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Beyond Enlightened Legislation: The Political Economy of SALW Manufacture in Ghana

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SUMMARY

In Ghana, small arms and light weapons (SALW) manufactured illegally constitute a source of proliferation which pose a threat to peace and security. This brief posits that the inherent ambiguities in the legislation regulating the manufacture of SALW makes it difficult to control the trend. To control the menace, several interventions have been proposed but this brief argues for the revision of the law alongside a multi-dimensional approach that will deal with the demand and supply driven factors to reduce illegal manufacturing of arms in Ghana.

Introduction

Small arms are used legitimately to maintain law and order, but are also used for violence in support of criminal activities such as robbery, piracy and terrorism. Thus, uncontrolled proliferation of small arms can pose a threat to peace and security. In Ghana, there are varied sources of small arms which contribute to their illegal circulation. Porous borders facilitate the entry of arms into the country. There are also arms leakages from state security institutions as a result of improper record keeping and inventory.¹ Apart from these sources, locally manufactured small arms account for a large number of weapons in circulation² and are often discovered by police at crime scenes.³ Conflicts in some parts of the country such as the Northern and Volta regions have been aggravated by the production and possession of illegal arms.⁴

Although the law in Ghana bans the manufacture of weapons without a license, the trade in locally manufactured small arms is thriving and people engage in the activity because of the profit involved. About a decade ago, security experts⁵ estimated that local craft gun production had the potential to yield up to 200,000 weapons a year and each of the numerous local blacksmiths was capable of manufacturing up to 80 guns a year. Additionally, 2.3 million guns are said to be in the hands of civilians.⁶ These estimates should give a cause for concern since most of these weapons eventually get into the hands of criminals. As indicated in the United Nations Development Programme (UNDP) guide for SALW legislation,⁷ patronage of these illicit small arms and light weapons (SALW) is highly associated with the intention to commit crime. This is because both unlicensed manufacturers and buyers are legally prohibited and desperation pushes a

¹ Aluiza, A.B., (2008). Why Small Arms Trade Thrive in Ghana. Available at: <http://www.northernghana.com/news/?n=2269>. [Accessed 8 August 2014]. Also, a UNDP Assessment Report has indicated that the military interventions in the governance of Ghana in 1979 and 1981 contributed to the proliferation of small arms in the country. Small Arms Proliferation in Ghana in July 2004. Available at: <http://allafrica.com/stories/200407140726.html>. [Accessed 28 January 2015].

² The UNDP Country Baseline Assessment Report on Small Arms from 2005-2011 also confirms that local blacksmiths are one of the main sources of illegal weapons proliferation in Ghana and the blacksmiths engage in this illegal production because of profit (UNDP, 2011). Armed Violence and Small Arms Reduction, and Human Security Project. Available at: <http://www.undp-ghana.org/mainpages.php?page=small-arms>. [Accessed on 26 August 2011]. Also at <http://www.poa-iss-org/ICA/Upload/AssistanceProposals-Ghana>. [Accessed on 26 August, 2014]

³ The Ghana Police Service indicates that 90 percent of weapons found at crime scenes are locally manufactured. Available at: <http://www.modernghana.com/news/247282/arms-registries-to-be-installed-nationwide.htm>. [Accessed on 11 November 2014].

⁴ Okumah, C. Controlling Illegal Arms Production in Ghana, 7 July 2014. Available

at: <http://www.ghanaiantimes.com.gh/controlling-illegal-arms-production-in-ghana>. [Accessed on 25 August 2015].

⁵ Aning, E.K., (2005) *The Anatomy of Ghana's Secret Arms Industry*. In: N. Florquin and E.G. Berman (eds.). *Armed and Aimless: Armed Groups, Guns and Human Security in the ECOWAS Region*. pp. 78-106. Available at: <http://www.smallarmssurvey.org/weapons-and-markets/producers/craft-production.html>. [Accessed on 10 January 2015]. Also, Schroeder, M. and Lamp, G. (2006). *The Illicit Arms Trade in Africa: a Global Enterprise*. *African Analyst Quarterly*, Autumn, pp. 69-78. Available at: <http://www.africafiles.org/articles.asp?ID=21159>. [Accessed on 15 October 2014].

⁶ This survey was conducted by Kofi Annan International Peacekeeping Training Centre, (KAIPTC) in collaboration with Ghana National Commission on Small Arms and Light Weapons (GNCSA), The Government of Japan and the United Nations Development Project (UNDP) @ <http://pulse.com.gh/news/time-bomb-2-3-million-guns-in-civilian-hands-survey-id4015085.html?ajax=true> Accessed on 25/ August, 2016

⁷ UNDP, (2008). *How to Guide Small Arms and Light Weapons Legislation*. Bureau for Crisis Prevention and Recovery, p. 88.

lot of people to own these weapons. Quarterly early warning system data from West African Network for Peacebuilding (WANEP) indicates that armed attacks remain the topmost security threat to the country.⁸

Although Ghana appears to be relatively peaceful, the increase in criminal activities can deter foreign investors. During periods of heightened tension such as elections, minor skirmishes can result in full-blown violence with the accessibility to arms. The availability of arms can also threaten Ghana's developing oil industry. History has shown that the existence of rich natural resources in a country often attracts groups and individuals who form networks and with the aid of arms, illegitimately exploit the resources to the detriment of national development.

