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paper

## Implementing the ECOWAS Small Arms Moratorium in Post-War Sierra Leone

By Alhaji Bah

Prepared for the Small Arms Working Group of the Canadian Peacebuilding Coordination Committee in support of the *Peace-building and Human Security: Development of Policy Capacity of the Voluntary Sector Project*.

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## About the Author

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## About this Paper

This paper is one of three that has been commissioned by the Small Arms Working Group of the Canadian Peacebuilding Coordinating Committee (CPCC) to add to informed discussion and debate about small arms and to strengthen Canada's small arms policy so that both government and civil society can contribute more effectively to the UN process on this issue.

The *Peace-building and Human Security: Development of Policy Capacity of the Voluntary Sector Project* is a two-year project funded by the Canadian International Development Agency (CIDA) through the Voluntary Sector Initiative ([www.vsi-isbc.ca](http://www.vsi-isbc.ca)), and is designed to strengthen the policy capacity and dialogue among civil society groups and federal government departments in three emerging and interrelated peacebuilding and human security policy areas: small arms, children and conflict, and gender and peacebuilding. Project Ploughshares is coordinating the small arms policy development section of this project through the Small Arms Working Group while the CPCC Secretariat coordinates the other two policy areas through its Children and Armed Conflict Working Group and Gender and Peacebuilding Working Group respectively.

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## The Small Arms Working Group

The Small Arms Working Group of the CPCC engages a wide range of Canadian civil society in the development and promotion of national and international policies and measures to reverse the diffusion and misuse of small arms through meetings, workshops, and roundtables. The Working Group also encourages members to exchange information, share lessons learned and explore specific areas of collaboration.

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Project Ploughshares is an ecumenical agency of the Canadian Council of Churches with a mandate to carry out research, analysis, dialogue, and public education on peace and security issues in Canada and the world. It is affiliated with the Institute of Peace and Conflict Studies at Conrad Grebel University College, University of Waterloo.

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# **Implementing the ECOWAS Small Arms Moratorium in Post-War Sierra Leone**

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## Introduction

In the post-Cold War era West Africa has been inundated by crises. Most of the crises that followed the removal of the superpower umbrella were internal – a shift from inter-state wars to intra-state wars. As most other regions of the world were basking in the newly found post-Cold War peace dividend, West Africa had to deal with different kinds of challenges, some of which took violent form and in some cases posed a serious challenge to the very existence of the state. The failure by some of these states to reach a peaceful resolution to domestic pressures often led to violent outbursts with serious security implications for the region. For instance, the decade-long conflicts in the Mano River Basin (Sierra Leone, Guinea, and Liberia) have led to the massive flow of small arms and light weapons<sup>1</sup> (SALW) into the region. The continuing, unchecked proliferation of these tools of war has contributed to sustaining some of the most brutal conflicts that the citizens of the Mano River Basin countries, in particular, and West Africa, in general, have experienced in the post-Cold War era.

The small arms scourge is further compounded by the easy accessibility of natural resources such as rubber, timber, and diamonds. The availability of these natural resources has effectively meant that weapons can be traded for resources such as diamonds and other raw materials. Diamonds, which are often referred to as a girl's best friend, have become a rebel's best friend. While a lot of justifiable attention has been given to the role of 'blood diamonds' in fuelling the conflict in Sierra Leone and Liberia, very little attention has been given to understanding the destabilizing effect of the proliferation of SALW in post-conflict situations and long-term peace-building processes. Although there are no definite statistics on the number of SALW circulating in the sub-region, estimates put the figure between eight and ten million.

This paper examines the problem of illicit small arms proliferation in West Africa. In order to clearly understand the extent of the problem of weapons proliferation, we will briefly trace the origin of the approximately eight to ten million illicit small arms in circulation in the sub-region. This will be followed by an overview of the Moratorium on small arms and light weapons

adopted by the Economic Community of West African States (ECOWAS) in October 1998. The paper will then focus on specific national initiatives undertaken by the government of Sierra Leone as part of that country's disarmament, demobilization, and reintegration (DDR) program and in compliance with the Moratorium. National initiatives in Sierra Leone will be analyzed in relation to provisions of the Moratorium such as the collection and destruction of surplus and obsolete weapons, the establishment of National Commissions, and the review of domestic firearms legislation.

