



**SMALL ARMS AND LIGHT WEAPONS PROLIFERATION IN
WEST AFRICA: AN INQUIRY INTO THE ROLE OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES
(ECOWAS) IN SILENCING THE GUNS**

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Abstract

The West Africa sub-region is characterized by violent conflicts and proliferation of Small Arms and Light Weapons (SALW). Large amounts of weapons have found their way into the region accompanied by gross misuse by state and non-state actors alike. The widespread availability of small arms to abusive actors, poses a threat of unprecedented magnitude to the sub-region. Owing to this proliferation, the sub-region may likely selfdestruct. Given this concern, this work examined ECOWAS attempt at fighting against this challenge. The work showed that, there are over one hundred million illicit SALW in the sub-region, responsible for armed conflict in the sub region despite the un-relented efforts of ECOWAS to eradicate the menace. The study further revealed that ECOWAS Convention which seeks to combat the excessive accumulation of SALW within the sub region is nothing but a mirage as a result of weak national controls and lack of international cooperation on arms control that have led to the proliferation of these weapons. It was discovered that, the greatest barrier to resolving debates over gun policy in the sub region, is the lack of comprehensive data and political will among the states. This study offered the following

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recommendations: member states need to compliment ECOWAS efforts to fight against illicit use of SALW and harmonize their efforts in executing internal initiatives, international implementation and enforcement of national and international arms embargoes must be improved and constant road checks need to be organized with the aim of apprehending the individuals being sought and preventing trafficking in arms and ammunition. There is also the need to build a robust intelligent network among the ECOWAS member states that can provide a comprehensive information on the movement of SALW for swift apprehension.

Key Words: Small Arms, Light Weapons, Weapons Proliferation, ECOWAS.

Introduction

West African states have witnessed broad range of conflicts in which illicit arms and weapons largely fueled the uncontained and overlapping nature of the violence, especially in states like Sierra Leone, Senegal, Guinea Bissau, Mali, Liberia and Nigeria. The West African Sub Region faces a herculean task to survive from the crises in which illicit small arms and light weapons play a central role in its destabilization.¹ The sub-region has witnessed the killing of millions, destruction of properties and the gross violation of human rights, trafficking criminality (arms and human), subversion of the rule of law, instability and general state of fear due to illicit arms and weapons circulation.² There is no accurate data on the amount of illegal fire arms that have found their way into the sub-region.

The Economic Community of West Africa States (ECOWAS), established on 28 May 1975 as a regional political and economic union of initially seventeen states which saw the opting out of two states leaving fifteen

¹ Small Arms Survey. *Weapons and the world: learning from Africa*. (Oxford University Press, 2013).

² Oxfam. *From pledge to commitment*. Oxfam, (2016) <https://www.oxfam.org/sites/www.oxfam.org/files/bn-carpledgetocommitment-151116-en_0.pdf> Accessed 12th June, 2024.

states namely, Benin, Burkina-Faso, Cape Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Nigeria, Niger, Senegal, Sierra-Leone, and Togo. Considered one of the pillars of the regional blocs of the continentwide African Economic Community (AEC), its objectives are to promote economic integration across the region, to achieve collective self-sufficiency in creating a single large economic bloc by building a full economic union.³ ECOWAS, through its monitoring group ECOMOG, also serves as a peacekeeping force in the region and seeks to prevent the illicit trafficking of arms.⁴

Arms trafficking or proliferation, are the illegal trade of weapons, which fuel wide range of illicit and nefarious criminal activities associated with transnational criminal organization.⁵ Illicit arms transactions in the subregion, is estimated for above \$1 billion yearly.⁶ The harm associated with illicit arms and weapons in the West African sub-region affects all spheres of human society. Illicit trafficking of small arms and light weapons are the key instruments used in killing, intimidating, and threatening of the civilian populace in West Africa and illicit arms plays a conspicuous role in many human right violations, such as, enforce disappearance, rape,

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torture, and the recruitment of child soldier.⁷ Illicit arms trafficking has negatively impacted and intensified intra-State arms violence in the sub region. Illegal arms and weapons are at the heart of violent deaths in the West Africa sub region. This was observed in Liberia, Sierra-Leone and

³ Agwanwo, D. E. & Ekpeteron, D. G. Exogenous factors as determinant of Boko Haram terrorism in Nigeria: An analysis. *Journal of African Contemporary Research*, Vol. (9) no. (2), (2018) pp. 1-15.

⁴ ECOWAS Convention on Small Arms, Light Weapons (2006). Their ammunition and other associated material. EconomicCommunity of West African States(ECOWAS).<<http://www.poaiss.org/RegionalOrganizations/ECOWAS/ECOWAS%20Convention%202006.pdf>> Accessed 12th June, 2024.

⁵ Kofi, A. *Millennium report to UN General Assembly*. (African Basic Economy Limited, 2010).

⁶ Ibid.

⁷ Stohl, R. United States weakens outcome of UN small arms and light weapons conference. *Arms Control*, Vol. (1) No. (1), (2017) pp. 34-45.

