REGIONAL SECURITY INITIATIVES AND INTRASTATE PEACE AND STABILITY: APPRAISING THE ECONOMIC COMMUNITY OF WEST AFRICA’S CONVENTION ON NON PROLIFERATION OF SMALL ARMS

A Thesis

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By

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This thesis examines the proliferation of small arms within the West African corridor. Despite a number of the few initiatives to limit small arms proliferation, the ECOWAS region is still awash with small arms. This research tests the hypothesis that the ECOWAS Convention may not be effective in preventing illicit weapon flow in the region. This hypothesis is based on the following premises: that effective nonproliferation regime should (a) have the political will and support at the state, and at the regional level; that (b) small arms trade is a multifaceted global problem, as such, a global cooperation with nonproliferation regimes is also vital for the success of such regimes.
Dedication

In memorial of millions of children, women and men in West Africa and in the world whose dreams and life aspirations were shattered by gun violence.
CONTENTS

ABBREVIATIONS....................................................................................................................iv
ACKNOWLEDGEMENT...........................................................................................................v

CHAPTER 1: INTRODUCTION.
1.1 Background Information about the Problem.........................................................1
1.2 Background Information on ECOWAS.................................................................2
1.3 The Problem..............................................................................................................5
1.4 The Purpose of the Study .......................................................................................8
1.5 Hypothesis..............................................................................................................8
1.6 Definition of Small and Light Weapons...............................................................8
1.7 Literature Review....................................................................................................9
1.8 Theoretical Framework.........................................................................................19
1.9 An Outline of the Work.........................................................................................22

CHAPTER 2: THE ECOWAS MORATORUM AND THE CONVENTION
2.1 Short Synopsis of Conflicts in the Region.........................................................23
2.2 Low Intensity Conflicts.......................................................................................30
2.3 An Analysis of the Moratorium and the Convention........................................37
2.4 Achievements of the Moratorium and the Convention....................................40
2.5 Failures of the Moratorium and the Convention..............................................44

CHAPTER 3: FACTORS NECESSITATING THE PROLIFERATION
3.1 The Casualties Between Economic Deprivation, Low Intensity Conflict and SALW Proliferation..........................................................48
3.2 Poor Disarmament and SALW proliferation....................................................61
3.3 Activities of Private Security Organizations....................................................64
3.4 Inferences.............................................................................................................67

CHAPTER 4: THE GLOBAL DIMENSIONS OF THE PROBLEM..........................69
4.1 Russia, Ukraine, Ex-Soviet states and SALW Proliferation............................72
4.2 Current Trends in Arms Trade...........................................................................82
4.3 United States and NATO.....................................................................................84
4.4 International Attempts to Regulate Small Arms Trade...................................88
4.5 The Current Arms Trade Treaty Negotiations (ATT)..................................92
4.6 Inferences.............................................................................................................96

CHAPTER 5: CONCLUSION......................................................................................99

BIBLIOGRAPHY.............................................................................................................102
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATT</td>
<td>Arms Trade Treaty</td>
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<td>AU</td>
<td>African Union</td>
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<td>DDR</td>
<td>Demobilization, Disarmament and Reintegration</td>
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<td>ECOMOG-</td>
<td>Economic Community of West African States Monitoring Group</td>
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<td>ECOSAP</td>
<td>ECOWAS Small Arms Program</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>IDP</td>
<td>Internally Displaced Persons</td>
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<td>LIC</td>
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<td>NATCOMS</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>National Rifles Association</td>
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<td>OAU</td>
<td>Organization of African Union</td>
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<td>PCASED</td>
<td>Program for Coordination and Assistance for Security and Development</td>
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<td>RUF</td>
<td>Revolutionary United Front</td>
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<td>SALW</td>
<td>Small Arms and Light Weapons</td>
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<td>SIPRI</td>
<td>Stockholm International Peace Research Institute</td>
</tr>
</tbody>
</table>
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CHAPTER 1:
INTRODUCTION

1.1. Background Information about the Problem

The Economic Community of West African States (ECOWAS) zone was until recently, one of the bloodiest regions in the world. It witnessed a dozen coup d’états, many of which led to changes in political leadership. The conflicts in Sierra Leone, Liberia, Guinea, Mali, Niger, and the Ivory Coast are of recent memory. Each state in the region experienced conflict in varying forms and degrees.

Although there are different causes of armed conflict within the West African region, the region’s recent conflicts have been sparked by political, socioeconomic and religious factors. Denise Garcia considers that 15 million lives were lost globally since 1991, with another 12 million people internally displaced due to intrastate conflicts, where small arms were the major weapons used (Denise 2006, pp. xv). On a daily basis, thousands of deaths occur as a result of small arms use (IANSA 2007). The total lives lost to small arms related conflicts since 1991 is equivalent to the population of Norway, Finland, and Denmark. The internally displaced population is equivalent to the combined population of Ireland, New Zealand and Uruguay. Within ECOWAS, about five hundred thousand firearm deaths occur annually (Muggah 2001, Killicoat 2007, Bourne 2007). The small arm related deaths and displacements would have increased since 2006.
Furthermore, the ICRC captured the negative impact of small arms on vulnerable populations in the analysis of its database of 17,086 people who suffered from small arm injuries. The analysis of the report indicates that a high proportion of those wounded by small arms related conflicts were women, children under the age of sixteen or the elderly above the age of 50 (ICRC 1999). The human costs associated with the proliferation of small arms should be of particular concern because these weapons aggravate health needs, increase human rights abuses and undermine human security needs of populations within the region. In economic and development terms, from 1990 to 2005, Africa lost $284bn to armed conflict. The loss on an annual basis is approximately $18bn (IANSA 2007). A recent UNDP report on Côte D’Ivoire predicts dire ramifications for regional security for the sub region due to the country’s recent conflict and its related security challenges (UNDP July 2011). While small arms and light weapons do not cause the conflicts in which they are used, the challenges they pose are equally significant.

1.2. Background Information on ECOWAS

The Treaty establishing the Economic Community of West African States (ECOWAS) was concluded in Lagos in May 1975. The main objective for establishing the ECOWAS was to promote economic and social developments within its fifteen member states. The economic and social development was to be achieved through the elimination of trade tariffs and, exempting the community’s citizens from holding visas and residency permits. This was to allow greater trade within the member states and
social interaction within its citizens (Afolayan 1988, pp. 4-5). The preamble of Article two of the Treaty establishing the ECOWAS states:

It shall be the aim of the Community to promote co-operation and development in all fields of economic activity particularly in the fields of industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions and in social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent (United Nations - Treaties Series 1976).

Generally, the ECOWAS treaty is largely considered ineffective. However, it is encouraging social interaction between populations in the region due to its elimination of visas, residency permits, among others. ECOWAS has also evolved in recent years to include initiatives such as small and light weapon control program (an issue of prime interest in this research), early warning and response systems, election monitoring programs, as well as regional peacekeeping standby forces, the ECOMOG.

Currently, the region’s population is more than 300 million. Nigeria is the most populous with more than 160 million people\(^1\). The region is ethnically diverse with between 200-400 ethnic groups in Nigeria alone (Jekayinfa 2002). Natural resources abound in some parts of the region. Both Ghana and Ivory Coast are top cocoa producers in the world\(^2\). Natural minerals such as gold and diamond thrive in Ghana and the Mano

\(^1\) According to the World Bank’s 2011 population data, West Africa’s population amounts to 304, 020, 000. More at: http://data.worldbank.org/indicator/SP.POP.TOTL

River Basin. Nigeria is among the world’s biggest producers of oil and gas. Ghana also joined oil producing states in 2009 (Kastning 2012).

Despite the abundance of natural resources in the southern states at the coast, countries like Mali, Niger and Burkina Faso are poor in terms of natural resources. Ghana and Benin, according to different indexes, are perceptibly doing well. The 2012 Freedom House Index rated Ghana and Benin free. Aside from Ivory Coast rated as not free, the remaining states are rated partly-free\(^3\). The rate of economic development varies within states. Ivory Coast and Nigeria, onetime economic forces in the region are now retrogressing. Liberia and Sierra Leone are now recovering from a decade long civil war. Ivory Coast just had a short political crisis while there is an ongoing political crisis in Mali which has culminated in the joint French-ECOMOG military operations on 15\(^{th}\) January 2013. See figure 1 for map of ECOWAS region.

Figure 1: Map of ECOWAS (courtesy of the World Bank)

\(^{3}\)Freedom House index, more at http://www.freedomhouse.org/
1.3 The Problem

There are variations of data about the total number of arms in circulation globally. Some individual sources estimate roughly 875 million of such arms in circulation today (Stohl and Hogendoorn 2010). A United Nations’ 1999 report estimates that 500 million of such arms are in circulation (UNODA 1999). More than 100 million of them circulate in Africa (Religions for Peace 2009), and about ten million in West Africa (Florquin and Pezard 2005, Sunday 2011). The majority of the approximate ten million small and light weapons circulating within West Africa are foreign made arms. In the region, only Nigeria has the know-how and the capacity to produce small arms and ammunition. Even though it has the capacity to produce small arms and light weapons, Nigeria’s main source of arms has been imported rather than locally produced.

The main issue is that some of the region’s conflicts have become chronic over the years, leading to widespread human security challenges for the populations in the region. While security threats and challenges abound within the ECOWAS zone, uncontrolled proliferation of small and light weapons has made the situation worse. While few quantitative research studies measure the correlation between small arms and armed conflict, there is a unanimity within the small arms research community noting that proliferation can quicken conflict. Williams Hartung elaborates on this very well by stating that;

Guns alone do not kill people, but societies awash in guns are far more likely to resolve their differences violently, in ways that can quickly spiral out of control. Once this happens, the international community can neither stop the killing nor heal societal wounds inflicted by militias, warlords, criminal gangs or repressive governments” (Hartung 2006, pp. 83).
A UN General Assembly report found that even though the availability and accumulation of small arms and light weapons are not the sources of conflicts where they are used, their accessibility escalates the “lethality and duration of violence”, and they encourage a violent instead of a “peaceful resolution of differences, and by generating a vicious circle of a demand of a greater demand for, and use of, such weapons” (UNODA 1999, pp. 10).

Availability of weapons intensifies conflict dynamics. The Noble Peace Laureate Desmond Tutu was highly critical of the unregulated small arms business. To him, “the arms trade… is the modern slave trade. It is an industry out of control” (Tutu 2006). Kofi Annan succinctly captures the gravity of the small arms impact this way;

The death toll from small arms dwarfs that of all other weapons systems — and in most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms, indeed, could well be described as “weapons of mass destruction (Annan 2000).

In addition, Muggah’s research illustrates that small arms effects on society go beyond their direct impacts. Indirect effects often go unrecognized. Over the years, weapons transferred legally and illegally keeps circulating from one government to another and from one geographical region to another. For example, Charles Taylor used official channels to equip RUF rebels in Sierra Leone. Stohl and Hogendoorn have found that “assault rifles first transferred to Mozambique and Angola in the 1980s and early 1990s were later traded to rebels operating in Liberia and Sierra Leone in the late 1990s and early 2000” (Stohl and Hogendoorn 2010).

ECOWAS governments have recognized the dangers associated with the unregulated flow of weapons in the sub region. Preceding the ECOWAS Moratorium and
Convention, a UN advisory mission in the region during the mid-1990s noted that “... reducing the availability and spread of small arms in the region would be vital to create a minimum level of security for development projects to be carried out successfully” (United Nations 2011). Similarly, a UN conflict prevention, disarmament and development conference in Bamako, Mali, in 1996 called for a regional Moratorium to combat small arms proliferation. This led to several regional, as well as international conferences to discuss the significance of a regionally binding security framework to address the anomaly. The Oslo Platform for a Moratorium on Small Arms was one of those. The main argument during the Oslo Platform was that the ECOWAS Moratorium would stem small arms proliferation, as well as encourage other regional blocks within the AU to emulate it (Sverre and Carsten 1998).

Two years later, ECOWAS transformed the Bamako conference into ECOWAS Moratorium. Shortly after the adoption of the Moratorium, there were calls to convert it into a legally binding small arms Convention. Thus, African Union (AU) states took advantage of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons, to meet in Mali in 2000. The meeting led to a common position before the UN small arms conference. The Bamako meeting called on national governments to task their relevant agencies to coordinate small arms policy on the continent (OAU 2000) ECOWAS representatives signed the Convention on June 2008.
1.4. The Purpose of the Study

While adoption of the ECOWAS Moratorium and Convention should have reduced proliferation of arms, the opposite was the case. Why was the nonproliferation regime to stem small arms not successful? This research analyzes the ECOWAS’ Moratorium and Convention on small arms. The overall objective of the research is to clarify the small arms debate in West Africa, by examining factors undermining the effectiveness of the regional nonproliferation regime on small arms and light weapons.

1.5. Hypothesis

The hypotheses are; regional nonproliferation regimes are by themselves not enough to stem small arms spread. They are a means to an end, but not ends in themselves; they are part of the solution rather than solution themselves. Nonproliferation regimes’ effectiveness depends on two variables; (a) they have the political will and support in the state, and at the regional level; (b) since small arms trade is a multifaceted global problem, global cooperation with nonproliferation regimes is important for the success of such regimes. The hypothesis posits that regional nonproliferation regimes cannot function without the two variables listed above being present.

1.6. Definition of Small Arms and Light Weapons

Different scholars and institutions give different definitions about what small and light weapons (SALW) constitute. The globalsecurity.org defines small and light weapons as “man-portable weapons made or modified to military specifications for use as
lethal instruments of war”⁴. Building on a UN definition, a Stockholm International Peace Research Institute (SIPRI) document indicates that small and light weapons are “those weapons that can be carried by an individual for personal use, and light weapons are those designed for use by several persons serving as a crew” (P. D. Wezeman 2003). The ECOWAS Convention defines small arms as weapons used or designed to be operated by one person, while light weapons are portable arms designed for use by a few people (UNIDR 2008). The ECOWAS Convention listed the following among small arms categories: revolvers and pistols with automatic loading ability, assault rifles, rifles and carbines, machine guns, light machine guns. The light weapons include: heavy machine guns, portable grenade launchers, portable anti-tank cannons and, portable anti-aircraft missile launchers (ibid, pp. 37-38). The most important distinguishing feature of small and light weapons is their portability. This research is mainly concerned with SALW made to military specifications for use as lethal implements of warfare.

1.7. Literature Review

Nonproliferation regimes and International Conventions have traditionally centered on nuclear weapons. Major publications on weapons between the 1960s, and 80s largely focused on nuclear weapon proliferation. There was an acute literature deficiency on small arms until the 1990s. Using the phrase small arms and conflict in the Amazon book search engine turns out 273 results. A further inquiry about publication dates of

⁴ Small and Light Weapons, at: http://www.globalsecurity.org/military/systems/ground/small-arms.htm
these books reveals that 70% of the small arms literature was produced after the year 2000. This makes sense as the Cold War encouraged bipolarity in international politics where power and influence were shared between the United States and the Soviet Union, and as a result, potential internal domestic threats were suppressed.

According to Garcia Denise, there was a bureaucratic feeling within policy makers after the Cold War that something that small arms and light weapons should not be destroyed. This mentality led to heavy movement of small arms from the global north — especially from post-USSR states in the developing world (Denise 2006). Additionally, other sources revealed the end of the Cold War relaxed the global system and as such led to the “…the break-up of alliances, partnerships, and regional supports brought new and often weak states into the international arena” (Smith, et al. 1996, pp. xi) The emergence of weak states, many riddled with ethnic tensions and secessionist movements which were inflicted by intrastate conflicts, called for arms (ibid). Yilmaz Muzaffer also finds that the post Cold War era encouraged the spread of small arms. He wrote:

While classical interstate wars tend to decrease in the post-Cold War era, there are many other serious threats to international peace beyond the full control of nation-states, most notably ethnic conflicts, religious militancy, terrorism, North-South conflict, and unfair economic competition (Yilmaz 2008, pp. 44).

To Yilmaz, although the Cold War offered four decades of relative stability, during this period, there was massive accumulation of all kinds of weapons, including small and light weapons. When the Cold War ended, States with large surpluses of arms began to find the means to ‘discard’ them. Denise provides a broader understanding of the post-Cold War dynamics by stating that former USSR states found themselves in desperate
and undesirable economic situations and this made “it plausible that they opted for exports rather than responsibly destroying surplus weapons (Denise 2006). In Denise’s view, the destructive impacts of these arms flows in Africa, Southern Europe, Asia and Latin America finally put small arms on the international political radar (ibid).

Another body of literature looks at the impacts of these weapons on society as a whole. Christopher Louise’s “Social Impact of Light Weapons”, he noted the impacts of arms proliferation on societies. Louise made two observations; first, he indicated that the proliferation of small and light weapons globally is “symptomatic of deeper problems in the fabric of these societies” and that the effects of small arms proliferation should be located within the broader spectrum of social, economic and political contexts. Secondly that “it is apparent that the availability and use of these weapons affect the pace and direction of societal violence (Louise 1995, pp. 2). Louise furthermore revealed that even in contexts where small arms impact does not challenge the state’s central authority, they “… exacerbates deep social problems and widens domestic fissures” (ibid, pp. 2).

Like Louise, Robert Muggah expounds that a proliferation of small arms undermines humanitarianism, since small arms lead to forced displacement, militarization of refugee camps and increase the cost of humanitarian programs. Muggah believes that “the widespread diffusion of such weapons feeds cycles of insecurity that have broad-reaching consequences for individuals and the functioning of societies” (Muggah 2001, PP. 70). Furthermore, the ICRC also states that the current patterns of conflict and easy availability of small arms “… have contributed to creating high levels of civilian
casualties and an extremely difficult environment for the delivery of humanitarian assistance” (ICRC 1999).