## Sources of Small Arms in West Africa

The proliferation and misuse of illicit small arms in West Africa can be attributed to, in the main, the following factors: weapons left over from the anti-colonial struggles (especially in Guinea-Bissau); the advent of military rule and one-party dictatorships; the super-power competition for allies; local arms producers (gunsmiths); lost or stolen weapons from state security services, and leakage from government armories; returning peacekeepers; and, finally, the massive flow of weapons from Central and Eastern Europe following the end of the Cold War and the loosening of controls on the arms industry due to the collapse of the Soviet Union.

Although most states in West Africa achieved political independence relatively peacefully compared to the prolonged armed struggles in Angola, Mozambique, Zimbabwe, Namibia, and apartheid South Africa, the people of the former Portuguese colony of Guinea-Bissau had to resort to armed struggle for their independence.<sup>2</sup> Weapons left from the country's war of independence have found their way into the illegal arms market and to such other armed groups in the sub-region as the separatist Cassamance rebels who have been locked in low-intensity guerilla warfare with the government of Senegal for the past two decades.<sup>3</sup> In the late 1990s, allegations of arms smuggling to Cassamance rebels and to conflict zones in West Africa such as Nigeria's oil-producing Delta region contributed to a heightened political tension that ended with the overthrow of Guinea-Bissau's long-term President Joao Bernardo Vieira.

In addition to the weapons left over from Guinea-Bissau's war of independence, nearly all countries in the sub-region received military assistance either from the Soviet Union and its Warsaw Pact allies or from US-led western states. Although the West African sub-region was not a hotly contested theatre of conflict for the superpowers compared to the proxy wars waged in the Horn region and Southern Africa, nevertheless, both sides propped up often corrupt, military and one-party dictatorial regimes across the sub-region. Much of the support for these regimes throughout the sub-region was in the form of military assistance, which consisted largely of tons of small arms that were often used by those authorities to suppress opposition voices within the population. For instance, in spite of the tainted human rights record of the Samuel Doe regime, in the 1980s Liberia received more US assistance than any other government in sub-Saharan Africa, relative to its population.<sup>4</sup> Thus, by the end of the Cold War, the West African security landscape was littered with millions of weapons mostly acquired as part of military assistance, technical support, or part of the Cold War largesse.

The weapons that flowed into West Africa during the Cold War played into the hands of military and one-party dictatorships. The advent of military coups d'état further added to the 'weaponization' and militarization of politics in the sub-region. This situation was aggravated by the entry of junior officers into the political arena. According to Abdel-Fatau Musah, "the junior officers' coups further exacerbated arms diffusion, introduced arms possession to civilian youths, radical students, workers' leaders and the marginalized sections of the urban population – and increased gun-related civilian casualty rates."<sup>5</sup> For example, following the military takeover in 1992 by junior officers headed by Captain Valentine Strasser, large quantities of weapons flowed into Sierra Leone. These weapons were distributed to both members of the Sierra Leone armed forces and Civil Defence militias such as the Tamaboros and the Kamajors.

Invariably, some of these weapons also made their way into the 'wrong hands', "to individuals ... who used them to commit crimes of a diverse nature: armed robbery, illegal trafficking in weapons, poaching."<sup>6</sup> This pattern of weapons

diffusion by military governments was a common phenomenon across West Africa. Perhaps the most ominous development that emerged from this period is the undue emphasis it placed on the role of weapons in the acquisition of political and economic power. The diffusion of weapons into society (re)affirmed their role as one of the key factors in gaining political power, contributed to reshaping the security landscape of West Africa, and set the stage for the emergence of warlords such as Charles Taylor in Liberia and Foday Sankoh in Sierra Leone.

Another major source of illicit weapons is local artisans in cottage industries scattered across the sub-region. In Ghana, for instance, local gunsmiths produce approximately 50,000 to 60,000 small arms every year.<sup>7</sup> What is perhaps most disturbing about local arms production is that these traditional craftsmen have been involved in a process of 'reverse engineering.' Through this process local gunsmiths have been successful in replicating imported weapons such as the AK-47 assault rifle.