Cote d' Ivoire for nine years and resulted to the death of over 75, 000 persons.⁸ Illicit arms trafficking, have fueled a wide range of insecurity, hindered the provision of social services such as education and health, access to food and water, limiting access to Aid Delivery, over 200,000 internally displaced people and more than 20,000 orchestrated by arms trafficking in the region.⁹ Insecurity, impedes long term socio-economic development goal, forcing people to move, leaving their businesses and harvest unattended. It has also diverted states budgets from key sectors of development such as education, agriculture, engineering and health; majority of the violent deaths in the sub region are triggered by illegal small arms and weapons.¹⁰ An estimated 1,689 – 3,713 civilians were killed in Mali by rebels and other armed groups between 2012 and 2014. In August, 2016, 902 deaths were also recorded. The total number of violence deaths in current years is estimated for 50,000 fatalities in huge arsenals of illicit arms in the West Africa sub region. Increasing reports of clashes with progovernment forces, suggest that unarmed civilians will continue to be victims of uncontrolled arms in West African region¹¹.

The West Africa Action Network on Arms Control estimated that 8 million arms and weapons were trafficked through the sub-region. The United Nations Office on Drugs and Crime (UNODC), put the annual cost of drugs trafficked through West Africa at \$1.25bn¹². The cost of piracy in the Gulf of Guinea and Somali coast to the global economy in 2015 was \$719m and \$1.32bn, respectively.¹³ Further studies show that illicit trafficking of arms

⁸ Rothe, D. L. & Ross, J. I. *How states facilitate small arms trafficking IN Africa: A theoretical and juristic interpretation*. SSRN Working Paper Series.

<<https://doi:10.2139/ssrn.2427762>> Accessed 12th June, 2024.

⁹ UNHCR. Regional strategy for forced displaced of Malians: Refugees and internally displaced persons. (2017) <<http://data.unhcr.org/SahelSituation/regional.php>> Accessed 12th June, 2024

¹⁰ Ibid.

¹¹ Ibid. n. 2.

¹² UNIDR. *Combating the proliferation of small arms and light weapons in West Africa, handbook for the training of armed and security forces*. (UNIDIR, 2006).

¹³ Nwaiwu, C. Illegal arms in s/east produced locally–presidential committee. Vanguard. (2015) <<http://www.vanguardngr.com/2015/10/60-of-illegal-arms-in-seastproducedlocallypresidentialcttee/>> Accessed 12th June, 2024

is worth \$1 billion annually and is more than the amount recorded in deals related to cocaine and terrorism, which is estimated to worth between \$170 million and \$320 million¹⁵. The foreign weapons trafficking pattern usually goes from the developed countries that manufacture and sell arms to buyers in developing nations, especially in the West African Region where there is high demand for arms and weapons due to instability, civic and domestic conflicts, small wars, insurgency and terrorism.

Illicit arms and weapons are used to carry out sex crimes, genderbased violence which has become widespread in Africa, especially in conflict situations.¹⁶ it is estimated that about 45.6 percent of African women, have experienced Gender based violence, compared to 35 percent globally.¹⁷ It is estimated that most African women and girls will experience a form of Gender-based violence in their lifetime. United State States of America Aid's (USAID) 2015 Report Fact Sheet on Mali, shows 38 percent of women aged 15 and above have experienced physical violence, while more than 10 percent of women between 15 and 49 years have been sexually

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assaulted.¹⁸ The UN also recorded 90% allegations of conflict related sexual violence, 69 rapes and 21 sexual assaults in the region.¹⁹ In conflict situations, Gender-based violence is generally associated with armed groups and combatants who use arms and weapons to humiliate, intimidate, displace and traumatize individuals and communities. The presence of small arms creates an atmosphere of fear that affects the resumption of normal economic activity and everyday life. It prevents people from conducting businesses, leading to reduced trade and foreign investment¹⁹.

¹⁵ Hiribarren, V. *UN manguier au Nigeria: Histoires du Borno*. (Plon Publishers, 2019).

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ ENCA. *Africa leads in gender-based violence*.

(2013)<<https://www.enca.com/africa/africaleadsgenderbased-violence>> Accessed 12th June, 2024.

¹⁹ Ibid.

¹⁹ Ibid. n. 2

The flow of arms plays a crucial role in the activities of organized crime networks across Africa; they are either the object of illicit trafficking and/or

used to protect the infrastructures used for criminal activities. There is a convergence of organized crime, illicit arms availability and armed conflict, including violent extremism, in places such as the Sahel, Libya and Somalia. Pirates use illicit arms in the Horn of Africa and the Gulf of Guinea regions to attack and seize ships and to kidnap crews for ransom.²⁰ Nigerians account for 75% crime in the Gulf of Guinea²¹ Similarly, South American drugs heading for Europe, are trafficked through West Africa and the Sahel, and illicit arms are used to protect the trafficking routes.²¹ The annual cost of drugs trafficked through West Africa is put at over \$1.25bn.²³ The cost of piracy in the Gulf of Guinea and Somalia coast to the global economy in 2015, was \$719m and \$1.32bn, respectively. The growth and activities of religious groups that espouse radical extremist ideologies have contributed to the spread and use of illicit arms in Africa.²² The existence and possession of illicit arms by violent extremist groups have negatively impacted security in West Africa.

Trafficking illicit arms, is a requisite element in the identity of violent extremist groups given their access to arms and weapons increases. For instance, Al-Shabaab, radical Tuareg militias, AlQaeda in the Islamic Maghreb (AQIM) in Northern Mali and Boko Haram, in parts of Nigeria, Chad and Niger Republic, have initiated and sustained armed insurgencies because of their access to arms and the use of arms and weapons. Islamist militancy has garnered the most attention as a consequence of the violent attacks of Al Qaeda in the Islamic Maghreb, Al-Shabaab, Boko Haram and other similar groups operating across Africa. According to the UN

²⁰

Ibid.

