



KOFI ANNAN INTERNATIONAL PEACEKEEPING TRAINING CENTRE POLICY BRIEF 1/ 2013

Managing National Commissions for Small Arms and Light Weapons Control in West Africa

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RECOMMENDATIONS:

- Review obsolete laws regulating SALW activities to help address current small arms challenges.
- Governments and other institutional and individual donors must give financial support to the National Commissions. National Commissions should also engage in effective resource mobilization to ensure sustainability.
- Personnel of the National Commissions require periodic capacity building in current issues of SALW to be able to develop interventions that will address SALW specific problems.
- The National Commissions require accurate research in SALW activities in the country to be able to develop a comprehensive National Action Plan (NAP) for effective SALW control strategies.
- The provision of basic needs and employment for the youth will reduce the extent to which the youth can be recruited by criminals and terrorist groups that raise the demand for SALW.

Introduction

The proliferation and the abuse of small arms and light weapons (SALW) contributes to the deterioration of physical security, degrades access to and availability of social services and eventually undermines development. In West Africa, although the protracted civil wars in some countries have ended, the availability of SALW to militant groups, armed robbers and kidnappers is causing fear and insecurity in many states. Addressing the proliferation and illicit trafficking of SALW requires a wide range of measures supported by legislation. Thus the United Nations Programme of Action (UNPoA), adopted in 2001, which is one of the global frameworks for addressing SALW

issues, enjoins all member states to establish appropriate national coordination agencies or bodies responsible for policy guidance, research and monitoring efforts to prevent and eradicate the illicit trade in SALW. This is echoed in a number of SALW regional agreements, such as the Southern Africa Development Community (SADC) Protocol¹, and the Nairobi Protocol.² For ECOWAS member states, the initiative began with the

¹Article 6c of the 2001 SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials.

²Article 16 of the 2004 Nairobi Protocol for the Prevention, Control and Reduction of SALW in the Great Lakes region and Horn of Africa.

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adoption of the ECOWAS Moratorium on Importation, Exportation and Manufacture of SALW in 2001 and the Code of Conduct for their implementation. In 2006, the ECOWAS Moratorium was transferred into a legally binding instrument, known as the ECOWAS Convention for SALW, their Ammunition and Other Related Materials, which became operational from 2009. The ECOWAS Convention also clearly specifies the establishment of a National Commission for Small Arms (NACSA).³ In effect, the establishment of National Commissions for SALW is seen as a legal obligation and the necessary first step to address SALW problems within a country. In West Africa, many countries responded to this call and in all ECOWAS member states, there is at least a national committee for small arms control. Some of the committees have been transformed into full-fledged National Commissions for Small Arms and Light Weapons (NACSA).⁴ For countries in West Africa, the NACSA are to spearhead activities that lead to the reduction in the proliferation of SALW as well as implement the ECOWAS Convention and other international agreements for SALW control.

Although National Commissions or focal agencies have been instituted in most states in West Africa, they are limited in their capacity to lead in addressing SALW problems. The guidance and the resources needed by the commissions to operate with are lacking. This paper seeks to discuss the challenges of NACSA in West Africa and also outline some recommendations that will help place the NACSA in a position to initiate strategies to deal with the menace of SALW.

³See Article 22a of the ECOWAS Convention of SALW, their Ammunition and Other Related Materials.

⁴ The National Commissions must have a legal basis for their establishment. National Committees can be formed to serve as a focal agency for SALW control in a country but only through an Act of Parliament or presidential decree can the Committees become fully fledged National Commissions.

Functions of National Commissions

NACSA are mandated to ensure a reduction in the challenges that SALW poses in a state. As such, they have to undertake a range of functions to fulfill their overall mandate. The United Nations Development Programme (UNDP) guide for establishing a national commission indicates some basic functions of NACSA.⁵ These include planning and implementation of national policies and strategies. This is often referred to as National Action Plan (NAP). The National Action Plan should describe the SALW situation in a country, the objectives of the intervention, operational objectives and activities as well as the resources available for their implementation. The NAP should also be constantly reviewed to ensure that it addresses current SALW challenges. In addition, the NACSA should coordinate and cooperate with the various actors or stakeholders at the local, national and regional levels to ensure consistency and coherence of all small arms interventions.