This brief aims to identify the loopholes in Ghana's legislation regarding the manufacture of small arms, which undermine the prevention of illegal production of arms. In addition, the paper proposes the strengthening of legislation together with the adoption of a multidimensional strategy to control the trend of illegal manufacturing of small arms.

Local Arms Manufacture in Ghana

According to Aning (2005),⁹ Ghana had a history of gun manufacture which dates back to several hundred years. Although the guns were used in a variety of contexts, they were primarily used for slave trade. Also, Agbodeka, (1999),¹⁰ posits that in the precolonial era, powerful rulers engage iron specialist to make guns and other peaceful tools for socio economic needs. Professional artisans like hunters were also expected to learn iron smiting in order to repair rifles and prepare their own cartridges for hunting. As indicted by Yakubu (2007),¹¹ through long years of practice, the skills of gun making seemed to have improved at an impressive level and there is the capability to produce different categories of sophisticated weapons such as the traditional dane guns, single barrel –to double barreled guns, pump action short guns and pistols. Also, Aning (2005)¹² has indicated that local arms are manufactured in all the ten regions of Ghana and the blacksmith have the capability to replicate the imported AK 47 assault rifles. Aluizia, (2008) has identified some cities in Ghana such as Tamale in the Northern Region, Alavanyo in the Volta Region, Techiman in the Brong Ahafo Region and Suame Magazine in Kumasi the Ashanti Region as the hub of gun makers which attracts customers from the entire West Africa.

⁸ National Human Security Early Warning Brief of Ghanawarn. Quarterly, March 2014. Available at: http://www.wanep.org/wanep/files/2014/apr/EW_Brief_Jan-Mar_2014.pdf. [Accessed on 20 August 2015].

⁹ Op cit. Aning (2005) pg 81

¹⁰ Agbodeka, F., (1992) *An economic History of Ghana: From the Earliest Times*. Accra: Universities Press

¹¹ Yakubu, A., (2007) Local Arms Production in Ghana: Validation Workshop on Supplementary Baseline Survey Report at <http://www.fosdanet/overview%20speech%20pdf> Accessed on [6 June 2014]

The growth in the small arms industry in current times could be attributed to the profit made by the manufacturers as a result of high patronage of the locally-made guns by criminal networks operating in the sub region. The existence of weak state institutions that lack the capacity to protect the citizens, unemployment and poverty could be among the possible factors which have spurred group and individuals to possess weapons. Traditional perceptions and practices also exist which encourage the use of the gun.¹³

Legislations on Small Arms in Ghana

Since the colonial era, legal provisions existed to prevent the manufacture of local arms. In the mid nineteenth century, the colonial authorities in the Gold Coast criminalized the production of local guns. The intention was to prevent any threat to the colonial authority and also to stifle the blacksmith industry at the expense of foreign interest to encourage the importation of arms (Aning 2005). After independence, a major legislation was enacted; The Arms and Ammunition Act of 1962 (118) that sought to regulate the manufacture and possession of arms. The Act was comprehensive with detailed sections covering the issues of imports and exports as well as ammunitions. On local production of arms, though there is a prohibition, section 16 of the law allows the manufacturing or assembling of firearms in arsenals established by the government.¹⁴ (Government of Ghana Arms and Ammunition Act 1960)

Another provision is the Arms and Ammunition Decree, the 1972 National Redemption Council Decree (NRCD 9). The Decree improves on the preceding laws in terms of clarifying procedures for registration. It also maintained the same stance in abolishing the local production of firearms. However, section 6 of the Decree provides that interested individuals who want to engage in the production of arms must apply to the government for a license.¹⁵

Subsequent Acts and Amendments such as the Locksmith Act of 1994 (Act 448) and Arms and Ammunitions Amendment Act of 1966, Act (519) did not add any significant alterations on the preceding laws that prohibit the manufacturing of arms but rather dealt more with the review of the financial penalties associated with the default of the laws. In 2003, a bill was drafted which was entitled Arms and Ammunition Act of (2003). Like the previous laws, it seemed to have been flexible on the manufacture of arms through a permission

¹² Op cit. Aning (2005) pg 80

¹³ In some parts of the rural communities, cultural practices such as festivals, funerals, naming ceremonies, hunting and sporting activities necessitate the use of the gun. In some ethnic groups such as Akan, Ewe, Gonja and Dagomba, owning a gun is a sign that one has attained manhood.

¹⁴ Government of Ghana. *The Arms and Ammunition Act, 1962*, GPCA/1344/1,020/5/70, Ghana of 1962. Printed by the State Publishing Corporation, Accra.