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Thachuk, K. & Saunders, K. Under the radar: airborne arms trafficking operations in Africa. *European Journal on Criminal Policy and Research*, Vol. (20) No. (3), (2014) pp. 361–378.

²¹

Ibid.

²³

United Nations Office on Drugs and Crime (UNODC) Report 2013. ²²

Ibid.

chronicle, based on UNDP estimates, 24,771 people were killed and 5,507 wounded between 2011 and 2015,¹⁴ with most of the fatalities recorded.

However, the fight against trafficking of arms and weapon is a key priority on West Africa's peace and security agenda. Stopping the illegal circulation and trafficking of arms and weapons is such an important objective that the Economic Community of West African States(ECOWAS), stand for the mechanism for conflict prevention, management, resolution, peacekeeping and security captured under Article51 specifically established for Preventive Measures against the Illegal Circulation of arms¹⁵. This provides that ECOWAS shall take all the necessary measures to combat illicit trafficking

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and circulation of arms in the sub region.¹⁶the growing awareness of the interconnectedness of the threats to security and of the need for a holistic approach to building security has also led to the adoption of key instruments at the sub-regional level in the fields of prevention of conflict, human trafficking and drug trafficking.

However, in response to these challenges, ECOWAS policy on tracing of illicit small arms and light weapon, is a key mechanism for national and regional efforts to prevent, combat and eradicate illicit circulation, and of arms. The ECOWAS Commission is committed to strengthening the ability of its Member States to cooperate in identifying and tracing illicit arms in a timely and reliable manner even though, the ECOWAS policy has been faced with the problem of implementation and international cooperation. It became clear in 2013, that there was substantial confusion about the terms of the Moratorium in several ECOWAS countries. The military and the arms transfer licensing authorities were apparently unaware that their government had declared the Moratorium.²⁶Underpinning these trafficking was bad governance, high levels of poverty, struggle for scarce resources, and the competition for economic and/or political power among the elites, oil theft, money laundering, corruption, exploitation, terrorism, militancy,

¹⁴ Stohl, R. &Myescough, R. Sub-Saharan small arms: the damage continues. *Current History*, Vol. (2) (1), (2007) pp. 106-123.

¹⁵ Ibid. n. 4.

¹⁶ Anatole, A. & Ibrahima, S. *Combating the proliferation of small arms and light weapons in West Africa: Handbook for the training of armed and security forces*. (UNIDIR, 2005).

²⁶ Ibid.

ethno-religious violence, scrambling for resource control, and other premeditated violence¹⁷. This paper seeks to identify the fundamental problems associated with illicit arms trafficking to

West Africa, their magnitude, modes of acquisition, consequences and challenges with emphasis on the role of ECOWAS in combating the inflow of illicit arms in the sub region.

Conceptual Clarifications

What are small arms and light weapons do not have a universally accepted definition. The Small Arms Survey uses the term small arms and light weapons to cover military-style small arms and light weapons as well as commercial firearms (handguns and long guns).¹⁸ The United Nations (UN) program does not really define small arms or light weapons, but they are usually understood as: weapons that can be transported and used by one person or a small crew. Small arms are revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns. Light weapons are heavy machine guns, hand-held under barrel and mounted grenade launchers, portable antitank and antiaircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars with calibers of less than 100 millimeters.¹⁹ According to the UN Institute for Disarmament Research small arms and light weapons “a subcategory of conventional arms that includes firearms and other small arms, such as pistols, revolvers, and assault rifles, as well as light weapons such as heavy machine guns, man-portable air defense systems, and howitzers with calibers of less than 100 millimeters.”³⁰

Small Arms

The United Nations defined Small Weapons as: “any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be

¹⁷ Ibrahim, A. Contextualizing the proliferation of small arms and light weapons in Nigeria: The untold story. *International Journal of Business and Law Research*, Vol. (3) No. (1), (2015) pp. 1-14.

¹⁸ Ibid. n. 2

¹⁹ UNGA (United Nations General Assembly) (2005). Resolution 49/159, adopted 23 December. A/RES/49/ 159 of 24 February 2005.

readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas³¹. It then goes on to note that, small arms are “weapons designed for individual use”.³⁴ According to ECOWAS Convention:

Small arms refer to arms used by one person, and which include firearms and other destructive arms or devices such as exploding bombs, incendiary bombs or gas bombs, grenades, rocket launchers, missiles, missile systems or landmines; revolvers and pistols with automatic loading; rifles and carbines; machine guns; assault rifles; and light machine guns.³²

Light weapons

According to the United Nations, Light Weapons are: “weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person”.³³ It subsequently repeats the list of examples provided in the 1997 UN Panel report”

³⁰ UNIDR, *Combating the Proliferation of Small Arms and Light Weapons in West Africa, Handbook for the Training of Armed and Security Forces*, (United Nations, Geneva, Switzerland Uslander, 2006). ³¹ Ibid. n. 26.

³⁴ Ibid. n. 33.

³² ECOWAS Convention on Small Arms, Light Weapons, their ammunition and other associated material', Economic Community of West African States (ECOWAS)

<<http://www.poaiss.org/Regional>

[Organizations/ECOWAS/ECOWAS%20Convention%202006.pdf](http://www.poaiss.org/Regional)>Accessed 06th June, 2024.