Leakage and pilfering from state-controlled armories is another common occurrence across the sub-region that contributes to the problem of illicit proliferation. Poorly controlled and managed armories have increased the number of illicit weapons in the sub-region. For instance, in Nigeria, which plays host to over one million of the eight million illicit weapons in circulation, weapons theft from the country's state security services is a common occurrence. For example, between 1996 and 2001, the Nigerian Police acknowledged the loss of approximately 1,554 arms and ammunition of various types.<sup>8</sup> This figure is considered the tip of the iceberg in weapons lost to criminal gangs in Nigeria and across the West African sub-region.

Soldiers returning from peacekeeping missions have also been cited as another source of illicit weapons in the sub-region. Although weapons from this source are considered less significant they have been involved in a process of 'reverse proliferation' whereby weapons used in peacekeeping missions in Liberia and Sierra Leone turned up in inter-communal conflicts in Nigeria. In reference to allegations of the involvement of returning peacekeepers in arms peddling, retired General Victor Malu (former

ECOMOG commander), conceded that “some of the weapons that are being used in some of these crises are our weapons.”<sup>9</sup>

In addition to the allegations of illicit weapons sales by returning peacekeepers, peacekeeping forces have lost many weapons to rebel groups such as the Revolutionary United Front (RUF). A study commissioned by ECOWAS to assess the implementation of the Moratorium found that, in one incident where United Nations peacekeeping troops were ambushed by RUF rebels, they were “relieved of large quantities of weapons.”<sup>10</sup> Although most of these weapons were recovered, this is a worrying development. Prior to this there were unconfirmed reports of ECOMOG troops serving in Liberia and Sierra Leone losing valuable military assets to the National Patriotic Front of Liberia (NPFL) and RUF rebels.

In addition to the above-mentioned sources of illicit weapons in circulation in West Africa, the end of the Cold War, which was followed by the liberalization of the arms industry, led to the selling of millions of small arms in conflict zones across sub-Saharan Africa. The end of the superpower standoff led to massive downsizing of armies, particularly in the former Soviet Union and apartheid South Africa, creating a huge pool of potential ‘merchants of death’ trading their skills and weapons.

As well, large quantities of weapons were made obsolete when central and eastern European countries discarded their old Soviet-made weapons to adopt NATO-style weapons in preparation for joining that organization. It is reported that in the Slovak Republic, Bulgaria, and Ukraine, a shadowy network of corrupt military personnel and rogue arms brokers divert or steal from official armories weapons, which are then shipped off to conflict zones worldwide.<sup>11</sup> The notorious NPFL and RUF rebel groups responsible for the carnage that gripped Liberia and Sierra Leone throughout the 1990s were alleged to have purchased large quantities of weapons from Ukraine, through corrupt military officers and unregulated brokers involved in the weapons trade.<sup>12</sup>

Another consequence of the end of the Cold War is the dramatic increase in the number of weapons producers worldwide. In the post-Cold

War era, revenue generated from the small arms industry has become a major income earner for governments, especially in countries in the former Soviet Union, eastern and central Europe, and South Africa. The mushrooming of small arms-producing industries worldwide in the post-Cold War era is also reflected in the significant increase of private weapons sales. During the Cold War private sales stood at an estimated 3 billion US dollars per annum which, by 1996 had catapulted to over 25 billion US dollars.<sup>13</sup>

Furthermore, weapons sales to non-state actors such as rebel groups and criminal gangs have effectively changed the nature and conduct of warfare worldwide, including the tragic phenomenon of the increased use of child soldiers, who are made to commit untold atrocities (sometimes against members of their own family) in such brutal conflicts as those in Liberia and Sierra Leone. Thus, the serious challenge posed to human security by guns in the hands of non-state actors spurred the ECOWAS member states to adopt a Moratorium on the manufacture, importation, and exportation of small arms.

## Background to the Moratorium

In tacit recognition of the small arms challenge ECOWAS, under the stewardship of Mali, which had undertaken successful peace negotiations with Touareg rebels, adopted a Moratorium in October 1998 on the manufacture, importation, and exportation of small arms to the sub-region. The Moratorium is an unprecedented move by a sub-regional organization like ECOWAS and since its adoption it has received international approval both by governments and international organizations. Inspired by the ECOWAS initiative the continental body, the Organization of African Unity (which became the African Union in 2002), in December 2000 adopted a common African position on the proliferation of small arms, commonly referred to as the Bamako Declaration.

