitoring and Evaluation ([NATCOM Annual Report, 2015](#)).

The ECOWAS Convention has been ratified by all member states except Cape Verde, but despite this, member states are mainly challenged with the harmonizing national laws that are outdated with the provisions of the Convention. The existing laws on SALW in these countries were found to be adrift with some of the provision of the Convention. The gap were in the areas of arms production, arm exemptions conditions within the Convention and prior authorization in the form of a license, marking and training of prospective gun owners. And these have posed a really obstacle in the effective control of SALW in West Africa [ECOWAS \(2009\)](#).

The establishment of NATCOMs in compliance with the provisions of Article 24 of the convention was found to be largely complied with by respective countries ([ECOWAS Commission, 1999](#)).The NATCOMs were functional and were active in the discharge of their duties especially in compliance with the other articles of the convention. The NATCOMs were seen to be the driving forces as confirmed by [Valentine \(2007\)](#) that behind the ratification of the convention by member states and domestication of the convention as in the case of Sierra Leone

In Ghana and Togo however, the commissions are championing the process for the harmonization of their countries laws on arms with the provision of the convention and other internal arm protocols. Together with the CSOs, the commissions have successes in popularising the content of the convention through public education and awareness creation. However, lack of political will, inadequate financing and logistics constituted major constraints to the effective functioning of these commissions ([ECOWAS Commission, 1999](#)).

In terms of compliance to other articles investigated, all the countries (15 Member States) have complied with to a reasonable degree. Various strategies and activities have been designed under respective articles. Border patrols, public education, arms collection and destruction and cooperation within and among member states were areas that all member states have complied with to a more satisfactory level. In terms of marking and national data base, Ghana and Cote d'ivoire have made significant gains than the other countries. This is because they have established the arms registry and is marking the arms of the security forces where as the other member states are still in the process of doing so.

It was discovered that the implementation of the convention has had a positive impact on the SALW situation in the region. Though quantitative data could not be obtained to paint a better picture, the collection and destruction of arms, reduction in arms related violence and the general stability enjoyed by these countries were parameters that showed that the convention affected the arms situation positively ([Interview with Arire, 2016](#)).Civil Society Organisations (CSOs) were also found to be very instrumental in the implementation process of the convention as evident from the NATCOMs officials responses and also corroborated by [Klare \(1997\)](#) as regards to the role in advocacy, public education and awareness raising. However, their engagement was found to be limited to the above listed roles and this was not consistent with the provision of the convention which recognized CSOs as partners and integral in the design and implementation processes of the convention.

The operational mechanism of the ECOWAS Convention pin point how it controls the possession of Small Arms and Light by civilian, management and security of stockpile, Collection and destruction of Small Arms and Light Weapons, Marking, Tracing, Brokering, Harmonisation of Legislation Provisions, Strengthen of Border Control, Public Education and Awareness Programmes. It should be borne in mind that the convention specifically states that member states is to implement all these.

As evident from this summary and responses, the convention though made mention of the border controls , but there is no much practical measures on ground and has really put the West Africa into threats from the SALW trafficking. And this statement is substantiated further by [Lamb and Dye \(2009\)](#), that a number of governments have been unable to make any significant impact on curbing illegal arms transfers as they lack the capacity to effectively police their borders and are unable to effectively secure state weapons stockpiles.

In regards to this, it is important also to depict the relationship between borders control and the trafficking of SALW in West Africa. SALW seem to know no borders in West Africa. As argued by JayanthaDhanapala that the low cost of black market weapons males these weapons to have easy circulation at all levels from the smuggling of individual weapons to large shipments ([Dhanapala, 2002](#)).

However, according to [ECOWAS/UNDP \(2016\)](#), the assessment report identified the Guinea Forest and the Parrot Beak regions as the most prominent routes for trafficking arms within the Mano River Basin. The borders between West Africa's states are long and full of footpaths, which are poorly patrolled. More than 150 illegal

crossing points were identified to and from Sierra Leone and Guinea and Liberia. Over 85% of crossing points were covered by fewer than 11% of the customs, immigration and security officials identified.