According to the ECOWAS, Light Weapons are:

portable arms designed to be used by several persons working together in a team, and which include 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; and mortars with a caliber of less than 100 millimeters.

Weapons Proliferation

Weapons proliferation is a related term used to describe the growth in both the authorized and the illicit markets finding their way into territories where laws exist which prohibits their entrance in such manners.³⁴ Notable user and possible framer of the term is Kofi Annan a former Secretary-General of the United Nations (UN).³⁵ The small arms market includes legal and illegal transfers³⁹. Legitimate transfers refer to those approved by the involved governments and in accordance with national and international law.³⁶ Black market (illegal) transfers clearly violate either national or international law or both as the case may be and take place without official government authorization.³⁷

³³ Ibid. n. 26.

³⁴ Osimen G U, et al, The Role of ECOWAS in the Fight against the Proliferation of Small Arms and Light Weapons in West-Africa Sub-Region. *International Journal of Political Science (IJPS)*, Vol. (6) No. (4), (2020), pp. 1-11.

³⁵

Ibid.

³⁹

Ibid. n. 5.

³⁶ Ibid. n. 38.

³⁷

Ibid.

Pattern Of Illicit Arms Procurement In The West Africa Sub Region Black markets and illicit trading

The number of conflicts in Africa illustrates the thriving scope of the illicit arms trade in the continent. Locally-made arms and diverted stocks are traded in parallel arms markets. In 2013, Cameroonian security forces intercepted 655 guns enroute to Nigeria, and another 5,400 AK-47 rifles

were intercepted in Maroua, in the northern region of Cameroon.²⁰ Based on the Small

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Arms Survey assessment of Libya's illicit arms market, SALW such as heavy machine guns, shoulder-fired recoilless weapons, rocket launchers, anti-tank guided missiles, man-portable air defense systems, grenade launchers, and different types of rifles can be bought online.²¹

Diversion from state stockpiles

The diversion of legally acquired arms by African countries, is a common source of uncontrolled and illicit arms. This can occur in several forms, including the illegal sale of official arms by corrupt officials to non-state actors. The Nigerian state has lost large cache of arms to Boko Haram insurgent group.²² The diversion of state arms stockpiles, is also facilitated by the poor welfare conditions of military personnel, weak governance and a lack of oversight over arms procurement and accountability of weapons stockpiles. Soldiers in most African countries are underpaid, and their salaries are often delayed for months. This has reportedly led to riots, sexual violence, looting and involvement in corrupt practices, as has noted in the Democratic Republic of Congo (DRC), Burkina Faso, Mali, Guinea and Nigeria.

European Illicit Gun Runners

Since 1996, countries throughout Europe, have taken notice of arms trafficking. Europe has been an overall large exporter of illicit weapons with the United Kingdom, Germany, and France in the lead for the most exports. In the view of Arsovska, the firearms that are reportedly imported and passed around, are commonly small arms and lighter weapons

²⁰ Oxfam, From Pledge to Commitment. (2016)<https://www.oxfam.org/sites/www.oxfam.org/files/bn-carpledgetocommitment-151116-en_0.pdf> Accessed 06th June, 2024.

²¹ Small Arms Survey, Weapons and the World: Learning from Africa. *Cambridge Reporting*, Vol. (1) No. (33). (2013).

²² PM News (10 February 2016). Nigerian Army Arrest Two Soldiers Working with Boko Haram. <<http://www.pmnewsnigeria.com/2016/02/10/nigerian-army-arresttwosoldiers-working-with-bokoharam>>Accessed 6th June, 2024.

compared to large machinery, such as tanks and fighter aircrafts. European gun runners tend to supply second hand weapons that are cheap and regularly available.²³ A rare exception was with the secretive arms dealers supplying the rebel group Sudan People's Liberation Movement-in Opposition (SPLM-IO) led by Riek Machar, the majority of the gunrunners appeared to be Europeans.⁴² The Franco-Polish arms dealer, Pierre Dadak was arrested on 14 July 2016 at his villa in Ibiza on charges of gunrunning into South Sudan.²⁴ At his villa, the Spanish National Police Corps allege that they found documents on how he was negotiating to sell to Riek Machar 40, 000 AK-47 assault rifles, 30, 000 PKM machine guns and 200, 000 boxes of ammunition and other aspect of exchange of crude oil and diamond for arms.²⁵ Interception and seizure of 661 pump action rifles, allegedly imported illegally into Nigeria from Turkey and a separate cache from China were confirmed in a press briefing by the controller general of the Nigeria custom service.²⁶

Local arms production

In the 1970s and early 1980s, local arms production, did not receive enough attention in Africa. Arms manufactured locally, were mostly used for hunting and for traditional rites. However, the rise in the use of firearms for violent crime, suggests that locally produced arms have become a sound and cheap alternative to imported weapons. Several unauthorized local arms producers exist across Africa, and the limited regulation of their activities contributes to the ready availability of SALW. In Ghana for instance, as of 2005, local gunsmiths have the capacity to produce over 200,000 weapons annually, including pistols, single and doublebarrel guns, traditional Dane guns, and pump-action shotguns.²⁷ Over 60 percent of illegal arms in southeast Nigeria, are locally made.²⁸ In Mali, locally made

²³ Arsovska, D. E. & Ekpeteronson, D. G. Exogenous factors as determinant of Boko Haram terrorism in Nigeria: An analysis. *Journal of African Contemporary Research*, Vol. (9) No. (2), (2018) pp. 1-15.