The origins of the ECOWAS Moratorium can be traced back to 1993 when Alpha Omar Konare was elected President of Mali. The election of Mr. Konare after the student/civil society-led movement that overthrew the military

dictatorship of General Moussa Traore, who had been in power since 1968, marked a turning point in that country's history. In Mali, as in most other countries in the sub-region, the end of the Cold War ushered in an era of political activism that was followed by a wave of 'democratization' that would have been unthinkable during the Cold War years when one-party and military dictatorships were shielded by superpower patronage and competition for allies. The policies of regimes such as that of Gen. Traore marginalized and impoverished large sections of the society, especially minority groups. Such marginalized groups as the Touaregs of northern Mali took advantage of the new political climate to challenge the central state authorities, which had pushed them to the fringes of society through years of neglect. Therefore, it is little wonder that the overthrow of the military dictatorship in Mali coincided with an armed rebellion by Touareg rebels in the north.

By 1993 the Touareg rebellion, which started in 1990, had developed into full-scale guerilla warfare that threatened to engulf the entire country. One of the notable and worrying developments about the Touareg rebellion was its transnational character – just as the rebellion broke out in northern Mali, their kinsmen across the border in Niger were locked in a similar battle with the authorities in that country. The perceived connection between the two rebellions alarmed the government in Bamako because it feared that rebels would be supported by other members of the Touareg ethnic group residing in the south of Algeria and Chad. Thus, from the time of his election in 1993, President Konare approached the conflict in the north as a crisis that extended beyond his country's borders.

After a series of consultations and negotiations that took place in the sub-region and elsewhere to agree on the terms of the proposed moratorium, the 21st Ordinary Sessions of the Authority of Heads of State and Government of all fifteen ECOWAS member states,<sup>14</sup> held in Abuja, Nigeria from 30-31 October 1998, declared a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa. The Moratorium was declared for a renewable period of three years.<sup>15</sup> The threat

posed to human security by small arms is captured by the preamble to the Moratorium, which states that "the proliferation of light weapons constitutes a destabilizing factor for ECOWAS Member States and a threat to the peace and security of our people."<sup>16</sup> The broad aim of the Moratorium is to create an environment conducive to socio-economic development in the sub-region. However, its most immediate task is to curb the influx of weapons through various channels into West Africa.

As part of the regional strategy to deal with illicit weapons the ECOWAS member states "recommended that an operational framework be put in place within the context of the Program for Coordination and Assistance for Security and Development in Africa (PCASED), to facilitate implementation of measures associated with the moratorium."<sup>17</sup> PCASED is a regional project of the United Nations Development Programme (UNDP) that is executed by the United Nations Office for Project Services (UNOPS). PCASED predates the Moratorium, as it was originally intended to support the implementation of the UN Secretary-General's Advisory Mission on the Proliferation of Light Weapons in the Sahel-Sahara sub-region. However, following the adoption of the Moratorium, the ECOWAS Heads of States and Government requested that PCASED become the central pillar in its implementation. Over the five-year period PCASED was expected to support the implementation of the moratorium in nine priority areas:

- Establishing a culture of peace;
- Training programs for military, security, and police forces;
- Enhancing weapons controls at border posts;
- Establishing a database and regional arms register;
- Collecting and destroying surplus weapons;
- Facilitating dialogue with producer suppliers;
- Reviewing and harmonizing national legislation and administrative procedures;
- Mobilizing resources for PCASED objectives and activities; and
- Enlarging membership of the Moratorium.<sup>18</sup>

To assist PCASED a summit meeting of ECOWAS Heads of State and Government, held on 10

December 1999 in the Togolese capital, Lomé, adopted a “Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons.”<sup>19</sup> The code of conduct outlines the institutional arrangements for the implementation of the moratorium. Thus, the three documents – the Declaration of a Moratorium, the ECOWAS Plan of Action, and the Code of Conduct – constitute the main pillars of the ECOWAS strategy to curb the flow of illicit small arms in particular and disarmament in general.