ECOWAS made mention of joint border control among states, similarly stated by the NATCOMs but they were vague in their responses which shows that there are just little focused attention in this area. And the less rigid action against the manning of the border is a major threat to the effective control of SALW trafficking in West Africa.

Concerns about brokering as one of the Major Avenue through which SALW are trafficked. As mentioned earlier, all the respondents believed that this is very vital to look into the control mechanism. Similar findings were obtained by Vines (2005); Ekiyor (2008) and Bashir (2014) and as this writings demonstrate this truth and there are no much practical measures in this regards. The ECOWAS Convention in its Article 20 mentioned member states are to require that all registered SALW brokering license applications for authorisation provide full disclosure of relevant import and export licenses or authorisation and associated relevant documents, the names and location of all brokering and shipping agents involved in the transaction and transit routes and points of SALW shipments (ECOWAS (2009)).

Most member states have not adopted legislative and other measures to punish and establish a criminal offence for the illicit brokering of small arms and light weapons. As such, the study findings again nullify the proposition that the operational mechanisms of the ECOWAS Convention have effectively been able to control the trafficking in SALW.

The major challenges encountered during the implementation of this convention and that has been a strain in the effective control of SALW trafficking by ECOWAS is being faced by ECOWAS commission itself through the ECOWAS Small Arms Division, the institutional arrangements such as NATCOMs, ECOWAS project partners and Member States.

In-sufficiency of resources (Human, material and money), porous borders, rogue arms producers and brokers. The as yet un-completed Harmonisation of Legislation is also a draw-back although work is far advanced are the key challenges that was discovered during this research studies.

In terms of the efforts to ensure that the porosity of the borders stop the trafficking of these SALW is the ECOWAS/EU Small Arms project (ECOWAS/UNDP, 2016). This project is an intervention under the EU support to ECOWAS Regional Peace, Security and Stability Mandate for the implementation of the Pilot Weapons Collection Programmes. It is implemented by the UNDP working through National Commissions. Through this program, security personnel are being trained in the Northern Mali, Niger and the Mano River Union member countries.

Though, the major challenge of the porosity of the border and some other revelation is that so many countries in West Africa have many borders which are not manned. This knowledge has been affirmed as a major challenge. Alex Vine endorsed this by defending that tracking and regulating ammunition imports, establishment of a coherent regional response by ECOWAS to investigate the role of transnational organized crime and smuggling of other goods because, the West African borders are meaningless to these groups (Vines, 2005). Whereas, the convention in its Article 22 stated strengthening of border control but it was not elaborately spelt which puts out the reasons why there are no so much physical and effective measures.

Similarly, lack of political will to boost the implementation of the convention has been seen as a challenge. Kumar (2008), confirmed this by stating that in West Africa, it is because if the ECOWAS Convention has been harmonized with the legislative provision of the Member States, then the control of trafficking of SALW would have been under control, but this a challenge because most NatComs are not able to discharge their duties effectively.

The respondent from the Small Arms Division of ECOWAS Commission stated that there is the annual report that each Member States submits in accordance to the adhering to the Convention but there should be physical examination also and this brings the challenge of no regular monitoring by ECOWAS.

However, another critical challenge to SALW policy harmonisation is differing national priorities hampering smooth cooperation and also the lack of a common level of legal, regulatory and policy frameworks regulating the SALW. NATCOM Annual Report (2015), has revealed varied levels in SALW governance regimes. This is as well found in member States where countries have different SALW national policies, legal and regulatory frameworks. Interestingly countries like Ghana and Cote d'Ivoire have already harmonized their national policies with that of the ECOWAS Convention. The existence of varied levels of SALW, policies, laws and regulatory frameworks poses a stumbling block when it comes to harmonization. The inactive cooperation with other states and international organizations, in these aspects then, the study has confirmed the proposition that the implementation of regional policies on the control of trafficking in SALW faces many challenges.