⁴² Ibid. n. 6.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Rothe, D. L. & Ross, J. I. How states facilitate small arms trafficking IN Africa: A theoretical and juristic interpretation. *SSRN Working Paper Series*. (2012).

²⁷ Ibid.

²⁸ Nwaiwu, C. *Illegal arms in s/east produced locally—presidential committee*. Vanguard.

weapons are widespread, and are used to commit crimes. This led to the enactment of law 04050/ANLM to regulate the manufacture, use and trade in locally made weapons, and the promulgation of decree 05-441/P-RM for the enforcement of the law.²⁹

Arms trafficking and Smuggling

Weapons are circulating at all levels from the smuggling of individual weapons to large shipments. Article 2 of the draft International Firearms Protocol, defines illicit firearms trafficking as: “the importing, exporting, acquisition, sale, delivery and movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State party without the authorization of or in violation of the legislation or regulations of any one of the State parties concerned”.³⁰

According to Owen, trafficking consists of higher value or more difficult illicit shipments of arms that often involve corrupt officials, brokers or middle-men motivated mainly by profit³¹. These often use well-established networks and channels are also employed for smuggling other illicit goods. Recent works on assessing the border threat, noted the patterns of arrival and circulation of small arms within the Mano River Union (Guinea, Liberia and Sierra Leone).

<<http://www.vanguardngr.com/2015/10/60-of-illegal-arms-in-seastproducedlocallypresidentialcttee/Accessed>> 6th June, 2024.

²⁹ Ibid.

³⁰ Owen, G. *Examining International Responses to Illicit Arms Trafficking, Crime Law and Social Change*. (Pearson Prentice Hall, 2000).

³¹ 49 Ibid.

Communities interviewed disclosed that during the civil wars in Liberia and Sierra Leone, illicit trade in small arms and light weapons, particularly AK- 47s, Rocket Propel Grenades (RPGs), FM light machine guns, M16 rifles, two-barrel Berettas, pistols, bazookas and mortars, increased along the Koinadugu Kailahun axis of Sierra Leone.³² Some of these arms and ammunitions are still being trafficked into Sierra Leone from Guinea and Liberia and vice versa. 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.³³ 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. The Sierra Leone Border Threat Assessment Report established that smuggling of SALW can be a real threat to stability in the Mano River Basin³⁴. In 2003, while conflict raged in Liberia, the government of Guinea imported mortar rounds and other ammunition from Iran. These were declared on cargo documents as detergent and technical equipment.⁵⁸ From Guinea, the weapons were forwarded to allied rebels inside Liberia who had launched two attacks on the capital, Monrovia. The rebels of Liberia United for Reconciliation and Democracy used these weapons to fire indiscriminately on civilian areas of Monrovia.

³² Ibid.

³³ Ibid.

³⁴ Taylor, M. UN small arms conference deadlocks. *Arms Control*, Vol. (1) No. (1), (2006) pp. 49-53.

Implication Of The Proliferation Of Small Arms And Light Weapons In The West African Sub-Region

Beyond the numbers, killings involving illicit arms are horrific and psychologically devastating to victims and their relatives. The plight of refugees must be taken into account; as productivity is lost as refugees are forced to live in camps and become dependent on humanitarian aid, and the immeasurable psychological trauma they go through for instance, statistics from United Nations High Commission for Refugees (UNHCR) show that more than 134,000 Malian refugees are in neighbouring Mauritania, Burkina Faso and Niger, and over 36,000 are internally displaced.³⁵

The civil war in Sierra Leone for instance, where SALW were the main engine of violence, saw over 50,000 people killed, 30,000 had their limbs amputated, and 215,000–257,000 women were victims of sexual violence⁶⁰.

During conflict, the structures of SALW circulation were integrated into economic structures. SALW have an economic value to the fighters that receive them. They enabled combatants to engage in predatory violence against civilian populations, stealing goods to sell on the local black market, which is the easily accessible illicit medium of transaction, for personal sustenance and enrichment. In some sub-regional conflicts, such bottom-up war economies have generated a degree of informal cooperation between the combatants of governments and insurgent forces that has sometimes included the trading of SALW. In Sierra Leone, in a new form of cooperative predation, government forces would withdraw from a town, leaving SALW behind. The RUF rebels would take control, collect the

³⁵ UNHCR. Regional strategy for forced displaced of Malians: Refugees and internally displaced persons.

<<http://data.unhcr.org/SahelSituation/regional.php>>Accessed 6th June, 2024.

⁶⁰Francis, L. K. *Small arms and light weapons transfer in West Africa: A stock taking the complex dynamics of small arms in West Africa*.(UNIDIR, 2009).

arms, and extract cash from the civilian population before retreating.³⁶ Government forces would then reoccupy the town, looting property that the rebels found more difficult to sell, and engage in illegal mining. SALW have been called weapons of mass destruction in West Africa with good reason.