Given this background, attention will now be focused on the specific initiatives undertaken by Sierra Leone as part of its broad disarmament, demobilization, and reintegration program in tandem with key provisions of the Moratorium.

## Sierra Leone and the Moratorium

In March 1991, rebels describing themselves as the Revolutionary United Front attacked villages in eastern and southern Sierra Leone, lending credence to rumours of an unholy alliance between Liberian and Sierra Leonean dissidents. The immediate reaction of the government in Freetown was to dismiss the attacks as isolated incidents of cross-border raids by hungry Liberian fighters in search of food. However, the government’s dismissive approach proved fatal as more and more villages were attacked, giving the insurgents time to penetrate and capture some territory along the border of the two countries. Both the RUF and its Liberian mentor and backer, the NPFL, stated their objective to overthrow the government of Sierra Leone’s President Joseph S. Momoh. The March 1991 attacks on eastern and southern Sierra Leone heralded one of the most gruesome and barbaric periods in that country’s post-independence history.

By the end of the conflict in January 2002, when President Tejan Kabbah officially declared hostilities over, approximately 50,000 to 75,000 people had been killed, thousands maimed, and half of the country’s 4.5 million displaced from their homes. During the ten-year period, it is estimated that 45,000 to 50,000 combatants

were involved on all sides of the conflict. Although there are no clear figures on the number of weapons that flowed into the country during the conflict, estimates put it at five hundred thousand to one million.<sup>20</sup> SALW became the weapons of choice by all sides to the conflict, making the use of child soldiers by the different warring parties possible.

In negotiating the Moratorium, ECOWAS leaders confronted the issue of excess weapons in government armories, which, if not destroyed, are likely to enter the illicit weapons market and continue to exacerbate conflict in the sub-region. Consequently, Article 13 of the Code of Conduct calls for the “collection, registration and destruction of all weapons, ammunition and components covered by the Moratorium.” The collection and destruction program will focus on the following categories:

- Surplus to national security requirements;
- Seizures from illegal possession; and
- Weapons and ammunitions collected following peace accords and upon completion of peace operations.<sup>21</sup>

It was agreed that, as part of the Moratorium, all peace processes should be followed by arms collection and destruction programs to reduce the possibility of a relapse into conflict and assist with sustainable peace in post-war societies.

Although the Lomé Peace Agreement between the government of Sierra Leone and the RUF rebels was criticized for the blanket amnesty it granted to the members of the RUF accused of committing gross human rights violations, it still marked the beginning of a comprehensive disarmament and weapons collection program. The Agreement provided for, amongst other things, a permanent cessation of hostilities, and the encampment, disarmament, demobilization, and reintegration of all combatants.<sup>22</sup> The DDR program targeted combatants from all the warring parties: the Armed Forces of Sierra Leone (SLA), the Armed Forces Revolutionary Council (AFRC), the Revolutionary United Front (RUF), the Civil Defence Forces (CDF), and other paramilitary groups. However, implementation of the Lomé Peace Accord was short-lived as the RUF continuously violated the agreement, finally abducting hundreds of

UN peacekeepers in May 2000. The abduction of UN personnel threatened to jeopardize the entire peace process. However, a renewed commitment by the international community brought the peace process back on track. By January 2002, when hostilities were declared over, 48,000 combatants had been disarmed and a total of 42,330 weapons and 1.2 million rounds of ammunition collected.<sup>23</sup> The end of the DDR program was marked by a symbolic burning of approximately 3,180 weapons on 18 January 2002 in Lungi and other parts of the country. With support from PCASED and the United Nations Mission in Sierra Leone (UNAMSIL) ceremonial arms destruction also took place in the towns of Bo (80 weapons), Kenema (53 weapons), and Makeni (53 weapons) in the southern, eastern, and northern provinces respectively. The weapons destruction programs were attended by local and international dignitaries, including members of the governments of Ghana, Nigeria, Mali, Liberia, Guinea, and Libya; and members of civil society organizations (CSOs), ex-combatants, community leaders, and the ordinary citizens who had suffered tremendously in the conflicts.<sup>24</sup> These ceremonies marked the effective end of hostilities in Sierra Leone. It should be noted that ceremonial arms-burning exercises in West Africa started with the now famous *Flame of Peace* in Timbuktu, Mali in 1996 that marked the end of hostilities in that country.