Philip Killicoat’s literature explains the supply side of small arms by using a path dependence interpretation to clarify why weapons are cheaply available in the developing world. Kalicoat posits that in light of the “path dependence interpretation, inferior durable…equipment may remain in use because the fixed costs are already sunk”. He also explains that the AK-47, one of the highest impact and ubiquitous weapon of choice became cheap because the Soviets did not patent AK-47 technology, and as such, the technology is unchanged, as a result “… the prices observed across time and countries are determined by market conditions rather than changes in the product” (Killicoat 2007, pp. 4, 5). Taya Weiss also provided a powerful insight on the supply and demand side of small arms proliferation. Weiss opines that the availability of small arms drives demand for it. Highlighting the durability, reusability and sturdy nature of small arms, Weiss considers that once small arms enter a country or an area, “they tend to stay there, either fuelling crime or flowing over national boundaries to serve the needs of neighboring conflicts” (Weiss 2003).

On the demand literature, Muggah and Brauer indicate that “demand is a function of motivations and means” (Brauer and Muggah 2006, pp.139). By means, they are referring to the available resources and the unit price of the arms since the ability of an individual to purchase weapons is determined by the available resources, in that “higher prices reduce purchasing power; lower prices increase it” (ibid, 140). This work argues that motivations (conducive elements) stimulate, and at the same time, restrain the
demand for small arms. Muggah and Brauer’s demand hypothesis indicates that demand for small arms appears as a result of an interaction of motivations and means. That acquisition takes place when the means and motivation join for a “choice to be made, for demand to be expressed, and for acquisition to take place” (ibid).

Christopher Fitzpatrick provides an insight into another important dimension of the demand literature. He highlights that demand for small arms is a result of greater polarization and rent-seeking, that polarization and rent-seeking leads to distrust and fear, which in turn creates an atmosphere where an increased demand for small arms appears. Rent-seeking, according to Fitzpatrick means an income “unmatched by corresponding labor or investment…rent arises not from productive activities but from manipulation of the political or economic environment” (Fitzpatrick 2006, pp. 6). Fitzpatrick opined that insecure and gun-ridden societies “are rational and, more precisely, that insecurity and gun culture are inextricably linked to polarization and rent-seeking”. He used his demand driven theory to explain how polarization and rent-seeking in Haiti increased demand for small arms (ibid). Aurélia Merçay, using a mathematical non-linear modeling of small arms proliferation found that when “everybody in your neighborhood possess a gun, there is thus social pressure on you to acquire a firearm too” (Merçay 2006, pp. 181). Aside that, Weiss also criticizes nonproliferation policies of small arms by saying that:

Within the control framework, policy-makers have addressed the need to curb the availability and use of small arms from the perspective of regulating the manufacture and controlling supply. However, small arms and light weapons can be used and re-used as long as demand for them exists (Weiss 2003, pp. 2)

When security and social relations collapsed or are perceived to be on the brink of
collapse, the “widespread availability of arms accelerates and aggravates dysfunctional trends” (Loiuse, ibid, pp. 15). Even though many small arms researchers acknowledge how demand factors create the need to acquire firearms, most efforts to stem arms proliferation is rather limited to supply factors, without addressing the root cause of the problem, the demand factors.

SIPRI’s and Small Arms Survey also produce quite heavy literature on the nontransparent nature of the small arms industry. Haug and Co. review the global and regional transparency mechanisms of small arms. They noted that transparency in arms exports would reduce corruption by allowing for easier tracking of where the weapons are going and where they disappear. That transparency might also lead to the implementation of tighter arms control measures to prevent diversion (Haug, et al. 2002). Haug and his colleagues have considered that national security interests of states have hindered transparency in small arms sale since

many states trump transparency with claims that knowledge about small arms shipments will tip the strategic balance unfavorably, either with neighboring or internal forces. Others maintain secrecy over the fear that publication of arms transfers may harm relations with another government – especially those importers that lack democratic practices in their country. Finally, some claim that transparency in this area is an intrusion on national sovereignty of the supplier or importer (ibid, pp. 12).

Similarly SIPRI small arms expert, Holtom’s research on transparency mechanisms of small arms and light weapons provides detailed information about small arms transparency regimes, which small arms producing states make use of the end-user certificate, and what information the certificates contain. Holtom’s work suggested that there was a remarkable increase within the transparency regimes from 2003 to 2008 (P.
Holtom 2008). However, he observed that UN reliance on “the willingness and ability of its member states to participate in such measures to make them successful” leads to “significant regional differences both in the commitments—rhetorical and actual—and efforts of UN member states on this issue” (ibid, pp. 45). He also noticed significant discrepancies in how states aggregated data, inconsistencies in reporting related transfers and classifying the same transfers differently.

However, recent findings reveal a growing reluctance among small arm exporting countries to provide detailed and accurate information on the export license and end-user certificates. Though the UN best practice transparency mechanism has been in place for more than a decade, it is unable to reduce access to arms by unauthorized agents like rebels and combatants. Thus, the transparency regime is unable to stop the illegal flow of small arms and its derivatives to conflict zones where they are used.

Current publications like Mike Bourne’s book: “Arming Conflicts: the Proliferation of Small Arms” examines the global dynamics of the small arms market and its spread. Bourne itemizes sources of small arms globally including how the small arms challenge appeared, characteristics and factors responsible for its evolution. According to Bourne, the evolution of the transnational legal small arms trade impacted negatively on small arms spread from the global legal market. He identifies three main images of weapons spread and that each of them illustrates the processes of obtaining any particular type of weapon. The three images are:

proliferation, diffusion, and arms trade. While these images overlap and the boundaries between them are blurred, the applicability of each to the spread of… weapons relate to the structures of their availability and their
implications if those structures are present in the process of acquisition (Bourne 2007, pp.15).

Bourne considers that the use of the term proliferation was within the context of nuclear weapons dating back to the 1960s, however, the word has since been applied to other weapon types, and as such it has become a generic term applied to all modes of weapons spread. To this end, “proliferation implies narrowly constructed spread from a single source, or a small number of sources, to a limited number of recipients” (ibid, pp. 16).

Diffusion, as Bourne defines it, refers to the spread of both technology and SALW. Arms trade involves a trade “that is threatening only when it becomes potentially destabilized through the accumulation of coercive capability beyond the status quo of constellations of military power” (ibid, pp. 15). The arms trade image deals with the commercialization of arms, and it denotes the “assumptions about motives and dynamics in the process of spread” (ibid, pp. 15).

Looking at the new emerging international norms on small arms and security, Denise focuses on how state and non-state players engage in norm making processes to address small arms proliferation. In his view, challenges accompanying the spread of small arms are “eminent international nature, and solutions can only be understood in the new framework of global governance” that without an understanding of how the international systems of small arms trade works “the terrible afflictions caused by armed violence will not be reduced or eliminated” (Denise 2006, pp. xvii). Denise identified three tracks of norm development for weapon destruction. These norms are; post-conflict demobilization and disarmament, encouraged by the United Nations to include a component of weapons destruction to stimulate peace-processes. Secondly, destruction of
surplus caches of weapons across the world following the end of the Cold War, and finally, the destruction of weapons seized in the context of violent crime in cities across the world” (ibid, pp. 67). He believes the destruction of surplus arms in post conflict states emerged in an unsystematic manner with low success rates in countries such as Mozambique, El Salvador and Nicaragua. He also includes the role of think tanks and researchers in norm building processes and how regional and international norms are diffused. According to Denise, the 1997 Panel Report and the 1999 Group Report are key documents in norm building for the small-arms issue in general, and in norm building on weapon destruction in particular, as they are the bedrock upon which all the other documents emerged (ibid, pp. 18).

‘Small Arms Survey publication’ produced as a result of extensive fieldwork by a group of small arms experts, and edited by Eric Berman and Nicholas Florquin, provided one of the most thorough and extensive regional level analyses of armed conflict and small arms proliferation within the West African corridor (Florquin and Pezard 2005). Their work provided up-to-date information on security challenges the region currently faces and how these challenges emerged. This 412 page research document argues that the internal factors within each state in the region provides a breeding ground for armed conflicts, which in turn encouraged the proliferation of arms. This literature suggests that many states in the region deemed peaceful largely because of the absence of armed conflict⁵, have internal problems which could best be described as armed conflicts.

⁵Armed conflict understood in its traditional sense as a conflict where one of the parties is a government of a state
Nigeria’s growing internal economic decay, as well as its rising political tensions, presents a huge challenge to regional security because its population alone is more than half of the combined population of the remaining 14 countries (Gaya and Kemedi 2005).

Other bodies of literature argue that the answer to small arms proliferation can be found within the interaction between internal governing processes and external influences exerted on these processes. Mike Bourne’s last two chapters of his book, “Arming Conflicts: The Proliferation of Small Arms” maintains that regional level actors are closely connected to the global networks, and that the structure of regional processes encourage the flow of SALW from the global level to the conflict zones (Bourne 2007).

This literature review found that even though the small and light weapons literature is comparatively new, a lot has been produced especially since 2000 onwards. There is extensive literature on the supply and demand aspects, as well as the social, economic and human impacts which have been adequately dealt with. Major institutions and studies, such as SIPRI, Small Arms Survey, various agencies of the UN and many individuals have emerged as experts on small arms. As a result of their extensive research on the issue, the small arms literature has managed to place firearm proliferation and its challenges on the international agenda.

Even though much literature has been produced on small arms, and there are a number of examinations on regional approaches to small arms proliferation available, there is a lack of examination of regional nonproliferation security frameworks on small arms. The regional approach has not received the attention which it deserves. Without a thorough analysis of regional small arms frameworks, little will be known about their
effectiveness. This work attempts to bridge the gap in the small arms literature, by analyzing a small arm riddled West Africa and its regional security frameworks in place to address them.

1.8. Theoretical Framework

Traditionally, security is viewed from a realist paradigm where the emphasis is on the State as the primary actor. The realist philosophical underpinning of security sees the State as an actor whose main goal is power maximization and the pursuance of the national interest. Realism stresses that States possess offensive military capabilities which can enable them to hurt and destroy each other — that military threats are core to ‘traditional’ national security. Hans Morgenthau submits that “national security must be defined as the integrity of the national territory and its institutions” (Morgenthau 1978, pp. 553). The traditional approach to national security is in conflict with the interests of other states, and as such, requires that States retain military capabilities adequate enough to counter perceived military threats. The traditional concept of national security is molded on a State’s capability to protect its national borders, to develop the capacity that will enable it to deal with threats. The survival of the state against external and internal armed aggression is the main issue that the realist approach to national security preoccupies itself with.

However, contemporary conflicts take different forms and shapes than conflicts decades ago. The majority of current conflicts is now fought within internal boundaries of States rather than intrastate conflicts between states. As well, another interesting trend is
how the motivations underlying acquisition of weapons is broadening from a direct challenge of the state’s authority to criminal purposes. This is leading to a surge in the militarization of daily lives, which is also an important factor for weapon proliferation. Proliferation of weapons this way, represents new threats rather than the traditional realist-centric national security, which views threats as directed to destabilizing the central power of the state. According to Louise;

Militarization and arms proliferation amid conditions of weakening social cohesion have led to a domestic “arms race”. As in state-to-state arms races, the driving logic is the perceived threat posed by an armed neighbor. However in a domestic arms race personal security becomes the dominant requirement, if the state cannot guarantee social order (Louise 1995, pp. 15).

The traditional concept of national security is being challenged as there is a remarkable shift to new types of emerging threats. Thus, traditional realist security theory fails to “…recognize the state as a possible internal aggressor, as well as its inherent analytic inability to explain the 95% of all warfare that is now within, rather than between, states” (Owen 2004, pp. 375). Many of the 21st century threats in the developing world can no longer be explained by the traditional paradigm of national security. The majority of contemporary threats now falls under the human security umbrella because they extend beyond the paradigm of national security.

This research works within the human security theory. As Kofi Annan explains, human security is “far more than the absence of violent conflict” (Annan, Press Release 2001) Ginkel and Newman submit that “human security is an integrated, sustainable, comprehensive security from fear, conflict, ignorance, poverty, social and cultural deprivation, and hunger, resting upon positive and negative freedoms.” (Ginkel and
Newman 2000). Human security calls for a shift from the traditional, state-centered, realist, understanding of security that revolves around the state’s safety from armed aggression, to the protection of the individual. Security threats can no longer be viewed with the national security lens, but rather, the focus should be on the root causes of human insecurities and people-centered wide-ranging and sustainable. According to the Commission on Human Security, human security “broadens the focus from the security of borders to the lives of people and communities inside and across those borders” that the “idea is for people to be secure, not just for territories within borders to be secure against external aggression” (Commission on Human Security 2003, pp. 6).

It is becoming clear that states and their societies are now vulnerable to threats that operate beyond their control. Human security recognizes that both states and their societies are vulnerable to threats that cannot be addressed by the traditional security alone since the threats are within, rather than outside the state. Thus, the human security recognizes the multi-dimensional character of security threats and paradigm takes a holistic approach to address the insecurities (OCHA 2009). Why human security is appropriate to the contemporary threats is that it focuses on early prevention to lessen the impacts of human insecurity, envisions long-term solutions, builds human capacities essential for preventing them.

Today, one of the phenomena that causes fear, conflict, poverty and human rights violations is small and light weapons and their effects on populations in developing countries. Small arms intensify conflict, undermine economic development programs, deny children access to basic education and prevent communities from access to health
facilities. The trends of contemporary conflicts show that national security cannot be attained without human security. If states pay adequate attention to their domestic threats this will enhance their national security and in effect provide adequate regional peace.

1.9. The Thesis Outline

The following constitutes the organization of the work; chapter one explores the background and succinctly identifies the problem. It lays the theoretical framework behind efforts to stem nonproliferation of small arms. In chapter two, a short synopsis of conflicts in West Africa are carried out in preparedness of an analysis of the ECOWAS Moratorium and Convention on small and light weapons. Chapter three methodically probes local and regional factors that underlie small arms proliferation. This section delved into the economics or demand factors of small and light weapon acquisition. While this chapter examines local and regional factors, chapter four addresses supply factors as well as the role of international actors in the proliferation of small arms and light weapons. UN led efforts to regulate small arms and light weapons are discussed under this section. Finally, the last chapter, five, concludes the research.
CHAPTER 2: 
THE ECOWAS MORATORUM AND THE CONVENTION

2.1. Short Synopsis of Conflict and Threats in the ECOWAS Region

West Africa has experienced, and continues to experience varying degrees of conflict. After decolonization, the region became home to virulent and devastating inter and intrastate conflicts. Most of the region’s conflicts were sparked by excessive manipulation of primordial ethnic differences. Aside from the manipulation of primordial diversities, excessive interference of militaries in domestic politics was and continues to be a factor causing civil wars in the region. The historical roles of ECOWAS’ militaries in the internal politics of states in the region were presented by Jimmy D. Kandeh in the book “West Africa’s Security Challenges: Building Peace in a Troubled Region”. Kandeh stated that 45 out of 75 coups in Sub-Saharan Africa took place in West Africa. The table below, adapted from Kandeh’s work summarizes the excessive interference of West Africa’s militaries in domestic political discourses.
TABLE 1:
SUCCESSFUL COUPS IN WEST AFRICA, 1963-1999

<table>
<thead>
<tr>
<th>ECOWAS Countries</th>
<th>Coup Frequency</th>
<th>Years</th>
<th>Sum of Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape Verde</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Cote Ivory</td>
<td>1</td>
<td>1999</td>
<td>1</td>
</tr>
<tr>
<td>Gambia</td>
<td>1</td>
<td>1994</td>
<td>2</td>
</tr>
<tr>
<td>Guinea</td>
<td>1</td>
<td>1984</td>
<td>10</td>
</tr>
<tr>
<td>G-Bissau</td>
<td>2</td>
<td>1980, 1999</td>
<td>14</td>
</tr>
<tr>
<td>Liberia</td>
<td>1</td>
<td>1980</td>
<td>5</td>
</tr>
<tr>
<td>Mali</td>
<td>2</td>
<td>1980, 1999</td>
<td>23</td>
</tr>
<tr>
<td>Senegal</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Togo</td>
<td>2</td>
<td>1963, 1967</td>
<td>23</td>
</tr>
</tbody>
</table>

This table is lifted from Jimmy D. Kandeh’s chapter on civil-military relations in West Africa, from the book West Africa’s Security Challenges: Building Peace in a Troubled Region, pp. 148

The table reveals that all but two West African states had several military takeovers of governments. West African armies are known for their usurpation of democratically elected governments or replacement of one military regime with another. As the table illustrates, militaries in Benin and Nigeria toppled civilian regimes six times...
each, totaling a combined 46 years of military rule in both countries. In Ghana, Burkina Faso and Sierra Leone, there were five military takeovers, totaling 57 of years’ despotic rule. Burkina Faso, Mali, Togo, Gambia, Niger, Guinea and Guinea-Bissau also had their shares of military coups.

