

MEETING OF MINISTERS OF FOREIGN AFFAIRS
DAKAR, 17 DECEMBER, 2001

EVALUATION OF IMPLEMENTATION OF
THE MORATORIUM DURING THE FIRST
THREE YEARS (3)
(1998 - 2001)

NOTE OF PRESENTATION

Executive Secretariat, Abuja
December, 2001

I INTRODUCTION

1. It is estimated that more than 50% of illicit weapons that proliferate in Africa (an estimated 8 million alone in West Africa) are used in activities such as armed conflicts, armed robbery and drug trafficking. The easy access and availability of light weapons has contributed greatly in creating a cycle of instability and crises in which the most vulnerable in society- children, mothers and the elderly- are brutalized as victims. The resultant culture of violence has in turn obstructed conflict resolution, peace building and sustained recovery in the West African sub-region.
2. In the conflicts that have afflicted the region, up to 90% of the casualties are civilians. Even efforts to help victims of conflict become targeted, with humanitarian workers increasingly singled out for harassment or even assassination. Easy access to small arms and light weapons in conflict-affected areas has been the main contributing factor
3. In 1993, the President of Mali requested the UN Secretary General to establish an Advisory Mission on the control and collection of small arms in the Sahara-Sahel region. The mission visited seven countries between 1994 and 1995 and concluded that controlling the volume and movement of small arms within each country and throughout the region, as one ingredient in a comprehensive peace and security programme, was an essential precondition for economic and social development.
4. The ECOWAS Moratorium on the importation, exportation and manufacture of light weapons, signed by Heads of State and Government on 31 October 1998, and renewable after three years, stems directly from the Mission's conclusions.
5. The West African Moratorium continues to be acclaimed as a concrete and comprehensive attempt to come to grips with the problems posed by the uncontrolled flows of light weapons in the region.

II OBJECTIVES OF THE MORATORIUM

6. While allowing for legitimate national defense and security requirements and that of international peacekeeping operations, the Moratorium requires member-States to put in place effective measures to:

- control import, export, and manufacture of light weapons;
- register and control the movement and use of legitimate arms stock;
- detect and destroy all illicit and surplus weapons;
- permit exemptions to the Moratorium only in accordance with strict criteria.

III IMPLEMENTATION ARRANGEMENTS

7 A Code of Conduct that would guide Member States implementation of the Moratorium was adopted by ECOWAS Heads of State and Government in December, 1999, whilst technical assistance to support the implementation is being provided by the UN Programme for Coordination and Assistance for Security and Development (PCASED)

8 Also adopted in 1999 is a Plan of Action which comprises the following nine (9) priority areas of activity which are to be targeted by PCASED for the successful implementation of the entire undertaking.

- Promoting a culture of peace
- Training of armed and security forces
- enhancing weapons control at border posts
- establishing a data base and regional arms register
- collection and destruction of surplus weapons
- review and harmonisation of national legislation and administrative procedures
- facilitating dialogue with arms producers and suppliers
- mobilisation of resources for PCASED activities
- enlarging membership of the Moratorium.

9 By November 1999, it became obvious that the PCASED Programme was facing a number of constraints. It had a complex management structure, delays in recruitment of Staff and purchase of relevant equipment, low level of mobilised resources, failure on the part of Member States to comply with the provisions of the Code of Conduct, inadequate involvement of ECOWAS in the activities of PCASED, lack of information of the Moratorium by Member States and the absence of concrete and visible achievements commensurate with the aspirations of Member States and the International Community.

- 10 Consequent upon these concerns, an indepth assessment of the Project was made in November, 2000, where it was decided to urgently revise the project and its budget.
- 11 Following the review , seven (7) areas were earmarked for priority attention, and these are:
 - establishment of national commissions;
 - establishment of arms register and database;
 - training of armed and security forces;
 - review and harmonisation of national legislation;
 - media and communications, including strategic partnerships;
 - arms collection and destruction;
 - resource mobilisation;