## The Carrot-and-Stick Approach

With the formal end of hostilities and the conclusion of the DDR program it was apparent that large numbers of weapons were still unaccounted for and therefore posed a serious threat to the country's fragile peace process. Out of approximately one million weapons in circulation during the war, less than 100,000 weapons were collected during the country's DDR program. With the growing incidence of gun-related criminal activity around the country, the Sierra Leone Police (SLP), working in collaboration with the UNAMSIL and local community leaders, initiated another weapons collection program: the Community Arms Collection and Destruction program (CACD). This program focused on weapons collection at the grassroots level, this time targeting not only

former combatants but other civilians suspected of hiding weapons. Through this program the SLP carried out cordon-and-search operations, which led to the recovery and subsequent destruction of large numbers of weapons. For instance, by March 2002, the SLP had collected 9,237 weapons of all types, including hand grenades, and Rocket Propelled Grenade (RPG) bombs, and 34,035 rounds of ammunition.<sup>25</sup> The SLP worked closely with community leaders in locating weapons left from the country's DDR program. The SLP adopted the carrot-and-stick approach in its attempts to collect arms used in the country's violent civil conflict. In carrying out its cordon-and-search operations, the SLP invoked the country's firearms legislation (though outdated), which makes it illegal for civilians to possess unlicensed weapons. During the operation the SLP granted an amnesty to all civilians possessing licensed weapons who handed them over at designated weapons collection sites. At the expiration of the amnesty anyone found with a weapon would be in violation of the country's arms regulations. As part of the government's drive to review the outdated firearms legislation it decided to freeze the granting of firearm licenses to civilians. When the new legislation comes into force all licensed weapons that were confiscated during the cordon-and-search operation will be returned to their lawful owners, provided they qualify under the new firearms legislation.<sup>26</sup> By the end of the CACD program, a total of 9,237 weapons and 34,035 rounds of ammunition and explosives had been collected.<sup>27</sup> Although CACD was considered a successful program, it did not rid Sierra Leone of its illicit weapons.

Having used the 'stick' approach in the CACD program, the Government of Sierra Leone (GoSL) and the SLP, in collaboration with the UNDP and UNAMSIL, adopted the 'carrot' approach to entice both former combatants and ordinary civilians to hand in their weapons. The carrot approach culminated in the Community Arms Collection and Development (CACD II), launched in November 2002. In this phase, the partners (the GoSL, the SLP, the UNDP) and other stakeholders encouraged the collection and destruction of outstanding weapons from the country's DDR program in exchange for funding for development projects. Like the

previous program, CACD II emphasized grassroots participation by empowering local communities to take part in arms collection without the threat of legal prosecution.

CACD II was a pilot program involving four chiefdoms in four districts: Kholifa Rowala Chiefdom, Tonkolili District; Ribbi Chiefdom, Moyamba District; Nimiyama Chiefdom, Kono District; and Lower Bambara Chiefdom, Kenema District. The selection of the chiefdoms was based on the following criteria:

- Areas of UNAMSIL deployment in order to ensure a reasonable level of safety and security for the community;
- Areas where the SLP is operational and has the capacity to support the implementation of the CACD II;
- Areas where a significant number of weapons are believed to be in circulation after the DDR;
- Accessibility;
- Presence of a large number of former combatants; and
- Strong District and Chiefdom Recovery Committees (CRCs).<sup>28</sup>

The program was premised on the belief that “while the force of arms can bring about peace, lasting peace can only be guaranteed by the willingness of the people themselves to lay down their arms and resort to development.”<sup>29</sup> The program was therefore anchored on four concepts:

- A grassroots approach – Here the aim was to empower the community to participate in arms collection by confidence-building and making use of the extensive knowledge of members of the community on where the arms cache sites were;
- Decentralization – the DDR program and the previous CACD were centralized at the district level, thereby excluding inaccessible areas from the program. It was hoped that the decentralized approach would lead to more awareness about the security challenges caused by illicit weapons and the potential benefits of a ‘weapons-free’ society;
- Community incentive – After a chiefdom was certified weapons-free by the SLP, it received the sum of 20,000 USD, provided by the UNDP; and
- Psychological impact – The program aimed to change the existing mindset in which the

prestige of owning a gun is replaced by the benefits of a weapons-free society.<sup>30</sup>