The unwarranted intrusion of militaries in domestic affairs often creates political impasses. It is not farfetched to deduce that West Africa’s militaries were politicized and politics, militarized. As Jimmy D. Kandeh wrote in 2004, “Governments (military regimes) in many instances, constitutes the most serious threat to state security and regime survival” (Kandeh 2004, pp. 151). Many of West Africa’s military coups, borrowing Kandeh’s words, produced “rogue leaders”, and this crop of leaders was responsible for a wide-ranging internal and external conflicts. Leaders like Eyadema of Togo, Samuel Doe and Charles Taylor of Liberia, and Burkina Faso’s Blaise Campore, used their positions to cause domestic mayhem as well as sponsor rebellion in neighboring states. West Africa’s armies, according to Kandeh, “… were historically created not with a view to responding effectively to external threats, but with the explicit goal of subjugating local communities” (ibi, pp. 150). Linda Darkwa analyzing the role of militaries in the ECOWAS region wrote:

Although the coups were undertaken by the military, often segments of the civilian population sympathetic to the ideals of the coup leaders were armed and entrusted with the duty of enforcing the precepts of the military regimes. In some cases, trade Unionists, students and unemployed youth at the periphery of society were given arms and constituted as civil defense forces with the mandate to police their societies and bring to book violators of the new and often radical code of the coup leaders (Darkwa 2011, pp. 13)
West Africa’s coups according to Abdel-Fatau Musah, further worsened arms proliferation through arming the youth, radical student groups and sections of the marginalized urban population (Musah 2002).

The role the region’s military played is still felt till today: post-election violence in Ivory Coast, Nigeria, Togo, and Guinea demonstrate how determined West African leaders are in using their armies as symbols of intimidation. Kandeh was right when he wrote that “Individual security is threatened when the military resorts to violence to settle political disputes and, in some cases, when embattled civilian regimes call on their army to quell social unrest, actions that often backfired” (ibid, pp.153). The excessive interference of armies in politics is a root cause of internal conflict, and these internal conflicts also spark conflicts of a regional spectrum. Though the militaries’ role in contemporary West African politics is evolving, the military coups in Guinea-Bissau (April 2012), Mali (March 2012) and Niger (February 2010), and other attempted coups in the region present challenges not only to the national security but to human security as well.

It was the excessive nature of unconstitutional change of government by military coups in Africa which made the African Union (AU) Constitutive Act — a successor to the Organization of African Unity (OAU) — including within in it a framework to address the unconstitutional changes of governments. The Constitutive Act denounces and rejects unconstitutional takeover by democratically elected governments. The Constitutive Act’s Article 30 states that “governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union” (African Union
2000, pp. 17). The AU calls for an immediate and public condemnation, including sanctions of any military change of democratically elected government. According to Odinkalu Chidi, the African Constitutive Act firmly forbids unlawful takeover of regimes, and addresses “tensions in favour of the right to participation and validates the constitutive role of popular will in establishing legitimate government” (Odinkalu 2008, pp. 1). The prohibition of unconstitutional changes in government validates the expressed will for instituting government through popular will.

Additionally, ECOWAS’ Protocol on Good Governance and Democracy insists under article (1.b) that “every accession to power must be made through free, fair and transparent elections” and (1.c) states “zero tolerance for power obtained or maintained by unconstitutional means” (ECOWAS 2001, pp. 6). Odinkalu thinks the prohibition “may thus be seen as a distinct African recognition of a right to constitutional democratic governance in international law” (ibid, pp. 1-2). The African Union and the ECOWAS have jointly condemned such unconstitutional usurpation of political power on several occasions. Although the AU Constitutive Act and the ECOWAS Protocol on good governance and democracy may not be as effective as they should, their prohibition of unconstitutional change of government, signals recognition of the severity of the problem.

Aside from the incessant intrusion of armies in domestic politics, the Mano River Basin conflict, started by Liberia’s Charles Taylor in 1989, is important to understanding internal and cross border security threats in the region. The Liberia conflict killed more than a quarter of million people and drove more than one million refugees to neighboring
countries. The conflict left the local economy in tatters and overran it with weapons. The war economy of the conflict expanded to include the infamous Taylor’s ‘diamond-for-gun’ deals: guns in exchange for diamond. This conflict recruited children as combatants, forced people to commit atrocities against their own societies at gunpoint, and saw the women raped (Omeje 2005, pp. 16). Omeje pointed out that the conflict:

Spawned a host of other vicious rebel and civil militia groups, proliferated the use of small arms, and light weapons, child soldiers and mercenaries in Liberia and the sub-region, produced tens of thousands of Internally Displaced Persons (IDPs) and inflicted mortal atrocities on all sections of the civilian populations. (Omeje 2005, pp. 17).

Writing on the Liberian civil war, Langumba Keili too observed that Guinea imported mortar arms and rounds of ammunition from Iran and the shipments were labeled “detergents” and “technical equipment” in order to conceal the true identity of the shipments. These arms were later transferred to Liberian rebels in blatant disregard for the UN arms embargo and ECOWAS Moratorium. According to Keili, the Liberian rebels “used these weapons to fire indiscriminately on civilian areas of Monrovia” (Keili 2008). The Liberian conflict also had a direct bearing on the situation in neighboring Sierra Leone. Taylor’s war economy policies expanded to include training and arming of the Revolutionary United Front (RUF) rebels in Sierra Leone. The RUF would later enter Freetown forcefully, destroying much of the city and committing widespread atrocities against the civilians. On a few occasions the RUF had to cross the border to Liberia for rearmament or recuperation.

The Sierra Leonan conflict, later became notoriously known for its large community of amputees, whose limbs and hand were chopped off, leaving a post conflict
society that comprised 20% percent of the world’s amputees. Sarjoh Bah’s insight on the civil war depicted the conflict this way:

The outbreak of violent civil conflicts in Liberia in 1989 and in Sierra Leone in 1991 marked the beginning of a change to the political and security configuration of the subregion… these conflicts have had the combined effect of sucking in millions of illicit small arms, making the Mano River Basin… an attractive and profitable theatre for illicit arms merchants, mercenaries and other non-state actors. The small arms scourge in West Africa — especially in the Mano River conflict triangle — is compounded by the easy accessibility of natural resources such as rubber, timber and, most importantly, diamonds. This effectively means that weapons can be bartered for these resources, thereby sustaining the decade-long wars in Liberia and Sierra Leone (Bah 2004).

It was Charles Taylor’s ruthless human rights abuses and his war economy policies in neighboring Sierra Leone, which precipitated his indictment to the International Court of Justice, and his subsequent conviction as the first African head of state to be convicted by the Court. Ramifications of the Mano River Basin conflict triangle are still felt in the subregion.

Equally the recent Ivorian conflicts (2002-2007, 2010-2011) have had dire internal and regional implications. As one of the regional economic powerhouses, Ivory Coast attracted millions of immigrants each year. The World Bank listed it among the world’s top 12 immigrant receiving countries in the world and first in Africa until 2010 (World Bank 2009, pp. 2). However, the civil unrests reversed the socioeconomic and political progresses made. Aside from the direct deaths, maiming, internal dislocations, health challenges and the continuous heated political tensions, the conflict additionally had regional ramifications. Those externally displaced, many of whom are living in Ghana were labeled as supporters or sympathizers of the deposed leader, Gbagbo. As a
result, displaced populations in neighboring countries such as Ghana and Liberia are considered traitors to the new Ivoirian regime. The new regime is apparently appalled by Ghana’s refusal to arrest the ‘fugitives’ who are thought to have sneaked into Ivorian refugee camps in Ghana. This incident infuriated Ivory Coast to say Ghana is providing safe haven for the regime’s enemy. Ghana unequivocally rejected the Ivorian claims. Ghana’s military spokesperson, Colonel M'Bawine Atindade says: “Ivory Coast's problem is an internal security problem,” "we have our own borders to secure. They have their own borders to secure" (Stein 2012). Colonel Atindade’s statement underlines a section of Ghanaian officials’ attitude to the Ivoirian crises that Ivoirians learn to fix their problems rather than blame the neighbors for their national security challenges.

Ghana-Ivory Coast relations are now at their lowest. The Ivorian crises created a security dilemma for countries in the region because Ivory Coast’s security is not only dictated by internal factors but also regional as well. As witnessed in the Mano River Basin conflict, cross border threats can aggravate neighborly relations because “in an interconnected world, social and economic catastrophe in one country spills over onto neighbors” (Collier and Chauvet February 2007, pp.1).

2.2. Low Intensity Conflicts (LIC)

Coupled with the full scale civil conflicts, another type of conflict with wide-ranging effects is low intensity conflicts (LIC). Katayama Yoshio defined low intensity conflict as “conflict between a sub-state and a state in which the former challenges the current state-centering world order” (Katamaya 2002). Also Global Security.org defines LIC as a: “Political-military confrontation between contending states or groups below
conventional war and above the routine, peaceful competition among states”, with this
type of conflict mostly “localized, generally in the Third World, but containing regional
and global security implications” (Globalsecurity.org 1996).

The Niger Delta Region comprises of five states; Akwa Ibom, Bayelsa, Cross
River, Delta, Edo and Rivers State, with a total population of more than 30 million. The
region produces 100% of Nigeria’s oil and gas and generates more than 80% of all
revenues (BergenRiskSolutions 2007). As the economic engine of the country, the
indigenous population complained about marginalization and underdevelopment by
successive federal Nigerian governments. They also protested the ecological destruction
of the region’s habitat by activities of oil corporations. Findings on the Niger Delta
conflict revealed that the conflict in the region arises when “physical security and well-
being… recognition, participation, and control, and distributive justice are repeatedly
denied, threatened, or frustrated, especially over a long period of time (Onduku 2004, pp.
47-48).

As a result of the grievances, organized armed local opposition emerged. Among
them were: Niger Delta People’s Volunteer Force (NDPVF), Pan Niger Delta People’s
Revolutionary Militia (PNDPRM), Movement for Emancipation of Niger Delta (MEND),
Movement for the Survival of the Ijaw Ethnic Groups (MOSIEN), the Niger Delta Oil
Producing Communities (NDOPC), Ijaw Youth Council (IYC), Federated Niger Delta
Communities (FNDIC), Delta-Bayelsa Freedom Fighters (Omeje 2005, pp. 29-30). The
complexities of the Niger Delta conflict led to a situation where groups of all kinds
engaged in kidnapping of expatriates as well as the local populations. In response to the
direct security threat in the region, the central government of Nigeria responded by broadening military intelligence in the area.

The Niger Delta conflict encourages proliferation of sophisticated weapon systems in the region. According to Adeko Sunday, organized armed groups in the Niger Delta have access to small arms through diverse mechanisms; through weapons confiscated and stolen by the Nigerian military in international peace missions, and shipped back to Nigeria to local arms dealers; through arms dealers or sometimes state security personnel who double-up as arms dealers. Adeko Sunday similarly reveals that some weapons in the region became available through indirect supply by major oil companies (security factions of oil companies) in exchange for provision of security for the companies' oil pipeline installations (Sunday 2011). The Niger Delta LIC clearly illustrates how human security and national security threats are converging. What the Niger Delta indigenous communities see as marginalization and underdevelopment of their region, as threats to their livelihood, threats to their natural environment and to their personal well-being, was rather seen by the federal government as a security threat to the fundamental survival of the state. The emergence of sophisticated networks of groups in the Niger Delta region who are well armed, with identifiable units and the federal government’s military response to the crises unfortunately illustrates the dynamics of armed conflict.

Additionally, even states lucky enough to escape full scale conflict either have neighbors in conflict or themselves are theaters of LIC. Countries like Ghana, Benin and Senegal (the most stable in the region) have a number of low intensity conflicts. In the
northern part of Ghana, the unresolved ethnic tensions and chieftaincy disputes culminated into a communal war, which later became known as the “Guinea Fowl War” from 1994-1995. The Guinea Fowl War killed more than 2000 people and displaced several hundred. The war, according to Hyppolyt Pul, culminated in the use of “modern weapons such as AK47s” and “resulted in at least 2000 people killed, 200,000 internally displaced and 441 villages completely destroyed” (Hippolyt 2003). Conflict Trends finding on the Guinea Fowl War indicated that more people might have been killed during that conflict (Aylezuno 2009, pp.48). In addition, the Dagbon chieftaincy crises, which has been politicized recently in northern Ghana between the Andani and Abudu royal gates in 2002 killed the areas paramount chief, along with forty other people (Jönsson 2007, Asiedu 2008). While LIC may not pose serious security threats to the state apparatuses, they nevertheless threaten ordinary people who are caught up in them. The LIC can also be transformed into major intrastate conflicts. And taking the region’s artificial national borders into consideration, a local security threats in one state can quickly become humanitarian crises in neighboring states.

Another important factor behind recent LIC in the region is the rising tensions between the pastoralists and farmers. Many theories are promoted as factors behind the increase in farmer-pastoralist conflicts. Homer-Dixon, back in 1994 argued that declining access to renewable natural resources like water and forest products in developing countries could heighten frustration, and this in turn may generate grievances against the state. He identified three types of environmental scarcity; (a) demand-induced scarcity - population growth and consumption per capital, (b) supply-induced scarcity - high
consumption and degradation than regeneration of the resource and (c) structural scarcity introduced by unequal geographical distribution of these resources (Homer-Dixon 1994, Bernauer, Koubi and Böhmelt 2011).

All of the aforementioned types of environmental scarcities identified exist within the ECOWAS region. For example, Conflict Trends reveals that movement of rural communities from drier parts of northern Ghana, where the rains are unreliable, to the more ecologically stable south, is deemed a threat to existing resources in the south – leading to social tensions and conflicts within such communities (Conflict Trends 2011). As well, International Crisis Group indicated that the Sahelian droughts in the 1980s diminished grazing lands and led to crop failures in the northern parts of Nigeria – environmental and demographic challenges introduced there by droughts were one of the causes of the conflict (International Crisis Group 2010). In the more arid countries like Mali and Niger, the intensity of environment-induced conflicts have been historically acknowledged. In Mali, there is a recurrence of conflicts between pastoralists and farmers. These conflicts occur “when there is crop damage by livestock and in cases of changing land-use practices and changing regimes of access to water resources” (Watts 2012, pp.2). These environment-induced challenges paints a gloomy picture for the region, because agriculture provides “employment for between 50 -80% of the population in the region”, meaning majority of ECOWAS’ populations relies on farming or livestock rearing for their daily survival (Ajetomobi 2009). The drying up of water sources as a result of climate change and the excessive degradation of natural resources partly caused
by an explosion in the region’s demography, may become the most important physical security as well as human security threats in the region.

State fragility is also becoming rampant within the ECOWAS subregion. A fragile state often leads to the loss of control or monopoly on the use of force. It may also cause the loss of appropriate authority and inability to provide essential public goods. Some indicators of fragile are; widespread corruption and illegal behavior, extensive unintentional displacement of populations, decline in economic activities, group-based inequality, severe demographic pressures, and environmental decay. An important emerging security threat in the sub-region is the states’ inability to secure and protect their territory and maritime boundaries.

Large spaces in the subregion are becoming ungovernable due to weaknesses of states to protect and police their territory and marital borders. The 2011 Failed State Index did not list any African country among most stable or stable states. Only eleven African states were listed in the third category of states at the borderline of failure. An overwhelming 42 out of 53 of African states were listed in either danger or critical categories. On a regional basis, five states (Ivory Coast, Guinea, Guinea Bissau, Niger, and Nigeria, representing about 70% of the region’s population) were listed among 20 failed states in the world. The region represents 20% of all failed states in the world. Except Ghana, Benin, Senegal and Mali\(^6\), all states in the region face varying degrees of security challenges (Fund for Peace 2011). State failure is leading to incapacity to control national territories. As a result ungovernable spaces are gradually turning into a breeding

\(^6\) Mali may no longer be considered a stable state because of the ongoing crises.
grounds for organized-crime or safe havens for terrorist groups. State failure is added to human sufferings as some governments are not able to provide basic security protection and humanitarian needs of its citizens.

Because the region is home to many fragile states, organized groups like the Boko Haram in Nigeria, Al Qaeda in Islamic Maghreb (AQIM) and others deemed threats to regional and human security are mushrooming in the region. In Nigeria, the impact of Boko Haram is on the increase. Boko Haram has stated unequivocally that its objective is to wage a war against the Federal Republic of Nigeria so as to create a “pure” Islamic state, which will be ruled by Islamic sharia law (Abimbola 2010, pp. 100). The shameful bombing of the UN building in Abuja, the incessant petrol bombing of schools, detonation of bombs in churches puts many lives in Nigeria into harms-way. Like the Niger Delta conflict, the Nigerian military’s response is nothing short of shoot and kill. Thus, an Amnesty International investigation concluded last week, finds that “the cycle of attack and counter attack has been marked by unlawful violence on both sides with devastating consequences for the human rights of those trapped in the middle” (Ndiribe and Omonobi 2012). The report continues that:

People are living in a climate of fear and insecurity, vulnerable to attack from Boko Haram and facing human rights violations at the hands of the very state security forces which should be protecting them (ibid).

There seems to be a looming disaster in the region. The ECOWAS region is also a route to the international drug trade and human trafficking networks. Taking the increasing incapacity of states in the region to police their territories, the numerous LIC, the ongoing
internal and regional security threats, as well as political instabilities, one can say without hesitation that the ECOWAS region is among the least stable in the world.

2.3. **An Analysis of the Moratorium and the Convention**

The ECOWAS Moratorium was developed to boost the peace agreement with the Tuareg rebels and the Malian government. As the chairman of ECOWAS, Malian president Alpha Konare, noting the demographic complexities in the region realized that the effective implementation of the peace accord extends beyond its borders (Ebo & Mazal, 2003, Badmus, 2009, pp. 24). He thus instigated adoption of a nonproliferation regime that would regulate importation, redistribution and use of small arms in the region. The Moratorium, as a novel prototype of its kind, received unprecedented approval and support from international civil society, UN and some foreign states.