## 5. Conclusion and Policy Implications

The conclusions can be drawn from the findings of the research. Firstly, this study concludes that there is a minimal efforts and contribution of ECOWAS regional policy on the control of trafficking in SALW in West Africa. As the study found out, the ECOWAS Convention on SALW focuses a lot more on the control of illicit proliferations and misuse of SALW rather than the control of SALW traffic. Though, some articles in the policy document is seen to be geared towards the control of trafficking in SALW but both policy document and the practical measures on ground are so minimal as compared to other measures that are geared towards the control of illicit proliferations and misuse of SALW in West Africa. Vital areas such as border control and brokering regulations that needs stricter control are not been given much attention. Though, they can be commended in the area of monitoring of Arms transfer among member state and the use of the exemption procedure and exemption certificate. In addition, the manufacturing of SALW has received little control, even though it is well written in the



policy document the measures of control and this point out the need for all member states to ratify the Arms Trade Treaty (ATT).

Secondly, the implementation of the operational mechanism is not due to the desire to protect national interest of each member states which keeps drawing back the little efforts to control traffic in SALW. These collective and unified efforts are minimal to control of the SALW trafficking by ECOWAS. And that's why in the summary of findings among member states, Ghana is relatively ahead of others, while in Sierra Leone it is fair and Togo is still lagging behind in adhering to most of the operational mechanism of the Convention. It is also worthy to mention that ECOWAS has been able to control and handle the management and security of stockpile, collection and destruction of SALW, marking of weapons, public education and awareness programmes, but a draw back in the establishment of ECOWAS small arms and light weapons database and registers, however, national databases are only just being developed and the database for peacekeeping operations too.

Lastly, inadequacy of resources (human, material and finances), porous borders, rogue arms producers and brokers further inhibits this process. The un-completed harmonisation of legislation and improper monitoring of the implementation of the Convention is also a draw-back although work is far advanced in this regard remains among the most critical and exigent challenges for the deeper control of trafficking in SALW in West Africa.

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## **Acronyms and Abbreviations**

**AU-** African Union  
**ATT-** Arms Trade Treaty  
**ATT Prep-Com-** Arms Trade Treaty Preparatory Committee  
**BFC-** The Budget and Finance Committee  
**BMS-** Biennial Meeting of States  
**BMS6-** Sixth Biennial Meeting of States  
**CSOs-** Civil Society Organizations  
**DPKRS-** Directorate of Peacekeeping and Regional Security  
**ECOWAS-** Economic Community of West African States  
**ECPF -** ECOWAS Conflict Prevention Framework  
**ECOSAP-** ECOWAS Small Arms Control Programs  
**EDF-** European Development Funds  
**EU-** European Union  
**IANSA-** International Action Network on Small Arms  
**MRU-** Mano River Union  
**MS-** Member States  
**NATCOMs-** National Commissions on Small Arms and Light Weapons  
**PAU:** The Pan African University  
**PAUGHSS:** Pan African University Institute for Governance, Humanities and Social Sciences  
**REC-** Regional Economic Community  
**RECSA-** The Regional Centre for Small Arms and Light Weapons  
**SADC:** The Southern Africa Development Community  
**SALW-** Small Arms and Light Weapons  
**SARPCCO-** The Southern African Regional Police Chief's Cooperation Organization  
**SAD-** Small Arms Division  
**SLeNCSA -** Sierra Leone National Commission on Small Arms and Light Weapons  
**UNDP-** United Nations Development Program  
**UN-** United Nations  
**UNGA-** The United Nations General Assembly  
**UNREC-** United Nations Regional Centre for Disarmament Affairs  
**UNPoA-** United Nations Program of Action to Prevent, Combat and eradicate the illicit Trade in Small Arms and Light Weapons.  
**WAANSA-** West African Action Network on Small Arms

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