In order to build confidence in the program, the implementing partners gave the local community in the respective pilot chiefdoms a say in identifying volunteers to work with them. Weapons drop-off sites were established in the chiefdoms to ensure not only their accessibility but also the safety of individuals who wished to surrender weapons. Metal boxes were placed at all the drop-off sites with the boxes’ safekeeping entrusted to two community leaders such as the village chief, the imam, or the pastor. Local volunteers recommended by the CRC were responsible for sensitizing the community to the dangers of small arms and educating them about the benefits of a weapons-free society. All collected weapons were put in one of two categories: “safe and licensable” or “non-licensable and licensable but unsafe.” The “safe and licensable weapons” were handed over to UNAMSIL for safekeeping, with the key handed over to the paramount chief and the SLP. The “non-licensable and licensable but unsafe” weapons were immediately destroyed by the community. The remains of the destroyed weapons were used in the creation of a “peace sidewalk,” a path that leads to a commemorative space dedicated to the victims of the country’s civil war.<sup>31</sup> All “safe and licensable” weapons will be returned to their owners following the promulgation of the new firearms legislation, provided they meet the requirements under the new legislation.

At the beginning of the weapons collection exercise each of the pilot chiefdoms presented a proposal for a community development project. It is important to note that the development project was conceived by the CRC, with the UNDP and other stakeholders only coming in as partners in implementing the project.

The Arms for Development initiative is a practical approach to micro-disarmament in post-conflict societies. As mentioned above, after the chiefdom has been declared arms-free by the SLP a sum of \$20,000 is provided by the UNDP to the CRC for the implementation of the proposed community development project. At the end of each program there is a special ceremony where the paramount chief and

his/her CRC are awarded an “arms-free certificate” along with the \$20,000. Unlike the previous arms collection and destruction program carried out by the SLP, this strategy emphasizes the link between security and development. For instance, community leaders and members are reminded that the presence of small arms is a disincentive to both local and international investment, the flow of which is crucial to the community’s post-conflict reconstruction process.<sup>32</sup> By the time CACD II was concluded in June 2003 a total of 266 shotguns, one machinegun, 713 rounds of ammunition, and 11 unexploded bombs had been collected from the target areas.<sup>33</sup> With the completion of the pilot program, the program will now be replicated nationwide. In addition, plans are underway for a similar sub-regional project involving countries in the Mano River Basin.<sup>34</sup>

## National Commissions (NatComs)

One of the major innovations of the Moratorium is its provision for the creation of National Commissions to deal with illicit weapons proliferation by member states. Article 4 of the Code of Conduct states: “In order to promote and ensure co-ordination of concrete measures for effective implementation of the Moratorium at the national level, Member states shall establish National Commissions, made up of representatives of the relevant authorities and civil society.”<sup>35</sup> National commissions are meant to serve as a hub around which national and regional initiatives revolve. Their main functions are:

- Formulation of strategies, policies, and programs to counter the proliferation of small arms;
- Sensitization of the public on the need to turn in illegally held weapons to security forces;
- Updating of arms registers and transmission to ECOWAS Secretariat;
- Provision of appropriate recommendations to ECOWAS Secretariat on exemptions to be granted to the Moratorium for weapons covered by the agreement;
- Resource mobilization for program expenditures;
- Liaison on a permanent basis with ECOWAS and PCASED Secretariats on issues relevant to

the Moratorium as well as on the proliferation of SALW in general;

- Initiation and development of an exchange of information and experience with the other national commissions.<sup>36</sup>

In compliance with the Moratorium the GoSL established a National Committee on Small Arms (NCSA) in July 2002. NCSA will serve as the focal point through which national initiatives on small arms will be coordinated, pending the completion of the legal process for the establishment of National Commissions. NCSA consists of representatives of key government departments such as foreign affairs, defense, justice, internal affairs, customs and excise, and trade and industry; and three representatives from civil society organizations. The NCSA Secretariat is located within the Ministry of Defense. NCSA was part of the Steering Committee of the UNDP CACD II program that emphasized community participation and ownership as key to weapons collection. In addition it has worked closely with the Sierra Leone Action Network on Small Arms (SLANSA) in sensitizing the public on the virtues of a weapons-free society.<sup>37</sup>