The ECOWAS Moratorium was signed on 31st October 1998 and made renewable for a period of three years. It comprises three different but related documents: The Moratorium Declaration, The Plan of Action for Implementation of PCASED (Program for Coordination and Assistance for Security and Development) and the Code of Conduct. The Moratorium’s preamble states: “… proliferation of light weapons constitutes a destabilizing factor for ECOWAS Member States and a threat to the peace and security of our people”. The Plan of Action and Code of Conduct were adopted in 1999, a year after the Moratorium’s official declaration. The PCASED was a UNDP initiative and predates the Moratorium. PCASED was originally intended to support the UN Mission on Proliferation of Light Weapons in the Sahel-Sahara sub-region. However,
ECOWAS requested PCASED be converted into an execution unit of the Moratorium. As its introduction stated: “The Program for Coordination of the Assistance for Security and Development (PCASED) has been put in place as a support to the moratorium” (Vines 2005, pp. 346). The priority areas of PCASED include; training programs for military, security and police forces, enhancing weapons controls at border posts, establishing a database and regional arms register, collection and destruction of surplus and unauthorized weapons. It also includes facilitating dialogue with producer suppliers, review and harmonization of national legislation and administrative procedures (ibid).

The PCASED called for adequate control and effective capacity to police arms transfers across borders in the region. Another central pillar of the PCASED is its proposal to establish a regional weapon register and database. A weapons registry and database, according to PCASED, would encourage “timely identification and prevention of excessive and destabilizing accumulation, as well as facilitate research and policy development”. The regional database would also “… promote transparency and safeguard weapons from loss especially through theft or corruption, in particular at weapons storage facilities” (Institute for Security Studies 2001). PCASED provided the framework upon which implementation of the Moratorium was laid. It was replaced by the ECOWAS Small Arms Program (ECOSAP) which has its regional office in Bamako, the capital of Mali. Aside from PCASED, the Moratorium’s Code of Conduct sets its “Dos and Don’ts” (appendix III). It called for the establishment of National Commissions (NatComs) in each ECOWAS Member State (Article 4).
On 14th June 2006, the Moratorium was converted into a legally binding Convention which replaced the Moratorium thereafter. The Convention’s Article 3 explicitly states that ECOWAS members shall: “ban, without exception, transfers of small arms and light weapons to non-state actors that are not explicitly authorized by the importing member” bans international small arms transfers, with exceptions of those legitimately needed for self-defense, security needs, and for supporting peace operations. Like the Moratorium, the Convention also provides room for exemption under Article 4, clause 1. However, exemption can be denied under the Convention. The Convention’s Article 7 calls on Member States to control the manufacture of small arms and light weapons within their national borders. It also calls for regulation and prohibition of artisanal manufacture and marketing of small arms within ECOWAS. Article 7 also asks Member States to adopt strict regimes for civilian possession of small arms as well as requests foreigners coming to the region to obtain Visitors’ Certificates for any weapon they intend to carry with them into the region.

Unlike the Moratorium which called for the creation of regional registries and databases, the Convention requests Member States under Article Articles 8 and 9, to create national registries of all arms under their jurisdiction. Another important provision in the Convention is the tracing and security marking of all weapons intended to enter the region. It also encourages States to dialogue and share information among themselves. Article 31 entreats sanctions against violators’ of the Convention. The ECOWAS Convention was drafted based on human rights and international humanitarian law.7

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2.4. **Achievements of the Moratorium and the Convention**

There are mixed feelings about the Moratorium and the Convention’s impact as regards to stemming small arms proliferation in the ECOWAS region. Before the Moratorium was adopted, many ECOWAS States did not have national legal codes on domestic arm acquisition and its use. Even the few states who had, they were of colonial inheritance. For example, Sierra Leone never had operational firearm legislation rather, two old ordinances inherited from the British. The ordinances; “The Arms and Ammunition Ordinance 1955 No. 14 and the Explosive Ordinance 1955 no 15” were never made laws (Bah 2004, pp. 8). Thus, Sierra Leone never had a working firearm legislation until after its adoption of the Moratorium, when it passed the first comprehensive legislation on small arms in 2006.

Other countries like Ghana, Nigeria and Ivory Coast, may have had some form of national legislations, it was after the adoption of the Moratorium and the Convention that they updated their national legislations. Ghana’s Arms and Ammunition Act (1962) and Arms and Ammunition Decree (1972) were updated in 1996 in anticipation of the Moratorium coming into force. Even at this, it was 2007 before Ghana had its first comprehensive small arms legislation, the National Commission on Small Arms and Light Weapons Act. Ivory Coast also regularized its national legislation in 1998.

Countries like Guinea, Mali, Cape Verde and Guinea-Bissau, had to solicit assistance

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8 Ghana National Commission on Small Arms: Fourth Biennial Meeting of States 14-18th June 2010, United Nations Headquarters, New York, USA. Link www.poa-iss.org/.../2010@74@Ghana-PoA-ITI-Report-2010
from the UN Program for Coordination and Assistance for Security and Development, to review statutory instruments and administrative processes that would enhance the implementation of the Moratorium. All these indicated that the Moratorium stimulated ECOWAS Member States to enact national small arms legislations to update and regularize them. The avenue created by the Moratorium and the Convention to update archaic national small arm legislations, and to enact new ones should be considered the most important achievement of ECOWAS’ nonproliferation regime. The national laws laid a solid foundation for the nonproliferation regime’s implementation.

Furthermore, within a few years of its adoption, ECOWAS members were able to establish the National Commissions (NatComs) proposed by the Moratorium in each Member States, which were needed for the effective implementation of the Moratorium. Before its adoption, only Mali had an existing NatCom. However five years after it was adopted, 14 out of 15 ECOWAS Member established NatComs (Bah 2004). Bah considers these NatComs as essential linkages and important institutional frameworks for effective implementation of the Moratorium. As Bah relays, the NatComs provided the forum for heads of the respective governments to meet, exchange ideas and take stock about the “continued engagement and the implementation of the Moratorium”(ibid). Bah views the establishment of the NatComs as an indispensable factor which necessitated confiscation of 3,500 assault rifles, 80,000 rounds of ammunition and 200 revolvers within the 200 illegal crossing posts between Nigeria and Benin (Bah 2004, pp. 4).

The establishment of NatComs also helped the peace processes in Sierra Leone and Liberia’s Demobilization, Disarmament and Reintegration (DDR) processes greatly.
From 2001-2002, there were 43,000 weapons and 1.2 million ammunitions collected and destroyed in Sierra Leone alone (Ebo and Mazal 2003). The limited success of the DDR processes in Sierra Leone and in Liberia can be partly credited to the Moratorium. The Moratorium’s ability to aid the peace processes in Sierra Leone and Liberia offer some glimpse of hope about how small arms nonproliferation regimes may positively stimulate peace processes. It also helped to get civil societies involved in the process. Even though weapons seized as a result of the establishment of the NatComs is just a small drop of weapons flooding the region, the NatComs provide permanent institutions (which were previously lacking) within the ECOWAS, important for coordinating efforts towards stemming small arms flow to the region.

In addition, the nonproliferation regime led to an extensive sensitization of the region’s security forces about the challenges of small arms proliferation and what ECOWAS is doing about it and the role security forces were to play. The sensitization of ECOWAS’ security forces first took place in a few selected countries. Later, training of trainers programs were organized which eventually led to “strengthening the security forces in modern techniques of control of arms and ammunition” (ibid).

Moreover, the Moratorium was evoked to place an arms embargo on Togo in 2005 to dissuade Togo’s military from inaugurating the son of the late dictator (Gnassingbe Eyadema who ruled Togo for 39 years), as the next president. The ECOWAS arms embargo, which was also supported by the AU, was in place until Faure Eyadema stepped down and accepted to conduct free and fair elections (SIPRI 2005, Onuorah 2005). ECOWAS furthermore evoked the terms of the Convention on Guinea
from 2009 till 2011 as a result of the unconstitutional takeover of government, as well as the killing of more than 150 demonstrators by the Guinean military. The embargo was lifted on 25\(^{th}\) March 2011 when Guinea returned to constitutional rule (SIPRI 2009).

In a related move, ECOWAS equally blocked all kinds of arms shipment to Mali when Tuareg rebels usurped political power in 2012. An ECOWAS deal officially sidelined Mali's short-lived military junta (Look 2012). It is important to indicate that some of the sanctions were rather evoked through the ECOWAS Protocol on Democracy and Good governance, than through the Moratorium and the Convention. While some of these embargoes may not have been effective as desired — a typical example is being Mali’s unconstitutional usurpation of power and the ongoing turmoil — ECOWAS’ willingness to sanction its members for violating its agreed norms is significant in policy perspective. ECOWAS’ willingness to sanction recalcitrant regimes indicates some level of seriousness within its members.

Others think the Moratorium laid the foundation for a regional arms proliferation regime, which later became seen as a regional normative and practical attempt to regulate small arms and light weapons. In the words of Badmus, the Moratorium is an: “…agreement that originated at the recipient end where the problems posed by uncontrolled flows of arms are felt. Second, the supplier states… were drawn into, and asked to respect the Moratorium’s provisions (Badmus, pp. 23). Despite its limits, ECOWAS’ nonproliferation regime is a bold attempt to collectively approach security challenges facing the region. It achieved some remarkable success in raising important normative
standards, as well as helping create awareness locally and regionally, on issues bordering small arms and its challenges.

2.5. **Failures of the Moratorium and the Convention**

Despite the aforementioned successes achieved, critics think the Moratorium and the Convention was more of a failure, when the effectiveness of its implementation is considered. Some critics pondered that the nonproliferation regime instead of stemming small arms flow to the region, it may rather exacerbate it. According to them, there was a lack of a genuine political will on the part of member states to implement the nonproliferation regime. Elbow and Mazal’s 2003 research reveal that the first three years of implementation of the Moratorium rather than reduce small arms flow, it in fact has worsened the situation. They pointed out that recurrence of conflict within the Mano River Triangle and the widespread insecurity in Nigeria increased demand for small arms in the region. Ebo and Mazal indicated that conflicts in the Mano River Triangle are a great pulling and pushing sources of small arms, that these conflicts induced demand for arms, and at the same time, they became a supply source of small arms to other parts of ECOWAS. These factors, undermined the efficient implementation of the ECOWAS nonproliferation regime (Ebo and Mazal 2003, pp.28). Prosper Addo also joins the critics by writing that the ECOWAS Moratorium was ineffective because it was renewed on three separate occasions instead of the initial three years agreed on by ECOWAS states. In Addo’s view, the Moratorium was renewed as a result of its inability to address the
issue and this was due to a “general lack of commitment on the part of member states to resolve the small arms problem” (Addo May 2006, pp. 12).

Bah, likewise points out that “some of the states see the small arms issue as an opportunity to dance on the international diplomatic stage by carrying out ceremonial arms burning exercises” (Bah 2004, pp. 4). The Moratorium was used as a diplomatic window-dressing by most of ECOWAS Members. A 2000 UN Panel of Expert findings for Sierra Leone blamed neighboring states for illegal weapon supply to Sierra Leone. The UN Panel on Sierra Leone found “… evidence of supply lines to the RUF through Burkina Faso, Niger and Liberia” (UNSC 2000). In addition, 2002 Experts Panel on Liberia, found evidence of 210.5 tons of weapons shipments from Belgrade to Liberia (UNSC 2002). The text insists that “the official documents obtained to secure an export license for these shipments were drawn from the ministry of Nigerian Defense”. The Panel notes that “end-user certificates that were used to divert weapons to Liberia in violation of the arms embargo were all from ECOWAS Member States” (pp. 25).

Some also argue that Member States’ use of Article 9 of the Code of Conduct, which says States can apply for exceptions in order to meet legitimate national security, needs, as well as meet international peacekeeping requirements, was abused. Those in this category claimed that from 2001 to 2002, 46 applications for exemptions were granted. There had been 5 exemptions for Benin, Ivory Coast 19, Nigeria 7, Sierra Leone 7, Ghana 4 and Senegal 3. The granting of exemptions without any rejection made some to view the Moratorium as a rubber-stamp — which automatically approves exemption requests without due consideration of its merits or demerits. The director of ECOSAP
(ECOWAS Small Arms Program), acknowledges that the “continuous weapons proliferation as a result of a poor monitoring of the Moratorium and weak government structures undermined the effective implementation of the Moratorium (Coulibaly 2008). He argues:

Most governments chose a state-centric interpretation of national security rather than the human security expressed by the ECOWAS Moratorium. And this had a negative impact on the implementation of the Moratorium. Obviously, the ECOWAS Moratorium could not by itself stop the arms flow, unless governments in the sub-region were committed to advancing human security (ibid, pp. 2).

Security in the ECOWAS region is still viewed from the traditional state-centric angle and this is clearly reflected in the formation of NatComs and how the leadership of NatComs reflects on how security is understood in the region. Of all the fifteen NatComs, 12 of them were headed by military or police officers and a majority of them were located within the Ministries of the Defenses of Member States (S. Bah 2004, pp. 4.)

Factors identified above present challenges to the implementation of the nonproliferation regime in many dimensions. The lack of political will on the part of ECOWAS members to implement the Moratorium and the Convention, and the increase in the use of the nonproliferation regime for symbolic diplomatic gestures are important points that need further exploration. As can be seen, the factors outlined as being responsible for ECOWAS’ nonproliferation regime’s ineffectiveness are scattered and broad issues. This is due to the fact that there has been no thorough study of ECOWAS’ nonproliferation regime. For example, the indication that there was a lack of political will and an increase in the use of the nonproliferation regime for symbolic reasons did not elucidate why there was a less political will among ECOWAS members to implement its
nonproliferation regime, or why ECOWAS’ nonproliferation regime is? The answers to these questions should be located chiefly within demand and supply factors of small arms proliferation, which chapters three and four shall fully explore.
CHAPTER 3: FACTORS NECESSITATING THE PROLIFERATION

SALW flow to the ECOWAS region is being encouraged by varying factors such as internal political instability (demand factors) and the role played by international actors (supply factors). The following pages examine the internal and regional demand factors encouraging small arms and light weapon flow to the ECOWAS sub-region.

3.1. The Casualties Between Economic Deprivation, Low Intensity Conflicts and SALW Proliferation.

While the correlation between small arms proliferation and upsurge in conflict is weak, it is an indisputable fact that when and where there are conflicts, weapons naturally follow. Weapons are needed to fight wars. Small arms are now weapons of choice in contemporary low intensity conflicts. The ECOWAS region is plagued with political instabilities such as full scale armed conflicts and low intensity conflicts. In recent years, low intensity conflicts almost eclipsed full scale conflicts. The low intensity conflicts appear in the form of religious disputes, ethnic clashes, land and chieftaincy related conflicts. Post election violence is also on the rise. These instabilities encouraged demand-induced proliferation of small arms within the ECOWAS zone. The abundance of security threats within the ECOWAS corridor is a major source of small arms proliferation in the region (Birikorang 2005).
For example, Ivory Coast’s 2010 disputed election led to both camps engagements in a real military offensive which finally brought down Laurant Gbagbo’s regime. Since the country also split along regional lines — the Christian south and Muslim north — the rebels, which now constitutes the Ivoirian government, took control of military installations including arms depots located in the north. The rebel camp set up extensive supply operation with the support of Burkina Faso, Mali, Guinea and other overseas networks (Wezeman, Wezeman and Sudreau 2011, pp. 30). One analyst concurs that; “thousands of guns were distributed to the student union, transforming university halls of residence into military barracks” (Banegas 2011, pp. 460). Richard Benegas stated that since Alassane Quattara (then leader of the opposition) became president through guns instead of the ballot box, “the big question is how far he will be capable (or not) of freeing himself from the soldiers who made him the king” (Banegas 2011, pp. 466). Since majority of the rebel fighters was picked from the street, it has become difficult for the new regime to remove the weapons in the hands of its supporters. The weapons used by both sides during the post-election violence in that country are still at large and there is likelihood that these weapons and their owners can be recycled anytime whenever the need arises either within or in neighboring countries.

Further, Chatham House’s Alex Vines believes that national and presidential elections in Nigeria are one of the stimulants for proliferation of weapons in that country. Vines thinks the traditional instruments of political intimidation — that is machetes, knives and clubs — shifts to locally made and imported small guns. He supported his assertions with how Nigerian politicians armed gangs for offensive and defensive
operations, and how this often led to open politically motivated shootouts. Vines similarly indicated that in 2003, a prominent Nigerian politician commissioned gangs at one of the country’s technical institutes to produce pistols for his political campaign. These weapons were later distributed among youths at various university campuses who were seen “around the town, brandishing these weapons and telling people they would be watching which way they voted (ibid. pp. 557).

Sunday Adeko corroborated on Alex Vines’ analysis on Nigeria by saying that; “closer to the 2003 elections Nigerian networks accessed international supplies of automatic weapons” (Sunday 2011, pp. 65). According to SIPRI, so bad small arms acquisition for purposes other than for official use that the “Nigerian Government decided that the police needed adequate equipment ‘to face the challenges of electioneering—before, during and after the [2007] election’” (Wezeman, Wezeman and Sudreau 2011, pp. 35). Small arms acquisition within officials was widespread, including high ranking officeholders from all sectors of government and public service. Sunday Adeko, quoting another source (Coventry Cathedral 2009), clarified on the identity of officials behind this scandal: “former federal ministers, state commissioners, local government chairmen, state security officers, [and] Nigerian military officers” (pp. 70). A search upon tip-off on some local politicians in the Cross River and Bayelsa states in 2002 led to the retrieval of varying stocks of small arms and ammunitions (Vines 2005, pp. 356).