The availability of SALW in West Africa has long term and widespread negative effects. Even at the end of hostilities in a violent conflict, small arms have remained, illegally, in the postconflict zones of Liberia, Mali, Niger, Senegal and Sierra Leone, making it easy for fighting to recommence.³⁷ Even when further combat is avoided, availability of small arms means that they have become common tools of violence, used in criminal activities and ethnic and political rivalries.⁶³ Armed combatants may become affiliated with local gangs, warlords or militias. This enduring climate of violence has often resulted in refugees and displaced persons fearing to return home after a conflict have ended. The insidious nature and impact of these weapons affects all aspects of society. Small arms, especially firearms, are the primary tools used to kill, threaten and intimidate civilian populations in West Africa. Small arms play a significant role in many abuses, including rape, enforced disappearances, torture, forced displacement and enforced recruitment of child soldiers.⁶⁴ When crimes have been committed with machetes, the victims were often initially rounded up with small arms. Heavily armed individuals, create an environment in which atrocities can be committed at will and with impunity. Even small numbers of small arms, confer great power on those that bear them. It is estimated that more than 50% of the weapons that proliferate in Africa are used illicitly in trafficking, armed robbery, terrorism and organized crime. The proliferation of small arms, has also encouraged fear in countries where the state uses small arms

³⁶ Ibid.

³⁷ Ibid.

⁶⁴⁶³ Ibid.

to quell political opposition.³⁸ In Nigeria, the country's oil-rich Delta region has seen conflict since 2003 involving well-armed militia groups motivated in part by economic interest in stolen crude oil.³⁹ These groups use a range of sophisticated weapons, such as semi and fully automatic rifles, alongside more traditional weapons to carry out deadly and paralyzing attacks on oil and gas installations.⁴⁰ They have killed scores of security officials, damaged oil facilities and infrastructure, and shut down oil production. They have also taken foreign oil workers hostage. Hundreds of people have been killed in the violence, which has also resulted in the displacement of thousands and the destruction of hundreds of properties. Just as the movement of fighters ready to bear arms aids proliferation, it is a result of small arms proliferation, as their supply creates the demand for people to bear arms. Equally, SALW fuel the illicit trafficking of natural resources such as oil, diamonds, timber and coffee. This is in part, due to the porous nature of the borders in West Africa, which exposes the countries to a number of interrelated threats, including smuggling, robbery, dissident activities, and rebellion and cross-border raids. All of these are facilitated by the possession and use of small arms. The impact of SALW on economic well-being and national development in West Africa is of vast significance.⁴¹

Most victims of small arms violence in West Africa are young men, who have the highest earning potential. Non-fatal injuries, which are far more numerous than deaths, involve both costs to productivity and the expenses of health care. These costs must, in most cases, be met by individuals, households and their communities. Women's burden of income generation and care giving has increased substantially with the death or injury of so many men. SALW, have also placed women and girls at increased risk of severe injury or death. Levels of abuse and domestic violence have increased in post-conflict West African societies, as ex-combatants return

³⁸ Africa Council for Religions Leaders. *Small arms and light weapons: Africa a resource guide for religions for peace*. (UNIDIR, 2006).

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid. n. 49.

home with arms, and these small arms are used to carry out sex crimes.⁴² Gender-based violence (GBV) is widespread in Africa, especially in conflict situations. It is estimated that about 45.6 percent of African women have experienced GBV, compared to 35 percent globally. It is estimated that most African women and girls, will experience a form of GBV in their lifetime. In Mali, data from a 2014 USAID Fact Sheet shows 38 percent of women aged 15 and above have experienced physical violence, while more than 10 percent of women between 15 and 49 years have been sexually assaulted.⁴³ The UN also recorded 90 allegations of conflict related sexual violence, 69 rapes and 21 sexual assaults in the region. In conflict situations, GBV is generally associated with armed groups and combatants, who use SALW to humiliate, intimidate, displace and traumatize individuals and communities.⁷¹ The presence of small arms creates an atmosphere of fear that affects the resumption of normal economic activity and everyday life. It prevents people from conducting business, leading to reduced trade and foreign investment; small arms violence, be it crime or conflict-related, has had a particularly significant impact on tourism in West Africa. It also affects public services. The proliferation of small arms within the sub-region has inhibited access to basic services and key infrastructure, such as health clinics, schools and markets.⁴⁴ There is a strong correlation between small arms violence and deteriorating public services in the sub-region. Government services and aid programmes have to be curtailed or withdrawn because of insecurity. Levels of school enrolment and literacy have declined, as have immunizations, while child and maternal mortality have increased. Over time, this has represented a huge cumulative loss in productivity and wealth.

Small Arms and Light Weapons have escalated the intensity and impacts of intra-state armed conflicts in West Africa. They are responsible for the majority of direct conflict deaths in West Africa as evident in the civil wars

⁴² Ibid.

⁴³ ENCA. *Africa leads in gender-based violence.*
<<https://www.enca.com/africa/africaleadsgenderbased-violence>.> Accessed 6th June, 2024.

⁴⁴ Ibid.

in Côte d'Ivoire, Liberia and Sierra Leone, and play a central role in the many thousands of indirect conflict deaths caused by loss of access to health services, and forced displacement. Small arms and light weapons are the primary tools of violence, causing deaths and injuring thousands of people, among the innocent civilians.⁴⁵ It has promoted widespread of insecurity and hamper the provision of social services such as in the areas of health and education, and access to food and water in the sub region.⁴⁶ Insecurity impedes long-term socio-economic development by forcing people to move, leaving their harvests and businesses unattended. It has also diverted public spending away from key sectors of development such as health, agriculture, engineering and education in the sub region. Most deaths recorded in conflict and security-challenged environments in the continent are caused by SALW.⁴⁷ For example, an estimated 1,689 to 3,713 were killed between 2012 and 2014 in Mali alone. Most of these deaths were civilians killed by rebels and other armed groups. In 2016, 902 deaths were recorded. While the figures of deaths in

⁴⁵ Frankonero, N. *Effects of proliferation of small arms in Sub-Sahara Africa: USAWC strategy research project*. (Hybrid Publishers Limited, 2008).