¹⁵ See Arms and Ammunition Decree of 1972 section 5 and 6.

sought from the Minister of Interior. However, the obscurity is still evident as the conditions and modalities for the issuance of such permits are not clarified in the bill.

From the analyses of the laws above, it is clear that the interpretations given to the manufacture of arms are not coherent. The options which require permission for the production of arms have never happened in reality as no individual or entity has applied to be granted a license to produce arms. Currently, the country has no officially recognized arsenals that produce arms and those who engage in the production of arms are the blacksmiths and artisans who do so illegally. The penalty for engaging in illegal manufacture of arms is based on the Criminal Offenses Act (1960) and Act 29 amended in Act (458) of 1993. The Act stipulates that the illegal manufacture, possession, stockpiling and trading of SALW are regarded as first degree felonies and attract a prison term which ranges from 7-25 years with no option of a fine.¹⁶ These laws, to a large extent will not adequately address the current issues regarding illegal small arms manufacture in Ghana.

Multi-dimensional Approach to Curbing Illegal local Arms Manufacture

A lot of measures have been proposed as an intervention for the illegal manufacturing of small arms in Ghana. The options that seem to dominate the discourse include the need to identify and develop an alternative source of livelihood for the manufacturers of local arms through an incentive, to produce other metal wares such as farming implements and useful ornaments. The Ghana National Commission on Small Arms (GNCSA) has also indicated its future plans to identify and assess the activities of illegal firearm manufacturers and issue license for the production of arms.¹⁷ This long term measure can be feasible, however, illegal manufacturing of weapons is basically regulated by the economic forces of demand and supply. Also it has been indicated that the demand for illegal arms tends to be high in places where they are manufactured.¹⁸ Thus the local manufacturers will not readily switch to an alternative if the possibility of making profit can still be pursued in producing weapons illegally. Consequently, whichever intervention the government or any stakeholder would want to adopt, the cost and benefit analysis to the local manufactures must be considered. This is because, human beings are rational and will choose the options that will satisfy their interest. In addition, since profit making is key to the sustenance of the trade, the measures adopted must be comprehensive and include interventions

that will address the supply and demand driven factors to regulate the trade. This will minimize the loopholes to be exploited by the blacksmiths for illegal financial gains. In addition to the initial factors, bridging the legal gap should serve as the first step or basis to deal with the menace of illegal production of arms in Ghana

Thus, some recommendations have been outlined below.

Recommendations

- **Revise the law to legalise local craft production of SALW**

Though the current law prohibits the production of weapons and the same time allows it through the acquisition of a license, the inherent processes are blurred and thus must be clarified as well as all other ambiguities. This is the main cause of the clandestine nature of the trade and has hindered the inability to gather information to assess the details of the activity. The law must also reflect or be in consonance with the regional and global provisions for small arms control that are relevant to the context of the country and also deal with the current trends of SALW issues.

- **Conduct detailed research into illegal manufacturing of arms in Ghana**

Inadequate regulations of local craft gun production could be adduced to the lack of critical assessments of the socio- economic dynamics of the trade. This therefore requires a detailed research into the whole enterprise. Apart from the detailed research conducted by Aning (2005) on craft gun production in Ghana and others by Foundation for Security and Development in Africa (FOSDA), African Security Dialogue and Research (ASDR) and supported by the UNDP, current evidence on the nature, distribution and final destination of these weapons are lacking. The government should therefore give the needed support or fund the research that will enquire into the extent of local production of weapons in the country. This will give the basis for the exact interventions to adopt.

- **Establish district registration centres to regulate the manufactures of arms**

Furthermore, registration centers should be established in the districts noted for illegal small arms manufacture to coordinate their activities. All blacksmiths should be encouraged to form associations and register in the district offices for identification. The Ashanti and the

¹⁶ At www.smallarmscommission.com.gh Accessed on [6 June 2014]

¹⁷ Adu Alice 13/07/2016 'Ghana Struggles with Illegal Guns' @ <http://pulse.com.gh/features/small-arms-light-weapons-ghanas-struggle-with-illegal-guns-id5256209.html> Accessed on 25/08/2016

¹⁸ *ibid*

Northern Region for instance has associations of blacksmiths. This avenue can also be used to gather information for the database of SALW produced in the country and also used to facilitate the ideals of registration, marking and tracing of the weapons.

- **Public sensitizations and education on small arms issues should be intensified**

Finally, there should be general regular sensitizations and education on issues of SALW at all levels, through the media and organized public platforms such as festivals and durbars. Local manufacturers should be targeted for such activities to influence their mind set on the dangers of SALW.

- **Strengthen law enforcement systems**

The law enforcement and judicial systems should be strengthened to protect the general public. Job opportunities should be available to absorb the idle youth to prevent them from becoming victims of politicians and criminal gangs who arm them for their selfish gains.

In conclusion, illicit spread and misuse of small arms can have negative impacts on security and development. Small arms manufactured illegally, constitute a source of proliferation. As such, the government together with private institutions and donor agencies should support in addressing the critical issues that will combat illicit manufacturing of small arms in Ghana.

About the Author

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