When irresponsible and disloyal conducts of Nigerian state officials are situated within security threats like the makings of the Boko Haram, religious conflicts and
others, the picture become clearer. Critics are suggesting that “the making of Boko Haram was indeed the handiwork of the political class” (The Street Journal 2012). Evidence of this was the arrest of Senator Ahmad Zanna, for being linked to importing arms and ammunition to Nigeria’s Boko Haram. As Sunday Adeko revealed, proliferation of SALW is driven by “political ambition combining with a cross cutting illegal economy… creating both direct and indirect drivers of violence” (Sunday 2011, pp. 67). Parenthetically, state officials and their associates who sat on committees that produced the regional Moratorium and the Convention are the ones engaged in the illegal acquisition and distributions of weapons. The foregoing illustrates how some state officials in Nigeria — mandated to execute the regional nonproliferation regime — were the ones undermining its effective implementation.

The availability of low intensity conflicts in the region is a basis for a demand-induced source of small arms. The Niger Delta remains one of the scenes of cyclical violence among groups competing for “political and ethnic power, and between security and militia groups” (Vines 2005). The crises there are intensified by economic activities intrinsically linked to the illegitimate crude oil ‘businesses’. The environment-induced pastoral-nomadic conflicts at places where the region’s southern forest belts meet northern arid savanna, land disputes, ethnic tensions, chieftaincy rows, refugee and

9 Speculations abound that Nigeria’s Boko Haram Islamists have close ties to powerful politicians such as governors and senators. Politicians like Senator Ahmad Zanna, have been implicated for link to groups formenting trouble in the country. In October 2012, a Boko Haram member was allegedly arrested at Senator Ahmad Zenna’s house by Nigeria’s special forces. See more on Reuters.com “Nigerian army arrests Boko Haram member at senator’s home”.

51
internally displaced persons (IDP), and Mali’s ongoing conflict create real threats for societies in the region.

The human security challenges outlined above is enough to generate fear among segments of populations where such deprivations occurred most. According to David Keen, an “important factor in promoting fear may be any falling away of state protection, either before or during outright conflict” (D. Keen 2008, pp. 83). Though Keen did not provide further explanation on what he meant by state protection, the term could be broadened to mean the state’s capacity to provide security, create job opportunities, among others, to its citizens. Keen’s assertion that the state’s inability to protect, may generate fear during or after a conflict, fits the earlier analysis of the high rate of state fragility and security challenges in the subregion.

The ECOWAS’s security challenges could be located within Keen’s falling away of the state’s capacity paradigm. There may be a correlation between state fragility, which in turn generates fear, and fear serving as a motivation for arm acquisition. Research revealed in Mali that the growing disorder in the country, “triggered an arms race between communities attempting to stockpile more and more weapons for protection, which in turn is fuelling mutual suspicion and further insecurity” (Florquin and Pezard 2005, pp. 62). Furthermore, Gaya and Kemedi indicated that combatants in Nigeria’s Rivers (Niger Delta) and Plateau States (an area known for its chronic Muslim-Christian fracas), do not seek to overthrow the federal government, rather “combatants purchased weapons with contributions from community members fearful for their lives” (Gaya and Kemedi 2005, pp. 35). These two findings are important to understanding the rational
behind small arms acquisition. This is not, in any way, refuting the presence of few armed groups in the region with some purpose of fomenting trouble or benefiting of such unrests. Armed groups such as the Boko Haram and the Al-Qaeda Organization in the Islamic Maghreb (AQIM) in northern Mali and Niger, are exceptions to why some groups and individuals in the seek arms for protection purposes.

In addition, a study done in Haiti by Christopher Fitzpatrick finds that Haitians acquired arms as a result of excessive rent-seeking by the elites and due to massive polarization within the society. Fitzpatrick defines rent-seeking as “expenditure of resources, broadly defined in order to bring about an uncompensated transfer of wealth from one group to another” (Fitzpatrick 2006, pp. 7). What Fitzpatrick called “rent-seeking”, could be generalized to refer to economic exploitation and predation by the elites. Thus, economic misappropriation by elites created deeper polarization within the Haitian society. Fitzpatrick maintains that there is an interdependency between insecurity and gun-loving societies because gun culture can be intricately linked to misappropriation of limited economic resources, and this tends to polarize the haves and have-nots. According to Fitzpatrick, “empirical findings from the econometric analysis support the theory that polarization and rent-seeking contributes to small arms demand” (ibid. pp. 48). Fitzpatrick’s rent-seeking and polarization hypothesis play well within West Africa’s conflicts, the majority of which is induced by the region’s elites.

Illustrating the correlation between low income and civil conflict, the international development expert and academic, Paul Collier, in his *Bottom Billion*, made the argument that internal political crises (he calls it civil wars), reduce income. Because
income is a repository for political crises, restive youth caught in the environment of desperateness become “easy recruits for rebel armies” since “joining a rebel movement gives these young men a small chance of riches” (P. Collier 2007, pp. 19). Coupled with this, an Oxford University economist, Phillip Kallicoat (in his Weaponomics) stated that we should “expect negative income shocks to lead to an increased motivation to purchase weapons for the purposes of crime or conflict” (Killicoat 2007, 10). Kallicoat also indicated that when a bigger proportion of young men perform poorly in socioeconomic terms in a given society, we should expect a higher “motivation to acquire weapons” (ibid, pp. 17).

For instance, excessive misappropriation in the region encouraged the disproportionate wealth accumulation by the political elites. George Ayittey, a native of the region powerfully and effectively made the case in his book, “Africa Betrayed” that African leaders emerging after colonial rule betrayed the hopes and aspirations of their people because the prosperity and the new beginning Africans hoped for was replaced by economic deprivation, excessive depredation, and ruthless suppression. Ayittey emphasizes that, "economically,… Africans today is worse off than they were at the time of independence in the 1960s" (Ayittey 1992, pp. 7-8). ECOWAS’ elites have tightly kept grip on the region’s wealth refusing to let it circulate.

A closer look at ECOWAS structures reveals inept institutions which hardly make room for the region’s burgeoning youthful populations. In many countries, the youth (men and women) constitutes a significant percent of the population in the region. These young people of dream and aspirations, were born in malfunctioning states with
deteriorating economies, aging or nonexistent health facilities, few education opportunities. The region’s youth is one of the most exploitable and vulnerable group of people in the world. It is this exploitation and vulnerability of the youth which led to a disproportional representation of the youth in the Liberian and the Sierra Leonean conflicts.

Examining the Sierra Leonean war, Catherine Bolten emphasizes in her current book, “I did It to Save My Life” that “the RUF gathered willing recruits early in the war by scooping up alienated rural youth who were left out of the system” (Bolten 2012). According to Bolten, Foday Sankoh benefited from the people’s vulnerability to fortify the RUF position and this eventually led to the Sankoh building “a cult of personality around himself as a caring and a beneficent father figure. Many RUF fighters called him pa, the affectionate title given a big man (Bolten 2012, pp. 16-17). The excessive elite corruption dampens the prospects of self-actualization of the region’s youthful population. Thus, instead of becoming creators of society (as is the case in other parts of the world), the youth in the region has become breakers of society. Much of what is happening across the region can be labeled as a confrontation of generational exclusion of the youth from the socioeconomic and political structures.

The Sierra Leonian war, as David Keen also examines it, was more than a struggle to gain control over the country’s diamond fields. The conflict was an outlet for the aggrieved, the dispossessed and the powerless in a dysfunctional society who had no other means to vent their rage and marginalization (D. Keen 2005). There is less doubt about youth marginalization and elite rent-seeking as the cause of the conflict. In a
UNDP document, Mary Kaldor and James Vincent emphasize the important role the “predatory state, dependency on mineral rents…a large excluded youth population, [and] the availability of small arms…”, played in causing the conflict (Kaldore and Vincent 2006). Similarly, Ibrahim Abdullah, asserts that understanding the Sierra Leonean conflicts calls for situating it within the backdrop of a lack of “post-colonial alternative” (Abdullah 1998). Though the war in the Mano River region ceased and human security improved\textsuperscript{10}, however, factors that led to the war are still present in many forms. In the Mano River Basin where diamond and other minerals have been mined since independence, the revenue generated from the minerals hardly had any trickled-down effect on the masses. Instead of using the proceeds generated from diamonds to encourage economic growth and to build essential infrastructure and amenities, the region’s elites have consecutively misappropriated a large portion of the revenue for individual gains.

Furthermore, in Nigeria (a country with more than half of the region’s population), a hundred million people live on a dollar a day. It therefore “remains a paradox ... that despite the fact that the Nigerian economy is growing, the proportion of Nigerians living in poverty is increasing every year” (Brock 2012). In Daniel

\textsuperscript{10} It is true that human security improved in Sierra Leone and Liberia after the war, and this has been noted in reports and some scholarly works. However, there is a likelihood to conflate the comparative improvement registered after the end of the war as a success story. Human security, after every war, should naturally improve, however to measure a real success, a country’s current socioeconomic indexes should be measured against its prewar level indexes. According to the 2011 Human Development Index, from 1980 and 2011, Sierra Leone’s life expectancy at birth rose by 4.7 years, mean schooling rose by 1.9 years, expected years of schooling by 2.4 years. However, the country’s Gross National Income (GNI) declined by 2.0% from 1980 to 2011. See Oxford Poverty and Human Development Initiative (OPHI) 2013 country briefing on Sierra Leone, at http://www.ophi.org.uk/wp-content/uploads/SierraLeone-2013.pdf?cda6c1
Ngboawaji’s words, “poverty, underdevelopment and unemployment are some of the reasons why militancy is becoming more and more successful in the Niger Delta” because “underdevelopment in the midst of vast oil wealth has bred intense frustration and resentment among the youths” (Ngboawaji 2011, pp. 12-13). Unemployment and poverty in the region threaten implementation of the nonproliferation regime in many ways. A 2006 UNDP document finds 44.3 and 56.2% poverty rates in the Niger Delta and Abia States respectively (UNDP 2006, pp. 131). In the Rivers state, 35.2% of the residents did not have a job while in Akwa-Ibom State, 38% did not know where their next meal will come from (ibid, pp. 168).

The paradox is that even though the region is the economic nerve center of Nigeria, economic deprivation and other human security challenges are now present than it was before. While Nigeria’s Delta region generates more than 80% of all revenues; yet, the area is one of the most deprived within the country. Ecological degradation induced by mining corporations is at its peak, social services are nonexistent, economic opportunities missing while the country’s elites built multi-million mansions or bought posh properties abroad. In other instances, the 13% federal budget allocated from the oil proceeds to the area are either not released or when released, politicians find the means to relocate the funds to their private Swiss accounts abroad. A typical example is the massive corruption perpetrated by the former Governor of Delta State, James Ibori, who milked the state and stashed more than £150 million (British Bounds) abroad, bought properties at prime locations in London, South Africa, and elsewhere (Lewis and Evans 2012).
Also in 2009, the Nigerian federal ministry of agriculture released 200 billion Naira (about 1.3 billion US dollars) for agricultural projects earmarked to benefit the poor. However, more than a year after the initial release of the fund, investigation revealed that the funds were not disbursed for the assigned projects because some powerful politicians used the fund to buy treasury bills. While 32 billion Naira allegedly accrued on the 200 billion Naira kept at the bank, surprisingly however, neither the principal of 200 billion Naira nor the dividend of 32 billion Naira was accounted for (Onuba 2010). Commenting on elite corruption in Nigeria, O'Callahan Ted posits that out of the “$600 billion oil revenue Nigeria earned from 1970s to 2000s, $300 billion has simply disappeared into overseas bank accounts through theft and corruption (O'Callahan 2009). According to Ted, the enormous petrodollars could have been spent wisely to transform Nigeria’s agriculture, provide the basis for a functioning public education system and to deliver much-needed infrastructure, sadly however, the opposite was the case. Funds for projects that would have benefited the poor and the marginalized frequently have been embezzled or used for different purposes rather than for their original use.

Excessive government corruption is central to the conflict in the Niger Delta basin. As the analysis indicates, there is an immense internal and regional demand for small arm acquisition and use in the region. Gaya and Kemedi’s analysis of arm proliferation in the Niger Delta of Nigeria found an exceedingly high demand for small arms. According to Gaya and Kemedi, “a new AK-47 with two magazines could be purchased in the Niger Delta for approximately USD 1,700, and a 200-round machine
gun for USD 7,400” in 2004. To them, the overblown prices are an indication that the “demand for automatic weapons is particularly high and exceeds the current supply” (Gaya and Kemedi 2005, pp. 23).

Also in Mali, different explanations are offered within the international circles for the crisis. Many assume that the crisis resulted from a historical territorial dispute over an area the Tuareg people called ‘Azawad’, that the Tuaregs want political control over areas they inhabited. Others assert the crisis developed as a result of a lack of civilian control over Mali’s military. However, endemic corruption according to commentators on the ground, was noted as a major source of discontent which led to toppling of the Malian leader, Amadou Toumani Toure, in March 2012 by the junior military junta. Prior to the toppling of the regime in Mali, there was a general believed that President Toure’s administration had become inept and phenomenally corrupt over time. As a result, “the average Malian only saw more and more corruption and the rich getting richer. The average Malian saw little if any improvement in his or her life (Moseley 2012).

Furthermore, the 2011 Human Development Index paints a gloomy picture for the region. According to the index, excerpt Ghana which was listed within the medium development index, the remaining fourteen ECOWAS states was listed in the last group of low human development index. Out of the 38 states listed within the lowest human development index, 14 of those were from West Africa. A critical look at the 38 countries listed at the bottom of the human development index showed that except Benin, all have had or are now experiencing different levels of either political or economic crises. John

Paul Lederach wrote: “most wars are located in settings on the margins of the world community that are struggling with poverty, inequities, and underdevelopment” (Lederach 1997, pp. 17). Poverty and other forms of human security challenges, some induced by the region’s elites, create demand for small arms and its use. Thus, the “presence of too many guns within the context of too few economic and employment opportunities, and a failure to address the root causes of what is essentially a governance crisis” may be undermining the ECOWAS’ nonproliferation regime (A. Ebow 2005). The demand factor of small arm acquisition in the region is the most important issue the Moratorium and the Convention should have addressed.

Instead of focusing on the motivations sustaining the demand factors, the political will expressed through the nonproliferation regime to stem small arms proliferation rather focused on supply factors. Despite the abundance of internal and regional demands for small arms, nonetheless, the Convention barely made references to internal factors conducive for arm acquisition. The will and the commitment needed for each state to implement the nonproliferation agreement is easily compromised by human security threats. The ECOWAS Convention is a top-down political initiative mooted by the region’s politicians to tackle what they perceived as a supply-generated proliferation of small arms in the region without taking into consideration the other side of the equation, the demand side. This makes the nonproliferation regime one-dimensional approach to stemming arm flow to the region. As Musah indicated, unless the regional nonproliferation regime is “linked to effective measures to tackle the social causes of demand, the efforts will be meaningless” (A.-F. Musah 2002). Kenya’s Nobel peace
laureate, Maathai Wangari, also echoes similar sentiments by saying that “we will not win the fight against poverty. And there will not be peace”, unless “we properly manage resources” (Wangari 2004).

3.2. **Poor Disarmament and SALW Proliferation**

Poor demobilization, disarmament and reintegration (DDR) are also known to be a moderate source of SALW in the subregion. Signing of peace treaties may not automatically end the conflicts nor take away weapons used to fight such conflicts. Even though post conflict disarmaments within ECOWAS zone achieved some comparative success, some of the weapons used during the Mano River Basin conflict and those used in Mali, Niger, Senegal and Ivory Coast, are still in circulation. Research finds that many of the weapons used in the Niger Delta conflicts come from recycled, plentiful and cheap supplies from Liberia and Sierra Leone (Vines 2005). Another study shows that Liberia weapons are circulating in Senegal, Ivory Coast and are possibly reaching Nigeria (Evans 2004). Some experts believe “flawed disarmament in Sierra Leone, Liberia and Guinea-Bissau provided the original basis for renewed internal conflicts in addition to exports fuelling new rebellions” (Vines 2005, pp. 358). Furthermore, a recent study discloses that youth from Liberia and Sierra Leone crossed the border to Ivory Cost “in

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12 Though the DDR process in the Mano River Basin was not that effective, it is deemed more successful, in comparative terms, than some in other parts of Africa and better than those outside Africa. The process in Sierra Leone from 2000 to 2004 collected 32,000 SALW and demobilized 71,000 combatants. Refer to Second International Conference on DDR and Stability in Africa 2007.
order to triple the financial value of their weapons” (Second International Conference on DDR and Stability in Africa 2007).

According to Wezeman, combatants are usually hesitant to hand in weapons obtained during conflict because “they believe that the weapons may still be useful for self-defense, criminal activity or in possible resurgent politically motivated violence (P. D. Wezeman 2003, pp. 7). Though the DDR process in the region managed to remove some of the weapons on the street and from the hands of combatants, a conservative speculation can be made that more than half of all weapons used during the conflicts in the region are still circulating. For example, in many post conflict states, the DDR process was only limited to partial demobilization and disarmament. The meaning of the DDR process was only limited to disarming rebels and former combatants without adequate education and provision of appropriate skill development programs. “Demobilization largely focuses on the immediate threat with little [emphasis on the] enduring process. Specific education, job training, and employment opportunities for the combatants was nonexistent” (Sunday 2011, pp. 71). In some other instances, the DDR process in states emerging from conflict is treated as “an end in itself with the view that when the non-state forces are disarmed, the threat will subside and peace will flow as a natural result” (ibid. pp. 73).