IV ESTABLISHMENT OF NATIONAL COMMISSIONS

- 12 **Article 4 of the Code of Conduct** assigns prime responsibility for managing and over-seeing implementation of the Moratorium in individual Member States to National Commissions. These Commissions will include representatives of all major players, within and outside government, and their membership status and functions will be determined on the basis of principles agreed between Member-States.
- 13 To date, only eight of the fifteen ECOWAS countries have established National Commissions in the sense that the relevant decrees or legislation have been enacted and the membership constituted. These are Niger, Mali, Gambia, Togo, Nigeria, Senegal, Guinea Conakry and Burkina Faso. Other Member States such as Cote d'Ivoire, Ghana, Cape Verde, Benin, Guinea Bissau, Sierra Leone and Liberia have either not adopted the relevant legislation, had done so but failed to appoint the members of the Commission or had simply pursued Moratorium-related objectives using similar structures.
- 14 All stake-holders including the ECOWAS Secretariat, the United Nations Department for Economic and Social Affairs (UNDESA) and PCASED continue their efforts at ensuring that this important requirement is addressed.

V ESTABLISHMENT OF ARMS REGISTER AND DATA BASE

- 15 Article 6 of the Code of Conduct provides for the development of a database and arms register as a confidence building measure that would underpin the effectiveness of the Moratorium proposals in their entirety. While information on the arms register would be provided by Member States, that for the database would be acquired from various sources.
- 16 Article 8 of the Moratorium Code of Conduct also, makes provision for the maintenance of a peacekeeping weapons register as a measure for tracking and controlling the transfer of weapons and ammunitions earmarked for peacekeeping operations, within the ECOWAS zone involving regional forces or international troops. Failure to have such a measure, unless otherwise agreed under the exemption provisions, would constitute violation of the Moratorium.
- 17 The Code of Conduct also requires Member States to set up arrangements to control the movement of arms in and out of the country by visitors, and for such arms to be registered and certificated.
- 18 In consultations with UNOPS, a Terms of Reference has been elaborated for the development of a system, flexible enough to meet the general requirements of the Moratorium and the specific needs of Member-States. The Finnish Government, through the ECOWAS Secretariat, has already made a pledge to supporting the development and elaboration of this strategy.
- 19 For effective implementation of Articles 6 and 8 of the Code of Conduct, there is a need to focus on building national capacity for effective arms registration and control. This will prevent unnecessary additions of small arms and light weapons into the illegal market through corruption, thefts and negligence.

VI TRAINING OF ARMED AND SECURITY FORCES

- 20 In collaboration with the ECOWAS Secretariat, PCASED had developed a training curriculum to serve as a basis for improving the efficiency and effectiveness of uniformed personnel in controlling the illicit flow of arms.

21 In addition three (3) Train the Trainers (TOT) workshops were conducted to augment the capacity of uniformed forces of the sub-region on modern methods and techniques for the control of small arms. This will also enhance border control.

VII REVIEW AND HARMONISATION OF NATIONAL LEGISLATION

22 Support in the establishment of an adequate system of national and regional laws, regulations and administrative procedures that would provide for effective control over arms ownership and arms importation and exportation in the sub-region remains a key priority for us.

23. Already, a number of countries, including Mali, Guinea , Guinea Bissau and Cape Verde have requested assistance to review their existing laws. This will be done in a manner reflecting country-specific peculiarities, using human resources available locally, from both the public and private sectors and also from civil society. A modal legislation will also be prepared at the regional level, based on the experiences acquired.

VIII MEDIA, COMMUNICATIONS AND PARTNERSHIP DEVELOPMENT

24 The objectives of PCASED in this important domain are to underpin the commitment of the Member-States of ECOWAS to the goals of the Moratorium, to sustain international interest and support for its implementation and to ensure that ordinary people, often the victims of small arms, are also committed to the implementation of the provisions of the Moratorium.

25 Focus has also been maintained in sustaining the work of West African NGOs and civil society organisations in combating the proliferation of small arms and light weapons in the sub-region. In this regard, PCASED had played a key support role in the establishment of National Civil Society Coalitions against small arms in Niger, Mali, Guinea, Ghana, Nigeria and Sierra Leone. These coalitions continue to be instrumental in galvanising the support of ordinary people for the implementation of the Moratorium, and in urging their respective Governments to establish National Commissions, thereby addressing the need for effective ownership and coordination of Moratorium-related activities at the national level.