⁴⁶ Ibid.

⁴⁷ Ibid.

recent years are dwarfed by the estimated 50,000 fatalities in 2011, the huge arsenals of uncontrolled arms in the possession of non-state armed groups, and increasing reports of clashes with pro-government forces, suggests that unarmed civilians will continue to be victims of uncontrolled arms in the region.⁴⁸ SALW significantly undermine the human rights of civilians in the areas where they are prevalent.

Efforts By The ECOWAS To Combat The Proliferation Of Small Arms And Light Weapons (SALW) In The Sub-Region

ECOWAS member states, consider the proliferation of small arms and light weapons as constituting a major threat to peace and stability within the sub-region. Over the years, ECOWAS has made significant efforts and gains in combating the proliferation of SALW in the sub region. Of all the sub-regional initiatives, ECOWAS has made the most strides toward curbing the illicit trade in small arms, with its unprecedented moratorium on the import or manufacture of small arms in the region. In 2006, the ECOWAS secretariat approved a legally binding version of the moratorium after the West Africa Action Network on Small Arms, a regional nongovernmental organization assisted by the aid agency Oxfam, succeeded in developing acceptable treaty language.⁴⁹ The moratorium finally put into law among the ECOWAS began as an initiative by Mali in 1993. The aim of the moratorium has been widely applauded as it challenges the main aspects of the SALW

trafficking that makes it difficult to stop. It calls for harmonized national controls among member states, supporting training programs for military, police, and security forces, enhanced border controls, stockpile management, and facilitating dialogue with arms supplier countries. As a result, the moratorium is seen as a plausible and effective means to end the trafficking of SALW.⁶⁸ ECOWAS member states agreed to control, regulate and/or prohibit the transfer, manufacture and possession of small arms and light weapons. They also agree to take measures to promote transparency; cooperation and exchange of information among member states. They are deeply concerned about the flow of small arms and light weapons into West Africa and recognize the need to control arms transfers and to prevent, combat and eradicate the illicit manufacture, excessive accumulation, trafficking, detention and use of small arms and light weapons. In light of this, and recognizing the principles and obligations contained in previous agreements, member states agree to the articles contained in the convention.

The objective that ECOWAS has set for itself presupposes both upstream and downstream intervention, from the production and delivery of arms to their final use, from the international manufacturers to local owners and users. These then, are the general principles set out in the Treaty of ECOWAS and in the 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. Efforts to combat the proliferation of small arms are included among them, alongside the Community's other

⁴⁸ Oxfam. From pledge to commitment. Oxfam Online. <https://www.oxfam.org/sites/www.oxfam.org/files/bn-carpledge-to-commitment151116-en_0.pdf> Accessed 6th June, 2024.

⁴⁹ Stohl, R. & Myescough, R. Sub-Saharan small arms: the damage continues. *Current History*, Vol (2) No. (1), (2007) pp. 106-123. ⁶⁸ Ibid. n. 52.

concerns. Provisions that deal exclusively with this problem, and that follow on from these two general instruments, can be found in other ECOWAS legal instruments, namely:

- i. The Moratorium on the Importation, Exportation and Manufacture of Light Weapons in ECOWAS member states (referred to as simply the Moratorium⁵⁰), adopted on 31 October 1998;
- ii. The plan of action for implementation of the Programme for Coordination and Assistance for Security and Development in Africa (PCASED), adopted in 1998;
- iii. The code of conduct for the implementation of the Moratorium, adopted on 10 December 1999.

To deal with illegality of SALW in the sub region, ECOWAS advocate the establishment of a database and regional arms register; the ECOWAS aim here, particularly through the register, is to introduce a sort of identity card for weapons, by identifying them with a number in order to make them easier to trace, either when they are taken from one country to another or when they are sold or borrowed.⁵⁰ The question of small arms is dealt with particularly in articles 50 and 51 of the Protocol relating to the Mechanism.

Article 50, on Control of the proliferation of small arms provides as follows:

While taking into account the legitimate national defense and security needs, and those of international peacekeeping operations, ECOWAS shall establish effective measures to:

- (a) Control the importation, exportation and manufacture of small arms and eradicate the illegal flow of such arms;
- (b) Register and control the movement and use of legitimate arms stocks;
- (c) Detect, collect and destroy all illicit weapons;
- (d) Encourage member States to collect and destroy all surplus weapons.⁵¹

Article 51, on Preventive measures against the illegal circulation of small arms, provides as follows: "ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of small arms. These measures shall include:

- a. Developing a culture of peace;
- b. Training for military, security and police forces;
- c. Enhancing weapons control at border posts;

⁵⁰ Cheikh, O. D. *ECOWAS as the institutional framework for efforts to combat the proliferation of arms in West Africa handbook for the training of armed and security forces*. (UNIDIR, 2005).