According to David Keen, post-war remedies to address poverty remain limited, that the DDR “has often been handled as a discrete program, more or less isolated from a wider understanding of political and economic processes” (D. Keen 2008, pp. 188). Keen believes the DDR in Sierra Leone weakly tackled the underlying causes — low salaries
and corruption, of the war. Similarly, Oluwaniyi noted that instead of an earlier DDR in Liberia to properly address the essentials of reintegration, the Liberian DDR hastily organized a presidential election which ushered in the election of Charles Taylor, a process that revived the civil war in 2001 (Oluwaniyi 2011).

As well, the DDR process in the Niger Delta region hastily organized by the political leadership in 2009-2010, failed on many fronts. Instead of using the opportunities created by the DDR to address socioeconomic injustices perpetrated by the federal state and the acute environmental damage caused through negligence by multinational oil mining companies in the area, the DDR process hurriedly ‘bought’ the militants at the price of ₦65, 000 (equivalent to $500) monthly payments (ibid, pp.). through the DDR, many militants were sent abroad with the promise to further their education and vocational training. It however turned out that the Nigeria officials were not deeply committed to addressing the fundamental issues that led to the militancy. As Desmond Molloy stated:

To date, Nigeria has not created the necessary institutional structures with the capacity to develop, produce and implement coherent plans for the reintegration of ex-combatants into their communities, or for the development of social or economic capacity in those communities expected to receive them. There is no sign of a credible framework of proposals or a coherent operational plan and the suspicion exists that the intention is to achieve a short-term conflict reduction to permit a stabilization of oil production and reduce international pressure in the lead-up to elections in 2012 through the buy-off of militants (Molloy April 2011).

DDR processes cannot work without adequate attention to the root causes of the conflicts that gave birth to them. For instance, those sent abroad and those disarmed locally through the terms of the DDR in Nigeria finally picked up arms because when the
DDR process was officially declared ended, and the ex-militants returned to their communities, they found no changes to the economic and political causes of such conflicts in their communities. In this case, the arms became the bargaining tool for militants who, through experience, have learned that perhaps the only way anybody could listen to them was through the guns. The search for solution for low intensity conflicts should rather begin with a broad approach to addressing human security challenges.

3.3. Activities of Private Security Organizations

Aside the poor DDR, activities of private mercenaries are also known to have contributed to SALW proliferation in the region. Abdel-Fatau Musah’s analysis of private security firms and proliferation of SALW demonstrates a link between SALW proliferation, corporate mercenaries, and “internal conflicts, particularly in inverted states endowed with easily extractable resources” (Musah 2002). Francis Langumba Keili also noted that the flourishing activities of mercenaries in West Africa, “aid the circulation and proliferation of small arms in the region” (Keili 2008, pp. 8). The Mano River conflict relied on private mercenaries like the Executive Outcomes, (EO) and Sandline International (Prosper 2006, Musah 2002). Others such as Branch Energy and the Gurkha Security Guides now have links to various state and non-state actors in the region. Musa Fatau asserts that:

The private army units of Liberian leader Charles Taylor, and Sierra Leone's Revolutionary United Front rebels were at the heart of the diamonds-for-guns operations that illegally exploited Sierra Leone's diamonds, a portion of which were bartered for sophisticated weaponry to fuel the decade-long civil war (Musah 2002).
Not even the UN embargo on Sierra Leone was enough to deter the nefarious activities of these private security firms. In February 1998, “Sandline International brokered the shipment of 35 tons of AK-47 assault rifles, ammunition and mortars into Sierra” (ibid, pp. 924). Why the rise in private mercenaries in the subregion is becoming a security concern is that such organizations have considerable capacity to cause, or to alter the outcome of conflicts in the region. Private firms such as Executive Outcomes and Sandline International have their own extensive channels and networks through which they relied on to import weapons for use in conflicts they are contracted to fight. As Keili noted, “weapons are circulating at all levels—from the smuggling of individual weapons to large shipments” (Keili 2008).

Aside, a 2011 UN Panel of Expert Report finds that cross-border mercenaries between Liberia and Ivory Coast threatened the fragile peace both countries currently enjoy (UNSC 2011). The report noted that more than 300 Liberians were hired by President Allassane Quattara’s Forces Républicaines de Côte d'Ivoire (FRCI), to alongside its rebels, while Liberian mercenaries from the Nimba region, fought for the deposed President Laurent Gbagbo during the post election violence in the country. (ibid, pp. 31-33).

Additionally, there are extensive reports on how Gaddafi recruited West African nationals into his mercenaries by providing them with Libyan citizenship for their services. Activities of Gaddafi’s mercenaries became obvious during the 2011 Libyan revolution. A source revealed that Gaddafi’s mercenaries were tasked to quash the revolution, which eventually led “to reprisal attacks on migrants, which were denounced
by the IOM, the United Nations and human rights groups” (Naik 2012, pp. 2). The International Organization for Immigration stated that the ongoing crises in Mali developed as a result of “possible involvement of Tuareg returnees who fought as mercenaries alongside Libyan troops” (Ibid, pp. 2). What is happening in Mali is more or less a fall out of the Libyan uprising. The fall of Gaddafi’s regime led to the spread of mercenaries, together with their weapons across the subregion. It was this which encouraged Taureg separatists to launch a new rebellion against the Malian government in January 2012. The demography of the Tuaregs within the region13 will play a critical role in the ongoing French led military efforts in Mali. The ongoing military campaign can only do one thing; it will push out the rebels to neighboring countries.

One may ask why local mercenaries would put their lives in harms way to fight wars that have less or no connections to them? In a conversation with a female colleague from Liberia, she insists that the majority of the local mercenaries in Liberia knows no other trade rather than the gun and the profession of fighting wars for a living. While the situation in the Sahel region is different because the Tuaregs made a specific demand for autonomy, those in the Mano River basin and the Niger Delta have commercialized, professionalized and criminalized their combat experience. The incentives for the local mercenaries is no different from those of the combatants in the DDR process. Like the ex-combatants under the DDR process, local mercenaries also hook on to their weapons because of the weapons commercial values.

13 The Tuaregs, are like the Kurds, though their population is substantial across the region, they never constituted a majority in any of those countries. Tuaregs are found in the following countries: northern Mali, Mauritania, Chad, Niger, Libya and parts of Morrocco, Tuniasia, Algeria and Burkina Faso.
Lastly, lax custom controls at border posts in the region can also make the ECOWAS’ small arms nonproliferation regime ineffective. Kali identified that ECOWAS states have long and porous borders full of footpaths which are often ill-patrolled. He identified more than 150 illegal crossing routes between Sierra Leone and Liberia. Sarjoh Bah also recorded more than 200 illegal border crossing routes between Nigeria and Benin (Bah 2004). As Keili stated, “Over 85% of crossing points were covered by less than 11% of customs, immigration and security officials” (Keili 2008, pp. 8). Once weapons enter conflict-ridden states in the subregion, it then becomes easy to move them into another, sometimes more stable parts of the region.

### 3.4. Inferences

We can therefore make a few observations: first, it is evidently clear that violence still remains a frequent means of change of government in the region. It is possible that a government which emerged as a result of violent clash may soon find itself out of government due to changing circumstances. The recent Ivorian crisis, and the ongoing joint French-ECOMOG military operations in Mali are attestations to how chronic the region’s crisis have become. While security challenges and instability within the region varies, the current political landscape in West Africa is barely different from its ‘gunpowder’ politics of the 1960 to early 1990s. As observed, the high rate of unconstitutional change of government most likely disrupts continuity in government operationality. Once the link between the previous and the current government is disconnected, through violence, the new regime’s immediate need would rather be
rearmament instead of disarmament. The new regime will have less enthusiasm and commitment to implement the regional nonproliferation agreement. Even the defeated armed group would also seek to rearm for a comeback. Change of government through unconstitutional means, is a major threat to the implementation of ECOWAS’ nonproliferation regime.

Secondly, the utility of violence as a political good in states considered more stable is on the increase. Some self-seeking politicians need the weapons to promote and to defend their political interests and interests of groups they belong to. Thus, violence becomes a political as well as an economic good. This is a stumbling block for the nonproliferation regime’s effectiveness because the instabilities and political crises create huge demand for small arms acquisition and its use. The value these arms gained will undercut ECOWAS’ nonproliferation treaty implementation.

Thirdly, even though the ECOWAS’ nonproliferation regime is a regional and a legally binding document, its implementation is left to individual states and its agencies. This means that the nonproliferation regime’s effectiveness and success depend on the micro-level efforts of each Member State. The micro-level efforts each state makes will determine success at regional level. As depicted, implementation at the national levels is seriously marred by internal instabilities created by political crises. Within the ECOWAS, politicians have a huge influence base, coupled with a complex system of economic, political and social networks across the spectrum. These influences and networks, if used for the very bad motive — as it appeared in Nigeria — have the potential
to derail the moral foundations of such societies. Once the need to acquire small arms and its use abounds, efforts directed towards limiting the supply side will mostly fail.

Fourthly, there is excessive rent-seeking and polarization within the ECOWAS region. While some level of polarization may be acceptable within every society, the excessive rent-seeking on the part of politicians is worrying. As outlined, poverty, unemployment and underdevelopment in the mist of abundant natural resources pushed sections of the region’s population to seek arms. The majority of the ex-combatants refused to hand over their weapons because they believed it has economic value. Some had to cross national borders for higher value for these weapons. These are issues undermining the DDR processes across the region. There seems to be an increasing disconnect between the region’s elites and the ordinary people. Many of the region’s elites seem to become oblivious to the fact that the resources they managed or mismanaged in the name of the state, also comprised its people. Hans Morgenthau wrote three decades ago that:

The state is not the artificial creation of a constitutional convention, conceived in the image of some abstract principles of government and superimposed upon whatever society might exist. On the contrary, the state is a part of the society from which it has sprung, and prospers and decays as society prospers and decays. The state, far from being a thing apart from society, is created by society (Morgenthau 1978, pp. 508).

As Morgenthau stated, “the state, far from being a thing apart from society, is created by society”. If such is a true statement, then the well being, security needs, economic aspirations of the region’s population are important for the implementation of the region’s nonproliferation treaty. The Morgenthau state, like the ECOWAS
nonproliferation treaty, was created based on society, thus the basic needs of the people are important for its success.
CHAPTER 4:
THE GLOBAL DIMENSIONS OF THE PROBLEM

The role international actors’ play is discussed encompassing SALW transfers not only to the ECOWAS subregion, but also to Africa sub of the Sahara. The decision to include SALW transfers to regions outside the ECOWAS is based on the clandestine, excessive involvement of middlemen and transshipment characterizing SALW transfers to countries in the region. It is also based on the premises that within the ECOWAS region, none but Nigeria has small and light weapons production capacity. Despite its know-how to produce the Nigerian version of the AK-47, Nigeria was nonetheless the top arms importer in Sub-Saharan Africa from 2006 to 2010. The volume of Nigeria’s import constitutes 20% of all such imports during the same time frame (P. D. Wezeman 2003, pp. 7). This indicates that the region heavily depends on international suppliers rather than on regional or local supply channels. Without any legally restrictive norm regulating the arms trade globally, regional nonproliferation regimes such as the ECOWAS’ effectiveness will be largely undermined because major exporters of SALW to the region are based outside the ECOWAS zone.

The following pages illustrate the global SALW flow to Sub-Saharan Africa (SSA) as well as to the ECOWAS subregion. It examines policies and covert behaviors of actors within the international system, in this case, Russia, Ukraine and other post-soviet states, plus new emerging actors like China. It as well analyses major SALW producers
and exporters globally, in this case, U.S. and other western nations, in order to make a connection between how the supposed legal trade channels of western nations are converted into illegal channels during the course of time. I intend to draw a link between the unregulated production and sale of SALW internationally, what Killicoat described as supply factors necessary for proliferation of arms to the ECOWAS nonproliferation zone.

4.1 Russia, Ukraine, Ex-Soviet States and SALW Proliferation

Denise Garcia’s chapter on regulating illegal arms brokering reveals how Kenyans domiciled in London brokered $6.5 million worth of small arms using an offshore company—a UK air cargo carrier to arrange for secrete charter flights from Albania and Israel between April and July 1994. The deliveries finally arrived in Rwanda at a time when the Hutu led regime was busily exterminating the minority Tutsi population. Not even the media hype the Rwandan genocide generated was enough to divert the arms from its intended recipients (Denise 2006, pp. 93). The foregoing case is an embodiment of the dynamics and the sophistication of the globalized SALW trade.

There is now a dramatic international concern about SALW availability and its misuse in recent years. Often, these discussions are related to the production capacity of SALW in the global north, while the global south is at the receiving end. Several experts believe the north-south dynamics of SALW proliferation are so due to historical phenomena such as the intense competition for global power and the proxy wars characterizing the cold war (Klare 1999, pp. 16, UNODA 1999, Ero and Muvumba-Ndinga 2004). The end of the cold war and the subsequent collapse of the Soviet Union
in the early 1990s changed the motives and principles as well as the political and ideological underpinnings that characterized the transfer of arms and ammunition from one government to another. SALW manufacture and sell from Eastern Europe to developing countries, including Africa, have been motivated by varying factors.

In Russia, since 1947 when the AK-47 was first designed, more than hundred million pieces and its derivatives had since been produced globally (Pyadushkin 2003). According to Pyadushkin, a Russian security analyst, the collapse of the Soviet Union led to a major reduction in the size of Russian military forces, and this led to a reduction in the internal demand for the Soviet-era SALW. Thus, the Soviet Union’s military-industrial complex had to readjust to “the new geopolitical realities in the 1990s and the transition from a command to a market economy in Russia” (ibid). The transition, it was believed, made it more difficult for the Soviet military-industrial complex to compete globally, but due to the effectiveness of Soviet SALW, small arms production thereafter emerged as one of the major achievements of the post Soviet-era (ibid). Pyadushkin asserts that the demise of the Soviet Union made the business interests of the arms trade to overcome the political and ideological motives of Russia’s arms industry, that the legacy of this transition impacts the arms flow currently in the developing world (ibid). How the commercial interests eclipsed political and ideological interests of SALW trade from Eastern Europe region is reflected in the table below, in terms of who sells what, and to whom.
As illustrated in the table above, Russia alone accounted for 31% of all SALW sold to Sub-Saharan Africa during 1996 to 2000. From 2001 to 2005, Russia’s export skyrocketed exponentially from 31% to 51%. There was however a sharp decline in its exports from 51% to 11% from 2001-2005 to 2006-2010. Russia, Belarus, Ukraine,
Slovakia and Bulgaria accounted for 62% of all SALW exported to the sub-region since 1996-2000. That figure rose to 72% in 2005.

A significant motivating undercurrent of transfers from ex-Soviet states to the SSA is predicated on economic rather than political interest. Many countries in the region designated their arms industry to play an instrumental role within their economy. It was this which reinforces Russian politicians bemoaning that Sub-Saharan African governments’ low military budgets hinder its planned arms sale to the region. As a result Russia offered African countries with “flexible terms of paying for military equipment, including the possibility to barter arms for raw commodities or Russian involvement in the exploitation of natural resource” (Wezeman, Wezeman and Sudreau 2011, pp. 15). In order to show how the industry fares within the Russian economy, Russia occasionally announces various global sales “in the press, not necessarily as a result of a consistent policy of transparency, but rather as a promotion to prove the success Russian firms have in winning international contracts” (Pyadushkin 2003).

Also, Ukraine’s arms industry, like Russia, is earmarked to play a central role within its national economy. This reflected the view of Ukrainian politicians that its arm sale in Africa be motivated by its economic interests — that the industry should provide a significant revenue for the country that will make the industry export dependent (P. Holtom 2011, pp. 5). Ukraine, like other ex-Soviet states, inherited tons of both conventional and nuclear facilities upon the collapse of the USSR. According to Holtom, Ukraine alone inherited significant portion of Soviet-era nuclear facilities, as well as 18,000 artilleries, 11,000 armored vehicles, 9,000 tanks and 4,000 combat and transport
aircrafts, and millions of small and light weapons and tons of ammunitions with an estimated value of 100 billion\textsuperscript{14}. He as well noted that about 72\% of all types of SALW Ukraine exported to SSA came from surpluses (P. Holtom 2011, pp. 5).

It is therefore not farfetched to emphasize that because of the new market for Ukraine’s arms industry, its deal with NATO (U.S. as the lead country) to dispose 1.5 million SALW and 133,000 tons of ammunition over a 12 year period headed to a failure. As of 2011, the 400,000 SALW and 15,000 tons of ammunition earmarked for the first phase destruction from 2006 to 2008 is far behind schedule\textsuperscript{15}. The report concurred that:

Ukraine has reported exporting several hundred thousand surplus SALW units in recent years, the delays in the implementation of the first phase probably relate to the fact that Ukraine could generate revenues by exporting surplus SALW and ammunitions. Ukraine, like other states in Central and Eastern Europe, responded positively to discussions initiated by the USA and other NATO states on the destruction of surplus SALW and ammunition… as long as revenues can be earned from sales of surplus SALW, it will prove difficult to persuade Ukraine and other states in Central and Eastern Europe to dispose of their surplus via destruction (ibid, pp. 7).

Russia, Ukraine and others in Eastern and Central Europe earmarked their arms industry to play an important role within their national economies. The excess surpluses and designation of the arms industries in Eastern Europe to provide the needed economic

\textsuperscript{14} The volume of SALW Ukraine alone inherited from the Soviet Union provides some insights into the military-industrial complexes of the 15 member block. Many states in the region, ranging from Russia, Ukraine, Belarus, Bulgaria, Slovakia, Moldova and others, exported significant volumes of arms to the Sub-Saharan Africa. Even a tiny Moldova, with a little more than three million populations — a country whose population is less than that of Ghana’s capital, Accra — exported 5\% and 4\% of SALW respectively from 2001-2005 and 2006-2010 to countries in Sub-Saharan Africa.