Another key function of the NACSA is to engage in research. This will help to implement effective SALW control strategies as accurate research will reveal the nature and the extent of SALW proliferation in the country and its effect on socio-economic development. Research will also help in identifying resources available to deal with particular SALW problems. The NACSA must also engage in resource mobilization and allocation as resources are needed for effective functioning. Thus, the NACSA should identify potential and interested donors and civil society organizations as well as working closely with national parliaments for allocation of a budget. The development of a National Action Plan is a good basis for fund raising. The NACSA must also manage information, which involves its collection, analysis and dissemination as the basis for awareness-raising campaigns. Information is also the basis for

⁵ UNDP: How to guide the establishment and functioning of National SALW Commissions (2008). Available at <http://www.poa-iss.org/Poa/poa.aspx>. (Accessed 6 November 2013).

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reporting to relevant international and regional bodies on national small arms initiatives in accordance with commitments made in regional and international small arms agreements, such as the reporting responsibilities under UNPoA.⁶ For support and the sustainability of the activities of the NACSA, the needs, interests and expectations of all segments of society must be reflected in their programmes.

Institutions that Support the National Commissions for SALW

A number of organizations have been established to support the NACSA to fulfill their mandate. In the ECOWAS region, to help implement and monitor ECOWAS policy regulation on small arms issues, a division was created within the ECOWAS Commission to play that supervisory role. In the area of capacity building to help NCSA to implement the Convention, the ECOWAS Commission established the ECOWAS Small Arms Control Programme (ECOSAP) in Bamako, Mali, in 2006⁷ to build the capacities of member states and civil society organizations to implement the ECOWAS Convention. The Kofi Annan International Peacekeeping Training Centre (KAIPTC) in turn established a Regional SALW Programme in 2008 to complement the efforts of ECOSAP in capacity building.

Achievements

In West Africa, the institution of NACSA has set the pace for SALW control efforts in a number of countries. In Ghana, for instance, since its establishment in 2007, the NACSA has embarked on a series of programmes and activities outlined in its NAP to manage SALW issues. The

Commission has already completed a baseline assessment of the dynamics of illicit circulation of arms in the country. The Commission has also designed a number of activities and projects. These include capacity building for security sector agencies, engagement with local arms producers and gunsmiths on alternative livelihood ventures, and the collection of confiscated weapons for destruction.⁸ Currently, the NACSA has embarked on the marking of state security weapons and, in collaboration with the Regional Small Arms Programme at the KAIPTC, has commenced the SALW baseline survey in Ghana.

Sierra Leone is a country emerging from conflict. A National Focal Agency on arms was established in 2003 and became a Commission in 2010. The Commission has undertaken a series of activities, which include completion of a national survey in four thematic areas: stockpile security, legal and institutional frameworks, socio-economic impact of SALW after the war, and impact on national development. This was later validated, leading to the development of a five-year National Action Plan. The National Commission in Sierra Leone also played a key role in the process which led to the enactment of Arms and Ammunition Bill to replace an Act of 1955 which regulates the possession and use of firearms⁹

Côte d'Ivoire is another post-conflict country that has made some progress in SALW control issues. During the election violence in 2011, the national security stockpile of weapons was plundered, leading to weapons getting into the hands of criminal and ex-combatants, heightening the state of insecurity. The NACSA has successfully contributed to disarming most of the civilians. Together with the help of the United Nations and the government, they have embarked on the

⁶ The ECOWAS Convention requires that countries give periodic report on issues of SALW in their country.

⁷ The ECOSAP in Bamako, Mali, has ceased to function since 2011

⁸ Available at <http://www.smallarmscommission.gov.gh>

⁹ Sierra Leone National Commission for SALW Activity Report 2013

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registration and marking of state weapons as well as illegal weapons for effective tracing¹⁰.