⁵¹ ECOWAS Convention on Small Arms, Light Weapons. *Their ammunition and other associated material*. Economic Community of West African States (ECOWAS). (2006) <<http://www.poaiss.org/RegionalOrganizations/ECOWAS/ECOWAS%20Convention%202006.pdf>> Accessed 6th June, 2024.

- d. Establishment of a database and regional arms register;
- e. Collection and destruction of (surplus and) illegal weapons;
- f. Facilitating dialogue with producers and suppliers;
- g. Reviewing and harmonizing national legislation and administrative procedures;
- h. Mobilizing resources. ECOWAS Convention.

In an attempt to limit the number of weapons in circulation; according to ECOWAS Protocol, there are legitimate weapons and illicit weapons. The latter category refers to those that are manufactured or acquired unlawfully and are not needed for the legitimate purposes of national defense, and that lend themselves to unregulated proliferation and illicit circulation. The same ideas apply to surplus weapons.⁵² In addition, initiation of a dialogue or partnership with arms manufacturers or suppliers; this idea is to stem the flow of illicit weapons; such partnerships are not of course intended to close down the arms trade, but simply to introduce, through cooperation, a little more transparency in the sale and movement of arms.

The political will to control small arms and light weapons within the territory of ECOWAS has been forcefully expressed on many occasions by the Heads of State and Government, as shown by the various aforementioned political and legal decisions that have been adopted. The major challenge remains translating this will into practical action, which primary responsibility now lies, as in many areas of the community policy, with the ECOWAS Commission, which has replaced the Executive Secretariat.⁵³

Conclusion

The Economic Community of West African States, as a sub-regional governmental organization, does not currently have all the material resources to control the circulation of small arms within the region. This is why, with a view to boosting the credibility of its objectives, the Protocol provides for the establishment of national commissions to implement and promote all these measures and to coordinate them with measures taken at the state levels. These commissions are established by the Authority of Heads of State and Government in a decision adopted at the same time as the Protocol. They are described as national commissions to combat the proliferation and illicit circulation of small arms. Their role is to submit to the authorities all relevant proposals for combating the proliferation of small arms, undertake awareness-raising activities, cooperate and exchange experiences with the commissions from other member states, bring their work to the attention of bilateral or multilateral institutions, help the authorities to comply with their international obligations to combat the proliferation of small arms. Small arms control, is a collective endeavour within the

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ECOWAS especially, with the adoption of the Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in 1998.

⁵² Ibid. n. 57.

⁵³ Cyriaque, P. A. *Political and institutional dynamics of the control of small arms and light weapons in West Africa*. (UNIDIR, 2008).

The legal framework reflecting this policy, which is foundation in the spirit of the moratorium dating back to the adoption of the ECOWAS Convention on Small Arms and Light Weapons, its Ammunition and Other Related Materials, will enshrine a number of principles and issues at the heart of the current international debate on an arms trade treaty and arms transfer control initiative. Therefore, preventing illegal arms transfers, require the adoption of policies, procedures, and practices aimed at controlling their import, export, transit, retransfer, and end use. The misuse of SALW and the illicit transfer of weapons to combatants, criminals, and terrorists, will require a fresh strategic approach with more defined objectives and greater commonality across the multilateral system. The following recommendations are offered:

There is the need to put more effort in addition to the necessary technical and financial resources with adequate and functioning institutional arrangements in place at the national and sub-regional levels with the capacity to play their role in full. The ECOWAS Commission, which is the cornerstone of this arrangement, must strengthen its own institutional capacities while strongly supporting the institutionalization and operation of the national commissions of member states and the restructuring of civil society organizations working in this field. Member states need to compliment ECOWAS efforts to fight against illicit use of SALW and harmonize their efforts in executing internal initiatives, as only appropriate governments understand their unique challenges and the necessary national response requirements.

A comprehensive implementation of the UN small arms instruments, should remain a principal focus of further efforts to combat the proliferation and misuse of small arms effectively. Officials have to take steps to remedy any weaknesses in controls at their own national levels that facilitate and contribute to small arms diversions and the illicit small arms trade. States that have not yet done so, need to review their national controls and their implementation in light of their commitments under the UN instruments on small arms. Where relevant, states should define a national strategy for ensuring their compliance with the UN instruments and the responsible management of small arms.

Governments of member states need to develop strategies that address the reasons why individuals, groups, and governments seek weapons in the first place. Such strategies must reflect an understanding of the complexities of violence in conflict zones, crime ridden countries, and countries recovering from war and should involve government officials, local community leaders, and Non-Governmental Organizations (NGOs).

Internationally, the implementation and enforcement of national and international arms embargoes must be improved. Of importance are the UN arms embargoes, violations of which must be thoroughly investigated and punished by the international community. At the national level, those governments that lack authorization systems for the production and transfer of small arms and light weapons should establish them immediately, and countries with weak systems should take steps to strengthen them. Coordinating the work of these networks to combat the illegal circulation of small arms, could substantially reduce the proliferation of such weapons. Only appropriate intelligence services can help in an effective way to identify the groups and individuals that are engaged in the manufacture, sale, storage, transfer, possession and illegal funding of this category of weapon.

Road blocks should be seen as one of the efforts to combat the proliferation of small arms. Constant road checks must be organized with the aim of apprehending the individuals being sought and preventing trafficking in arms and ammunition. For this purpose, road blocks should be set up on the main highways, secondary roads and even footpaths.