\textsuperscript{15} The US-NATO deal for destruction of Ukraine’s surplus SALW came with some financial incentives. However a reasonable assumption can be made that perhaps Ukraine realized it could make more through trade than financial incentives offered by NATO states.
growth stoked competition among small exporting countries in the region. In the end, the chunk of the Soviet-era SALW were successfully offloaded to African countries and many others in the global south. The weapons, including the Soviet flagship AK-47, have been used by authoritarian regimes in conflicts in Africa, South America and in some parts of Asia to further aggravate the fragile human security situations in those regions.

While it would have seemed Soviet-era stock of SALW from Eastern and Central Europe might soon decline depending on the intensity of recent exports, China has emerged as the major SALW exporter to the region. According to the SIPRI data, China almost tripled its global share from 9% in 2005 to 25% in 2010. China thereafter replaced Russia as the top exporter of SALW to the region (Wezeman, Wezeman and Sudreau 2011, pp. 10, 11, McPartland 2012). Even though information on the Chinese SALW export to individual African countries is hard to come by, however, China has been figured in several arms deals to governments in the region. Chinese weapons surfaced in dozens of UN expert investigations ranging from DRC, Ivory Coast, Somalia and Sudan (Lynch 2012). Upon UN arms embargo on Sudan in 2004, reports had it that China “has been the near-exclusive provider of small arms to Khartoum, supplying approximately 90 percent of Sudan’s small arms purchases each year” (Human Rights First 2008). China is not only a major arms supplier to the region but also, some experts think its diplomatic posture is a hindrance to the international community’s efforts to contain the small arms flow to the region. In Lynch’s view:

China has stood apart from other major arms exporters, including Russia, for its assertive challenge to the U.N. authority, routinely refusing to cooperate with U.N. arms experts and flexing its diplomatic muscle to
protect its allies and curtail investigations that may shed light on its own secretive arms industry (Lynch 2012).

China has emerged as a cheap source of SALW in the region and with its internal political dynamics and its willingness to circumvent essential norms on SALW trade, the issue of SALW flow to the region will be largely shaped by China in the coming years.

SALW sale from Eastern European countries and China to SSA takes different forms and shapes. The secrecy and the consensual nature of such deals or involvement of intermediaries, as well as the concealable nature of small arms, make detection of such deals difficult. However, the lead had been blown off over few deals. For example, in 2008 Somali pirates hijacked Ukraine’s MV Faina vessel along the Gulf of Eden which was transporting military equipment such as 33 T-72 tanks, grenade launchers, SALW and ammunitions from Ukraine to the port of Mombasa in Kenya. After months of negotiation, Ukraine allegedly paid $3.2 million out of the initial $35 million demanded by the pirates (Jones and McGreal 2009). While it was not the hijack of the MV Faina which made waves within the international diplomatic cycles, (even though U.S. sent its Navy Fifth Fleet to monitor the vessel), it was the intended recipients of the arms which caused the alarm. According to different sources, Kenya procured the arms on behalf of the South Sudan government (Jones and McGreal 2009, P. Holtom 2011, pp. 10).

Furthermore, the infamous Victor Bout’s transfer of $14 million SALW from Bulgaria to several governments in West Africa from 1997-1998, and Leonard Minin’s sale of 68 tons of ammunition from Ukraine to Liberia and Sierra Leone in March 1999 are but the tips of the iceberg (Berman 2007, pp. 5). Underground criminal networks, corrupt military officials and rogue arms fixers in Slovakia, Ukraine and Bulgaria

78
diverted or looted weapons from authorized sources and shipped these weapons to conflict zones in the region (Musah 2002, pp. 921). Musah Fatau maintained that Russian, Ukrainian and pilots from Central Europe were used to fight conflicts in East and Central Africa, whereas Russian planes were the main arm carriers in the ECOWAS sub-region. Musah pointed out that secret airstrips located within the RUF rebel stronghold in Sierra Leone turned out to be the principal “entry point for illegal AK-47 rifles, 60mm portable mortars, and even surface to air missiles from Eastern Europe to the anti-government forces in Sierra Leone” (Musah 2002, pp. 927). Musah, quoting London’s Sunday Times indicated that Air Sky and Occidental Airline “shipped nearly 400 tons of arms and ammunition from the Slovak Republic to the RUF forces in Sierra Leone (italic mine) in defiance of the official UK stand in the war” in 1999 (ibid, pp. 927). As well, a parliamentarian inquiry commissioned by Ukraine “revealed that, between 1992 and 1998, US$ 32 billion worth of weaponry... had been stolen from national armories” (Musah 2002, pp. 921). Majority of these stolen weapons found their way into the illegal channels in Africa as well as the ECOWAS nonproliferation zone.

SALW flow from East and Central Europe to the ECOWAS nonproliferation zone still continues unabated. In August 2009, a plane loaded with arms landed in one of the northern airports in Nigeria for refueling. The plane was impounded by Nigerian customs officials because it was carrying arms and ammunitions. However, it took the swift intervention of Ukrainian diplomats to secure the release of the plane with the explanation that the arms were meant for Guinea. Likewise, a British, Gary Hyde, was arrested in 2008 and convicted in 2012 in the UK for brokering a deal with a Chinese
company leading to a successful transfer of 80,000 guns and 32 million rounds of ammunition worth $1.4 million to Nigeria (Duell 2012). It is important to emphasize here that the arrest and conviction of Gary Hyde were not initiated by Nigerian officials nor by any ECOWAS official. Rather, the man was arrested by British officials because he evaded tax by not applying for the mandatory export license required by the British authorities in regard to SALW and its related trade. Additionally, UN expert panel reports also persistently noted massive abuse of UN embargoes on Sierra Leone and Liberia (see more on UN expert panel reports on Sierra Leone and Liberia at page 44).

Equally in 2010, an Iranian ship was seized in Nigeria when it was discovered that 13 containers of the ship were weapons. The Iranian embassy in Abuja responded that the weapons’ final destination was Gambia that “the weapons shipment was meant for another West African country and not a guerrilla group battling Nigeria's government”. Shockingly, the Gambian president denied the weapons were meant for Gambia (Tattersall 2010, Daragahi 2010). This shipment did not only violate ECOWAS’ Convention but also it may have violated sanctions on Iran. Another astonishing incident was the impounded Bulgarian made arms bound to Mali which arrived days after the Malian leader was ousted. Despite the fact that Mali may not have followed the ECOWAS procedures before ordering the arms, the saddest part was the arms arrival at a time when there was no ‘legitimate’ or responsible government to receive them (BBC 2012).

There was no indication that SALW exporters to West Africa either adhere to the UN guidelines on SALW export or ECOWAS members follow the Convention’s laid
down procedures for import of SALW. Also there was no indication of compliance with the relevant UN or ECOWAS arms embargoes. For example, when the Ukrainian plane with SALW was compounded in Nigeria, there was no documentation from the ECOWAS Commission indicating that the intended recipient was cleared to import arms in line with the ECOWAS Convention. Thus the impounder (Nigeria) supposedly released the arms to another signatory to the ECOWAS nonproliferation regime, Guinea, without adherence to the terms of the ECOWAS Convention. The same applies to Iranian shipments confiscated at Nigeria’s seaport; Leonard Minin’s 68 tons of ammunition deals to Sierra Leone and Liberia and Victor Bout’s $14 million worth of SALW directly violated the UN arms embargo on Liberia and Sierra Leone as well as ECOWAS’ Moratorium.

With countries such as Russia, China, Ukraine, Bulgaria and Moldova at the center of legal and illegal SALW proliferation to SSA, including to the ECOWAS zone, prospects of adhering to ECOWAS’ regional nonproliferation regime remains bleak. Supply factors emanating from the foregoing analysis, coupled with the willingness of ex-Soviet states and emerging actors like China to circumvent essential norms regulating SALW trade may be undermining ECOWAS’ small arms nonproliferation regime. This occurs as excess supplies from Eastern Europe and China served markets in Africa thereby making SALW supplying states earn the much-needed revenues (Berman 2007, pp. 4,5). Russia’s willingness to barter arms for ECOWAS’ rich mineral resources indicates the length at which some international actors’ pursuance of their economic interests comes into a direct clash with regional nonproliferation regimes like the
ECOWAS’. As shown in the Blood Diamonds movie, international interests in the illicit diamond production in the region fuels weapons proliferation to the ECOWAS zone. Another award winning movie, Lord of War, was also produced based on the activities of international arm fixers from Eastern Europe to the West Africa region. Russia’s arms for mineral resources, Ukraine’s ‘policy’ of arms to any state that can afford them, and China’s disrespect for human right in developing countries and its assertive challenge to UN authority, embody both the commercial interest and supply factors of exporting states.

Even though, Eastern European countries, including China, played a huge role in the supply-generated proliferation of SALW in the region, it will be an overstatement to say that the ineffectiveness of ECOWAS’ nonproliferation regime based on supply factors, is largely due to illegal and legal channels originating from Eastern Europe and China. This is just one side of the complex dynamics stemming SALW flow to the region. Other factors, like how the legal small arms trade becomes illegal overtime is examined below.

4.2. Current Trends in Arms Trade

The Peace Research Institute Oslo (PRIO, 2010) finds that U.S., Italy, Germany, Brazil and Switzerland are the top five exporters of SALW globally. The worth of U.S. SALW export in 2010 was $673,528,201 million, representing 18% of all global arms trade. Italy followed with $401,901,555 (10.76%), Germany $376,427,708 (10.07%),
Brazil $313,910,598 (8.45%) of all global arms trade\textsuperscript{16}. It is important to indicate that none of the top five small arms exporters are among the top five explicit exporters of small arms to SSA.

Currently the arms industries continue to play significant roles in the world economy. According to the 2011 Congressional Service Research (CRS), developing nations are the principal recipients of weapon supplies. The CRS finds that from 2003 to 2010, the worth of arms transfer agreements constituted about 73% of all such agreements worldwide (R. F. Grimmett 2011, pp. 5). In 2010, such agreements constituted 76.2% of all agreements with more than $30.7 billion worth in 2010 alone. During the period from 2007 to 2010, the United States amassed about $72 billion on its agreements worldwide. In 2011, the U.S. topped arms transfer to developing countries with over $56.3 billion or 78.7% of these agreements, an astonishing increase in market share from 2010 (Grimmett and Kerr 2012). Russia is also active. It came second with $37.1 billion, representing 20.7% of these agreements in 2010 (ibid, pp. 4). The bulk of these major arms was sold to the Asian and Middle-Eastern nations. Excluding South Africa, only a paltry 1.5% of exports of major arms were sold to Africa from 2006 to 2010 (Wezeman, Wezeman and Sudreau 2011). The irony here is that the permanent Security Council members, (those enshrined by UN mandate to promote world peace) are the ones who paradoxically sell tons of arms each year. These major countries who preach world peace, concurrently sell equipments that destabilize the peace they preach.

\textsuperscript{16} See PRIO’s Norwegian Initiative on Small Arms Transfer (NISAT) 2010 data on the volume of arms transfers per country, at: http://legacy.prio.org/NISAT/NISAT-Arms-Trade-Mapper/s
4.3. United States and NATO

The United States, including its NATO allies, like the Warsaw Pact members also played their part in the global proliferation of small and light weapons. During the cold-war, the United States also supported its allies and other friendly regimes all over the world with SALW. According to Boutwell and Klare, from 1950 to 1975, the United States donated a total of 2,174,000 million SALW to many countries. Among the recipients of U.S. SALW were Pakistan, Iran, Venezuela, Turkey and many more (Klare 1999, pp. 17). Also large quantities of weapons have been transferred from the U.S. through the Excess Defense Articles (EDA)\textsuperscript{17} programs since 1980-1990s (ibid, pp. 17). At the end of the cold war, the U.S. again downsized its military by one third through the closure of some military bases, demobilization of forces and modernization of equipment (Pineo and Lumpe 1996, Klare 1999). This led to another transfer of over 300,000 SALW to regimes in the Middle East and North Africa (Lumpe 2007). The combination of post-cold war security changes released millions of U.S. arms, including small and light weapons, many of which still circulate in the developing world.

Similarly, Gabelnick, et al found that a post 9/11 declaration of war on terrorism by the U.S. was exploited by some developing governments who defined their counterterrorism needs in terms of weapons and military capability. The research revealed that apart from the U.S. direct reward (mostly arms) to governments that

\textsuperscript{17} Under the Foreign Assistant Act of 1961 and the Arms Control Act, Defense Articles considered as excess by the U.S. military can be given to foreign states or international organizations in support of U.S. national security and foreign policy objectives. More on:http://www.dsca.mil/programs/eda/edamain.htm
provided political support for its military operations, the Bush administration as well terminated U.S. “embargoes of arms shipments to Pakistan, India, Azerbaijan, and Armenia, and it has increased the flow of arms to other states, often paid for with US government funds” (ibid, pp. 5). SALW supplied during the cold war, under the Excess Defense Articles (EDA), and many others in developing countries are still in circulation, and are used in conflicts worldwide today. It is logical stating that the ‘intentional’ sources of proliferation emerging from the U.S. and many western states had already reached the ECOWAS sub-region before the adoption of the Moratorium in 1998 and the Convention in 2006. If that is the case then SALW proliferation generated by western states could be deemed indirect (I will expand on this in upcoming pages) rather than directly as is the case in Eastern Europe and China.

Furthermore, SALW proliferation seems also to be encouraged, though on a limited scale, by the posture of the Security Council members. For example, during the Libyan revolution, NATO led by France, Britain and U.S. were purported to have aid Libyan rebels militarily against Gadafi’s forces (Spencer 2011, Kirkpatrick and Fahim 2012). Besides airlifting of weapons to the rebel forces, NATO also bombed Libya’s ammunition depots across the country. While this may have been done in good faith, however, both Gaddafi loyalists and the then rebel forces overrun weapon depots and looted whatever arms they could lay hands on. Reports are now emerging that those weapons supplied to the rebels and those looted from Libya’s depots are sold freely in the black market in the region. In Mel Frykberg’s analysis, “in the aftermath of Libya’s revolution, Libyan fighters and weapons are flooding areas of conflict in neighboring
countries”, and some of the looted weapons are recirculated to “Nigeria’s Boko Haram Islamist militants, who is battling the government and Christians, have set up an alliance with AQIM” (Frykberg 2012).

Taking the complexity of the region’s geopolitics into consideration, there is a likelihood that some of the weapons stolen in Libya and those supplied by NATO states to the rebels were recirculated to non-state actors in Mali, Chad and Niger. There is an evolving trend from direct intervention by NATO to explicit or implicit support of one of the parties to the conflict with weapons. While these operations were to support UN mandates, supplying weapons, including SALW to the rebels is highly counterproductive. The weapons may never be retrieved once they are released into the system.

Another development in the region with a great ramification for regional security is France’s ongoing unilateral intervention in Mali. France’s intervention in Mali managed to drive the Islamists from their enclaves in northern Mali to neighboring countries in the Sahel region. Proponents might hail the operation by arguing that security challenges introduced in Mali through the Islamists extreme sharia laws will likely be reversed once they are driven away. Others might argue that France’s intervention is timely because it will prevent the Sahel region from becoming a terrorist hub in West Africa. However, while these arguments are important, the regional implications of France’s intervention will be felt and will probably open another chapter in the region’s security structure. With its hesitation to remain on the ground, France may look at alternatives like arming Mali’s weak military, or arming Mali’s neighbors like Chad to rise up to the security challenges that might arise afterwards.
Taking the positive reception the intervention received in the United States and in many other western countries, it is highly probable that western governments’ response will be militarizing the conflict rather than working out a political solution. Just a month ago, in a decision that bears a direct connection to France’s role in Mali, President Obama announced on February 22nd that he sent 100 U.S. troops to Niger, Mali’s neighbor, to help establish a new base from which unarmed drones would conduct surveillance in the region (Scott 2013). This action sends a clear indication that France, United States and other like-minded regimes in their zeal to prevent the region from becoming a terrorist hub, might rather end up creating one. As interventions similar to the French’s in Mali had stoked wider security challenges, led to large-scale arms proliferation and aggravated human security in the past, the probability of history repeating itself in Mali is very high, unless a political solution is worked out. As David Cortright relays in “Ending Obama’s War”, “no counteringinsurgency campaign can succeed without an effective political strategy for building representative and accountable governance”, that political strategy is not “something that foreign military forces can achieve, no matter how numerous and well trained they may be” (Cortright 2011, pp. 51).

Thus, contrary to popular opinion that the gray market serves as the main source of illegal arms, Mike Bourne thinks the construction and evolution of transnational legal market have implications on the illegal small arms spread globally. Bourne stated that the, “Global legal market remains the primary extra-regional source of illicit SALW flows to conflict” (Bourne 2007, pp. 111). A UN Secretary-General Excerpt Report also revealed an estimated 50 to 60% of the world’s trade SALW trade is legal, but “legally
exported weapons often find their way into the illicit market” (United Nations 2000, Ero and Muvumba-Ndinga 2004). Another study released by Routledge opines that the relative importance of “diversion or misuse of officially authorized transfers, compared to international entirely illegal black market trafficking has been thoroughly confirmed" (edit. Green and Marsh 2012, pp. 90). The trend of legally acquired weapons becoming illegal during the course of time blurred the differences between legal and illegal SALW trade and their impacts on fragile regions of the world. The UN findings, Mike Bourne and recent Routledge Study on how the legal SALW transfer becomes illegal during the course of time means that the west’s lead in the production and the legal sale of SALW is also contributing in undermining nonproliferation regimes such as that of ECOWAS’.