Challenges

The persistence of problems associated with SALW in West Africa can be attributed to several factors. It is nearing a decade since the NACSA were established in some of the states in West Africa but many of them do not yet have the resources and competence to deal with SALW problems. There are several factors that hinder their effective operation.

Delays in transferring the national focal agencies to a National Commission: The national commissions ought to be established by legislative instrument. In some countries, such as Nigeria and Gambia, the national focal committees have not yet assumed the full status of a commission. Although Nigeria has ratified the ECOWAS Convention, the Bill that should be passed to establish the national commission is still pending in parliament. As of March in 2013, the bill was in the second stage in the House of Representatives. This has delayed the planning for SALW control strategies.¹¹

Inadequate legal provisions: Most of the laws on issues of SALW are very old and cannot address current issues of SALW. The interpretation of the law in some cases is quite ambiguous and in other instances the laws themselves are not in consonance with the ECOWAS Convention. In Ghana, for instance, the Arms and Ammunition Decree of 1972 remains in force after more than four decades. On the issue of the manufacture of arms, some sections of the law indicate an outright ban while other sections allow it after official permission.¹² In Ghana, while the ECOWAS

Convention encourages dialogue with local manufacturers of small arms¹³, such activity is prohibited by the Arms and Ammunition Decree of 1972.

Intermittent Conflicts: Conflict tends to give a platform for the proliferation of arms. Mali, for instance, had a good track record in terms of a functioning National Commission and SALW control efforts. All these were eroded as result of the coup d'état in 2011 and militant activities which are believed to have been fueled by the repercussions of the instability in Libya.

Inadequate logistics and insufficient staff: As result of poverty, and in some instances due to sheer neglect on the part of governments, National Commissions lack the facilities and personnel needed for their operations. In Guinea Bissau, for instance, the National Commission has limited staff and the Commission itself is located within a dilapidated structure.¹⁴

Lack of capacity building: Personnel working with the National Commissions require periodic capacity building for efficient performance. At the moment, the training centres within the ECOWAS region are insufficient for capacity building. The ECOWAS Small Arms Control Programme (ECOSAP) in Mali, which trains personnel in ECOWAS member states in SALW-related issues, is no longer in operation as a result of inadequate financial support and improper management.

Recommendations

- **Effective legislation or legal support:** No directive will work effectively at the national or regional level if it is not translated into a decree or law. Thus, the obsolete laws regulating SALW activities must be reviewed and should

¹⁰ Available at <http://www.giz.de/en/worldwide/19304html>

¹¹ See thewillnigeria.com/general/19333.html (Accessed on 15 November 2013).

¹² See section 16 and 17 of Arms and Ammunition decree of 1972

¹³ See article 12 Of the ECOWAS Convention of SALW their Ammunition and other Related Materials

¹⁴ This is revealed by the KAIPTC Regional SALW programme country monitoring mission findings in 2011.

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be in harmony with regional and international frameworks.

- **Adequate funding:** The greatest impediment to the smooth operation of many NACSA in West African states is the lack of funds. Funds are needed for payment of staff and to undertake programmes and activities.
- **Capacity Building:** Since complex issues keep emerging as a result of the misuse of SALW, the personnel of the NASCA require periodic capacity building in current issues of SALW to be able to develop interventions that will address specific problems.
- **Effective Resource Mobilization:** NACSA should not focus only on funding from the government and foreign donors as this will not ensure sustainability. Although not a profit-making institution, the commissions can identify an income-generating activity that can help support its activities.
- **Strategies to reduce violence and demand for SALW:** The provision of basic needs and employment for the youth will reduce the extent to which the youth can be recruited by criminals and terrorist groups that raise the demand for and the abuse of SALW.
- **Research in SALW issues:** The NACSA require accurate research in SALW activities in the country to be able to develop a comprehensive National Action Plan for effective SALW control strategies.

Conclusion

Considering the complexity and enormity of the challenge that the proliferation of SALW poses, the National Commissions have an arduous task to perform. As such, all stakeholders including the general public must support with adequate resources to ensure effective National Commissions which will contribute a great deal to the achievement of human security and sustainable development in West Africa.

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