IX ARMS COLLECTION AND DESTRUCTION

- 26 The collection, registration and destruction of surplus weapons constitute the most effective measure to reduce the excessive and destabilising accumulation and transfer of small arms and light weapons in the region.
- 27 In this regard, Article 13 of the Code of Conduct requires that all such weapons which are not under legal civilian possession and which are not required for the purposes of national defence should be destroyed. This includes weapons surrendered as a result of a peace accord, or seized by the police or custom officials.
- 28 In collaboration with ECOWAS, PCASED provided technical and financial assistance in the destruction of some 19000 small arms and over two million pieces of ammunition in Liberia in June 1999.
- 29 Also In September 2000, assistance was extended to the Government of Niger in the destruction of some 2243 guns collected in the context of the peace process. The ceremony took place in Agadez, and marked a significant milestone in the consolidation of the peace in Niger.
- 30 Similarly, in collaboration with the Mali National Commission, technical assistance was given in the destruction of arms and ammunition in the communes of Lere and Dire in the North of Mali, to mark the commencement of the United Nations Conference on 9 July 2001. The event revealed further opportunities for strengthened collaboration between PCASED, the National Commission and the Belgian Technical Cooperation in community-based voluntary weapons collection and destruction programmes in the north of Mali.
- 31 In the context of the Mano River Basin, the recommencement of the Disarming, Demobilization and Reintegration (DDR) process in Sierra Leone, including the ongoing destruction of some 7000 and more arms and ammunition presents a timely opportunity for practical collaboration with UNAMSIL and the Government of Sierra Leone in the following areas:
- developing and encouraging inexpensive methods of weapon destruction
 - designing and implementing voluntary weapons collection programmes, such as development for arms micro projects

- conversion of destroyed weapons into peaceful and useful tools

X RESOURCE MOBILISATION

- 32 The PCASED project document as approved in February 1999 was budgeted at US\$13 million over a five-year period (1999-2004). While it is significant to note that the programme has benefited from considerable donor goodwill and support since its inception, there remains a substantial gap between estimated programme cost and donor contributions to date. Projected resources for programming have thus far been derived from the open Trust Fund, the Norwegian Trust Fund, the Belgium Trust Fund and the UNDP Trac Resources. To date, a total of \$5,491,312 have been received from these sources, leaving a shortfall of approximately \$7,508,608. The Finnish Government had pledged a Million Dollars and the Swiss Government, 400,000 Swiss Francs.
- 33 Although the above picture of donor contributions indicate a fairly diverse resource base for PCASED, a number of factors have militated against more systematic progress in the mobilisation of the required resources for the programme. These have included the lack of a comprehensive resource mobilisation strategy, ad hoc approaches to fund raising and donor reporting requirements in the past, which proved inadequate for the needs of the programme and the lack of concrete and visible results from PCASED activities.
- 34 A comprehensive resource mobilisation strategy remains critical for ensuring the effective implementation and sustainability of the Moratorium activities. Such strategy would require, not just, the optimal utilisation of existing human, organisational and financial resources, but deliberate and systematic effort to identify, secure and sustain diversified funding for the programme.

XI MEASURES FOR THE CONTROL AND REGULATION OF LEGAL ARMS TRANSFER

35. The Code of Conduct makes provision for exemptions to the Moratorium in order to meet legitimate requirements, primarily for national security and peacekeeping operations, but also on occasions, to individuals for hunting or sporting purposes.

36. The ECOWAS Secretariat would circulate requests for exemptions to Member States on a no objection basis. If a Member State objects to a request it would then be referred to the ECOWAS Mediation and Security Council for a decision. Since there was no provision for legal sanctions, an effective, fair, transparent and unambiguous exemption process is fundamental to the success of the Moratorium. The ECOWAS Secretariat had developed some criteria for granting exemptions and guidelines for their application based on the provisions of the Code of Conduct.
37. Over the period November 1998 to November 2001, the ECOWAS Secretariat dealt with the following broad sample of cases:
- Cases of Member States seeking exemption from the Moratorium to import arms and ammunition in order to meet their security needs. These requests are circulated to Member States and given a time frame of about 4 to 6 weeks to raise any objections. Where no objections were received within the stipulated period, the Executive Secretary granted the certificates of Exemption. The Secretariat has, as at the date of this report, not received notification of an objection by any Member State.
 - The case of a country that is undergoing armed conflict and needed arms and ammunition to train and build up its new armed forces. The arms were donated by an European Country.
 - A case involving the sporting federation of an ECOWAS member country requesting and obtaining exoneration to import weapons needed to train its Olympic team for the shooting activities of the 2000 Sydney Games;
 - Cases of individual arms dealers seeking but not obtaining exoneration to bring in weapons;
 - Cases where Ministries of Internal Affairs/ Security have granted import licences to individuals to import a single weapon for their personal security. These requests were rejected as they have no basis under the Code of Conduct.
 - The case of individual requests for single weapons for hunting and sporting purposes were granted in accordance with the Code of Conduct.