4.4. International Attempts to Regulate Small Arms Trade

Kofi Annan believes that the effective control of small arms proliferation becomes difficult than it should be due to “irresponsible behavior on the part of some states and lack of capacity by others, together with the shroud secrecy that veils much of the arms trade” quoted in in (Haug, et al. 2002). Aside the irresponsible behavior of some states and lack of capacity of others, “there is a lack of global standards generally and...differing standards among nations on how to monitor and regulate this trade” (R. F. Grimmett 2006). Efrat Asif wrote asserts that the “commercial interests of the arms industry reinforced by the political use of arms transfers—point governments of exporting countries in the same direction: preference for unregulated trade in small arms” (Efrat 2010, pp. 111).
Most southern governments, including Africa and West Africa have fiercely voiced their concerns about how the unregulated small and light weapons trade was undermining development efforts and threatening human security in the developing world. Some western governments, especially the Nordic countries, the Netherlands, Switzerland, New Zealand and some NGOs also lend their voices on the issue. Concerns emerging from different sources, including the UN, helped placed small arms, light weapons and their ammunitions regulation high on the UN agenda.

This led to a UN 1996 guidelines on international SALW transfer requiring that states acquire “import licenses or verifiable end-use/end-user certificates for international arms transfers is an important measure to prevent unauthorized diversion” (Bromley and Griffiths March 2010). As well, a 2001 UN “Program of Action, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects” demands that states act according to rigid national principles and procedures that “cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law”. The document continues that states should uphold an efficient import and export schemes “for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons”18.

Likewise in 2006, the UN General Assembly overwhelmingly voted for the 61/89 resolution which, among many other things, called on the UN and members states to: (a) discuss the “feasibility, scope and draft parameters for a comprehensive, legally binding

instrument establishing common international standards for the import, export and transfer of conventional arms”, (b) authorized the Secretary-General to constitute a team of experts based on geographical representation, to study, starting in 2008, the “feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms”, (c) tasked the Secretary-General to provide all needed assistance to the team of experts for them to work toward a provisional agenda entitled, “Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms”\textsuperscript{19}.

Hence, in 2008, the UN General Assembly resolution 63/240, a continuation of the resolution 61/89, endorsed the report encouraging that all states: (a) implement and address at national level, the relevant recommendations in order to ensure that “their national systems and internal controls are at the highest possible standards to prevent the diversion of conventional arms from the legal to the illicit market”, (b) introduce a transparent and a progressive approach to establish a committee which will meet in New York between March 2-6\textsuperscript{th} and July 13-17\textsuperscript{th} 2009 for a two-week deliberations on parameters for future talks on the Arms Trade Treaty (ATT). The UN-led initiatives on arms trade seems to have had a spillover effect on the Wassenaar Arrangements by arm producing and exporting states.

Even though the Wassenaar Arrangement\textsuperscript{20} was initially proposed in the mid 1990s, its earlier deliberations were rather limited to questions regarding to the destabilizing effects of the excessive accumulation of conventional weapons. These discussions were non-exhaustive. However, from 2002 to 2007, the period the UN begun serious deliberations on regulating the arms trade, the Wassenaar Arrangement started considering broader issues surrounding the conventional weapons trade. Among these were the Wassenaar Arrangement’s “Best Practice Guidelines for Exports of Small Arms and Light Weapons” (SALW). The best practice document was first adopted in 2002 and amended in 2007. As well, Wassenaar’s principle for export controls was adopted in 2003 and amended in 2007. The Wassenaar Arrangement called for responsibility for SALW transfer by exporting states. According to Wassenaar’s Arrangement, member states need to take into consideration of the “stockpile management and security procedures of a potential recipient, including the recipient's ability and willingness to protect against unauthorized re-transfers, loss, theft and diversion” (Arrangement 2009).

There emerged some level of a consensus within the UN body, member states, some NGOs and within intergovernmental organizations that the unregulated conventional arm trade’s negative externalities is undermining development efforts in the global south and as well hampering regional, national and human security in arm importing countries. Although there was less qualm about the destabilizing effect of these

\textsuperscript{20} In 1996, arm producing countries met in Wassenaar, a town in the Netherlands, to start a new type of multilateral co-operation on conventional arms production and export. The organization was originally founded by 33 arm producing states. Its membership now stands at 41 countries. With its headquarter in Vienna, Austria, its Plenary-the decision making body meets once a year in December. Wassenaar’s deliberations are kept in confidence and decisions are taken by consensus. More at: http://www.wassenaar.org/index.html
arms, how to proceed with a legally binding treaty that regulates production and export, remains a contentious issue. The current ATT negotiations embody the difficulties inherent in the negotiations.

4.5. The Current Arms Trade Treaty Negotiations (ATT).

It was therefore expected that the UN sponsored Arms Trade Treaty (ATT), which met in New York from 2-27 July 2012 (a continuation of the UN resolutions 61/69 and 63/240) would have established an international binding norm to regulate the arms trade. Although the ATT was heavily supported, the support did not translate into a legally binding international norm. Support for the ATT from African countries in general and ECOWAS in particular was unwavering.

As illustrated earlier that ECOWAS heads of states strongly believed supply factors, coupled with lack of regulation on SALW trade stimulate arms proliferation in the region, ECOWAS states and dozens of civil society organizations from the region seized the opportunity presented by the 2012 ATT negotiations to meet on February 27th in Abuja (ECOWAS’ headquarters). During the meeting, a consensus was reached to present a common front during the negotiations which were to take place five months later in New York. A source indicates:

At the meeting, ECOWAS member states agreed to push for an ATT that strongly support international humanitarian law, human rights, sustainable development and gender consideration. The 15 member states also agreed to coordinate with other regions with similar interests in order to secure as strong an ATT as possible. Another outcome from the meeting was the creation of an ‘Ideal Team’ and the agreement to take advantage of the ATT Legal Response Network. This network of international lawyers provides pro-bono legal support to states and civil society on issues
relating to the ATT. This meeting was organized by The West Africa Action Network on Small Arms (WAANSA) – Nigeria²¹.

ECOWAS’ adequate preparation, framing its position in international humanitarian law, human rights, sustainable development and in gender terms, is no doubt an illustration of the popular official thinking in Abuja that the destabilizing effects of SALW trade will best be addressed by a strong binding international regulation on arms production and its transfers.

Therefore, ECOWAS diplomats descended on New York, in July 2012 with one commitment: to make sure that the three-weeks long negotiation leads to nothing short of a legally binding treaty on SALW. Official statements from the region’s elites show that they hold the ATT negotiations so dear to the region’s future security and stability. Liberia’s President Ellen Johnson Sirleaf, in a video message to the ATT negotiators in New York spoke fervently about the destructive nature of the unregulated nature of the global arms trade. According to Ellen Johnson, her country’s experience, those of other African countries and part of the world “show that, without such a treaty, armed violence and wars will continue to be fueled by irresponsible arms transfers”²². African states did not only add up to the numbers during the negotiations but also, some especially the ECOWAS block, initiated lobbying networks and petitioning efforts during the negotiations. Nigeria and Ghana were seen as the most active from the block during the negotiations. Whereas unanimity within the ECOWAS block about the terms and

²¹ West Africa States Join Forces for a Strong Arms Trade Treaty, accessed at Arms Controls website, through: http://controlarms.org/index_c.php

direction of the ATT was firm, other African states like Egypt, Algeria and Kenya were concerned about a strong ATT might obstruct legitimate arms trade.

ECOWAS’ ‘wishful’ exuberance that the ATT negotiations will be fruitful was quickly shattered half-way during the negotiations. Left to ECOWAS diplomats alone, the ATT would have passed during the July 2012 conference. However, there was some level of discomfort within top arm producing and exporting countries on the nature, terms and direction of the ATT. Within the U.S., there was a concern that a legally binding treaty on the arms trade globally will constrain a constitutional mandate enshrined in the Second Amendment on civilian acquisition and use of arms. According to the National Rifles Association (NRA), the most powerful gun lobby association, the NRA shall “champion the position that any ATT must in no way impact gun owners' rights”\textsuperscript{23}. In its fierce opposition to a global treaty which constraints civilian arms possession in the U.S., the NRA Vice President Wayne LaPierre, said during the negotiations that “it is critical and not subject to negotiation that civilian firearms must not be subject to any negotiations”. In LaPierre’s view, the only solution to a global treaty is “a complete removal of civilian firearms from any treaty”\textsuperscript{24}. With the NRA lobbying capacity, as well as the 2012 December elections on the horizon, the Obama’s administration’s ambivalent towards the negotiations was an important element for the negotiations stalemate.


\textsuperscript{24} NRA’s Wayne LaPierre Remarks at the United Nations, at: http://www.youtube.com/watch?v=-RCfWm5822M

94
The U.S. and Russia during the last hours of the negotiations asked for adequate time for them to study the details of the treaty. This move was interpreted as a diplomatic ploy for the U.S. and Russia to walk out of the negotiations. On the other hand, while China did not adopt an obstructionist approach to the negotiations, its official position on the treaty is similar to that of Russia. Both would not back a treaty that constrains legal transfer of arms. An observer of the negotiations opines that “if the majority ruled in the United Nations, the global arms trade would be regulated. But in the real world, the big guns hold the key to an agreement”\(^\text{25}\). The big guns, the major arms producing and exporting countries were blamed by international NGOs and like-minded states who wished an agreement was reached on the issue.

The final segment of the negotiations took place in New York from 18-29 March 2013 to conclude the treaty. The March 2013 ATT conference was due to the result of the UN General Assembly’s resolution 67/234 (passed on 24\(^\text{th}\) December 2012). The political climate in the U.S.\(^\text{26}\), the success made during the July 2012 conference, and other related factors led to a landmark adoption of the ATT on 2\(^\text{nd}\) April 2013, in the UN General Assembly by a vote of 154 to 3 with 23 abstentions. North Korea, Iran and Syria voted “no” on the treaty. Russia, China, India were among 23 states that abstained. One source indicates that the treaty:

\(^{25}\) Courtney Brooks, Big Guns Hold Key To Arms-Trade Treaty Talks, accessed at: http://www.rferl.org/content/arms-trade-treaty-un/24932139.html

\(^{26}\) The rise of gun control hobbyists’ in the U.S. as a result of the recent Oklahoma’s Aurora shooting and Sandy Hook’s Elementary School shooting, among other factors, positively aided the ATT negotiations.
Covers export, import, leasing and transit of conventional arms and calls for the creation of registers of arms transactions in the signatory states. Other provisions include a ban on transfer of arms if the seller has evidence that the weapons would be used in acts of genocide or crimes against humanity, serious violations of the Geneva conventions or attacks on civilians.

The treaty will be signed on 3rd June 2013 and will need ratification by 50 member states. Sealing of the treaty brought more than a decade old initiative to regulate arms trade globally to a conclusive end. While adoption of the treaty is historic, and demonstrates states’ willingness to seal the loopholes within the global system, the effectiveness of the global arms trade treaty will be judged by posterity.

4.6. **Inferences**

The end of the cold war eliminated the excessive bipolarity characterizing world politics in the early 1990s. Thus, huge stocks of SALW have been released onto the global legal and illegal markets, especially by post-soviet countries. Russia, Ukraine, Belarus, Bulgaria and other countries from the region lead in the illicit trade in SALW in Africa and to the ECOWAS subregion. As examined earlier, Russia and Ukraine earmarked their arms industries to play important financial role within their national economies. China is also an emerging leader of the illicit SALW trade to recalcitrant regimes in Sudan and elsewhere in Africa. Pages 26 and 27 illustrated how arm intermediaries worked with SALW suppliers (both state agents and companies) in Ukraine, Russia and China procure arms and have them transported to recipient states.

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27 Inna Soboleva and Alexander Korablinov, Russia, India abstain from voting for UN arms trade treaty. Russia and India report, at Indrus.in.
Ex-Soviet states in addition to China are largely responsible for the illegal SALW proliferation in the ECOWAS region.

Aside the illegal source of SALW in the region, the unprecedented jump in U.S. arms sale records (big and SALW) for the past five years, as well as those of other NATO nations present a worrying phenomenon. The U.S. leads in both big weapons and SALW sales globally. Even though U.S and other NATO member states may not involve in explicit illegal arms exports to conflict prone regions in Africa, the increasing commercialization of the arms industries in the global north is disquieting because much of the SALW deemed illegal in conflict zones today were once legally acquired arms. The brittleness of most ECOWAS nations and their institutions erodes any guarantee that when such weapons are transferred to responsible and friendly governments they may not be recirculated or re-exported to undesirable recipients.

The foregoing analysis indicates that many SALW producers and exporters (especially those from ex-Soviet nations and China) demonstrated their eagerness to violate ECOWAS’ nonproliferation regime. The political will from SALW supplying states to adhere to the terms of the ECOWAS nonproliferation regime seems to have been undermined by the economic interests. The increasing commercialization of the arms trade is leading to a shift from arm as a political good to arm as an ‘ordinary’ consumer good. This trend is now eroding political will on the part of the global SALW suppliers to honor arm best practice regimes they are party to, as well as those initiated by the recipient regions like the ECOWAS’ Moratorium and the Convention.
While politics was the main reason for weapons transfer during the cold war, the current trend in SALW transfer is largely underpinned by supply factors laced with economic interest by the exporting states. The desire to make profit will make it likely for arms supplying states, especially those in Eastern and Central Europe and China to continue supplying arms to West Africa even if such supplies violate the ECOWAS Moratorium and the Convention.

Also there is likelihood that exporters and importers of SALW did not follow the ECOWAS’ laid down procedures for arm sale. Contesting end-users of impounded SALW illustrates this. There are huge discrepancies between the rates at which illegal weapons were reportedly impounded in the region and the number of official applications to the ECOWAS Commission for exemptions allowing ECOWAS states to import arms (see pp. 19). This implies that the majority of small arms reaching the ECOWAS nonproliferation zone is procured through illegal means. As far as many ECOWAS states demonstrated eagerness to undermine the Convention, international supply factors and the increasing subjugation of political motives over economic motives of arm producing states will make implementation of the Convention very difficult.
CHAPTER 5: 
CONCLUSION

This research intended to find out why the ECOWAS Convention on small arms and light weapons is not effective as envisioned by governments in the region. In analyzing the weakness of the region’s nonproliferation regime, the discussion is organized under supply and demand factors. Both play instrumental roles in weakening ECOWAS’ nonproliferation regime.

The multibillion SALW market is instrumental in the global arms proliferation. There is less distinction between the legal and illegal supply channels and the resultant human security challenges that arise through their use. The production and sale of SALW and other conventional weapons have become an important driver of economic growth in countries that produce and export them. As it turns out, many arms producing states are increasingly putting their commercial interests above other divers of SALW trade.

Also, the role of regional and global arms trafficking networks, privatization of security firms globally, increasing professionalization and commercialization of combat are important issues that sustain SALW proliferation globally, and to the ECOWAS region. It was within this context that the just concluded ATT puts legal barriers and structures in place to regulate SALW trade. Though the ATT will introduce international norms that will regulate SALW production and sale between states, however, a deeper comprehension of the region’s challenges calls for subordinating supply factors to demand motives of seeking arms in the region.
While it is undeniable that the just concluded ATT will constrain the flow of SALW from producing to importing states, that the ATT will impact ECOWAS’ nonproliferation regime positively, it is equally true that an ATT that legally regulates the production and sale of SALW cannot completely stem SALW flow to the ECOWAS region. In fact the empirical evidence points to the contrary. For instance, the abysmal failure of the ECOWAS nonproliferation regime, the numerous UN arms embargoes on recalcitrant regimes like that of Omar al-Bashir’s Sudan, Sierra Leone, Liberia, DR. Congo, EU embargoes on Zimbabwe, U.S. on Argentina and Indonesia all failed to prevent arms from entering those countries. Even embargoes/sanctions with broader consensuses like the UN sanctions on North Korea failed miserably. It was during the sanction period that North Korea developed the full capacity to produce nuclear weapons. The same applies to Iran; according to information from different sources, Iran should be able to produce nuclear bombs early next year. It was within these contexts that this research places the motive (the need) for arm acquisition above availability (supply factors).

While ECOWAS governments’ support of the ATT ended on a good note, they should celebrate the passing of the ATT with caution because the need to arm and the challenges of arms proliferation in the region will not disappear overnight when conditions conducive for seeking arms are not adequately addressed. As an African proverb states: “when there is no enemy within, the enemies outside cannot hurt you”. Put another way, if there is no internal demand for arms in the region, arms supplies from outside the region will not be a problem within the ECOWAS. Within Nigeria, arms are
more common in the Niger Delta than in other parts of the country. Even within the ECOWAS zone, arms pose a problem in some states more than others. Why? Naturally, it is a demand which drives supply, not vise versa. A closer loot at the region reveals that the region’s arms follow its conflicts. The huge demand for arms acquisition and use in the ECOWAS region sustains supply channels.

The effectiveness of the ECOWAS nonproliferation regime depends on concerted efforts to averting armed conflicts and addressing low intensity conflicts feeding regional demand for arms. Finding solution to ECOWAS’ regional human security challenges, promoting regional policy of inclusiveness, introducing just economic structures and efficient allocation of state resources are essential to the effectiveness of ECOWAS’ nonproliferation regime. Neither the ECOWAS nonproliferation regime by itself, as it turns out, nor the passing of the ATT is not enough to stem arms proliferation in the region.
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