- Two (2) cases of Member-States applying for waivers to the Moratorium to expedite the deployment of their troops participating in peacekeeping missions. The Executive Secretariat granted the request in conformity with the relevant sections of the code of conduct as no objections were raised.
- 38 However, the above cases notwithstanding, there have been a number of unconfirmed reports that some ECOWAS Member States have been engaged in such activities without requesting waivers. The suggestion, therefore, that a number of Member States may be violating the Moratorium points to the difficult challenges that lie ahead.
39. Significantly also, one supplier country gave an undertaking in writing to the ECOWAS Executive Secretariat and PCASED, pledging support for the Moratorium and undertaking to clear all arms shipment into the ECOWAS zone with the Executive Secretariat and PCASED to ensure that such shipments are not carried out in contravention of the Moratorium regime.

XII **ROLE OF THE ECOWAS EXECUTIVE SECRETARIAT**

- 40 The primary responsibility for the implementation of the Moratorium lies with individual Member-States, but the ECOWAS Executive Secretariat has the crucial role of providing overall political leadership and coordination in the implementation of activities and associated measures relating to both the regulation and management of legal arms flows, and the control of the proliferation and the widespread availability of illicit weapons. Article 5 of the Code of Conduct specifies the structures, staff and procedures that the Secretariat would establish in-order to effectively carry out this role.
- 41 During the period under review, the Secretariat has had insufficient capacity and resources to undertake the relevant tasks assigned to it. For most of the first trial period, the Legal Department of the Secretariat assumed the role of coordinating focal point for the Moratorium related activities, in addition to its conventional responsibilities.

- 42 The establishment of a new Department for Political Affairs, Defense and Security in the Secretariat, with overall responsibility for conflict management matters including the Moratorium has therefore been a positive step. Already, concrete steps have been taken in the operations of new department including the appointment of a Deputy Executive Secretary in charge, the establishment of the relevant structures and personnel levels both in Abuja and within the Four Zonal Observation Bureaux for conflict prevention and management in the sub-region, as provided for in Article 5 of the Code of Conduct.
- 43 The new ECOWAS / PCASED Liaison Office is expected to strengthen existing coordination and ensure effective monitoring and follow-up actions with respect to the implementation of Moratorium and related activities.

CONCLUSION

- 44 Attempts to strengthen to the ECOWAS Moratorium must also examine parallel perceptions of security that have been derived, essentially, from existing sub-regional security protocols.
- 45 It is for this reason that ECOWAS should be commended for agreeing to a new "Protocol relating to the Mechanism for Conflict Prevention, Resolution, Peace Keeping and Security". This framework, which was agreed on 10 December 1999, amounts to a much broader and comprehensive approach to the management, resolution and prevention of contemporary crisis and conflicts in the sub-region .

It represents the continued search for a common vision among ECOWAS States, and particularly the peoples of the sub-region about the goal and its long-term implications for the stability, peace and development of the region.

- 46 The renewal of the Moratorium is further testimony of ECOWAS Member-States resolve to face the security and development challenges in the sub-region. But the experience during the first trial period has not been without limitations.

47 But the Moratorium itself, despite the afore-mentioned limitation during the first three years continues to represent a concrete and comprehensive strategy to come to grips with the problems posed by uncontrolled flows of light weapons and small arms. The other regions in Africa see it as a model worthy of emulation. There remain high hopes and expectations, particularly by the peoples of the sub-region, about its goals and implications for the long-term stability, peace and development of the region.

The political will, for ECOWAS Member-States to stay the course and to commit appropriate resources is crucial for the success of the Moratorium. So, too, is funding and practical support to take implementation forward.