A major obstacle to the establishment of a fully functional National Commission in Sierra Leone is the rivalry between key government departments for control. For instance, due to the large number of national institutions, often with overlapping mandates and responsibilities in support of the ongoing peace process, there is a great deal of skepticism over the establishment of yet another Commission that might end up duplicating the functions of the already existing ones. Moreover, another national institution is viewed as an added drain on the country’s meager financial resources. Such apprehensions have delayed the establishment of the Sierra Leone NatCom as provided for in the Moratorium. In addition there are tensions between government and civil society organizations. Since SALW are a security issue government officials, especially security personnel such as the police and military, are hesitant to have civilians in what was hitherto under their exclusive control. A clear manifestation of this trend is NCSA’s location in the Ministry of Defence.<sup>38</sup> In spite of the delay in establishing a NatCom, the National Committee continues to

act as the hub around which national and regional initiatives revolve.

One of the enduring consequences of colonialism is the different legal frameworks that reflect the legal systems of the former colonial powers – Britain, France, and Portugal. The diverse cultural backgrounds of peoples in the sub-region also account for differences in customary law, which affects the nature of firearms legislations across the sub-region. Since hunting is a major economic preoccupation of some ethnic groups in West Africa the development of a regional framework to deal with the possession of firearms should start with a review of domestic laws regulating the possession and use of firearms in all member states. In recognition of this need Article 7 of the Code of Conduct calls on members to “harmonize and adopt the regulatory and administrative measures necessary for exercising control of cross-border transactions with regard to light weapons, components and ammunition relating to them.”<sup>39</sup> It calls for the training of law and order, immigration, licensing, customs, water resources, and forestry officials in the effective implementation of domestic firearms legislation. With assistance from PCASED and other partners, including civil society, member states will:

- Review, update, and harmonize national legislation and regulations on light weapons bearing on civilian possession, use, and transfer;
- Apply legal instruments, such as export and import permits and end-user certificates;
- Harmonize different national legislation with a view to developing a regional convention on light weapons that would relate to control and reduction as well as humanitarian law issues.<sup>40</sup>

The harmonization of legislation is aimed at producing a comprehensive regional convention that will reflect the new aspects of collective security in the sub-region and the enhancement of security in general. Current legislation regulating the possession of firearms in nearly all member states does not reflect the contemporary security landscape in the sub-region. For instance, in Sierra Leone there is no firearms law, but rather two Ordinances established by the British colonial powers. The

Arms and Ammunitions Ordinance 1955 no. 14 and the Explosive Ordinance 1955 no. 15 were accepted by the post-independence government but were never passed as laws. They were merely added to the Laws of Sierra Leone and have since served as the framework by which civilian possession and use of firearms are regulated.<sup>41</sup> In response to the Moratorium the government of Sierra Leone initiated a review of its firearms legislation to reflect the current security realities within its borders and across the sub-region. The review process involved key government ministries and a strong network of civil society organizations that play a crucial role in the implementation of the Moratorium.<sup>42</sup> Their activities have ranged from advocacy, research and documentation, and capacity-building to lobbying national governments to implement key provisions of the Moratorium. Although Sierra Leone has started the process of establishing comprehensive national firearms legislation, the objective of harmonizing laws at the regional level still has a long way to go.

## Conclusion

Based on the evidence presented above, it can be argued that SALW constitute one of the greatest challenges to human security in West Africa – increasing insecurity, exacerbating conflict, and undermining development. Although regional leaders seem to have fully appreciated the negative consequences of the proliferation and misuse of these weapons, and so have adopted the Moratorium, its implementation remains a huge challenge. The review of national initiatives undertaken in Sierra Leone clearly demonstrates the problems faced by countries seeking to implement the Moratorium. Although rivalry between government departments, lack of adequate financial resources, and a general lack of political will have indeed hampered the implementation process, it is important to note some of the key developments that have arisen from the initiatives.

The CACD II (carrot-and-stick approach) adopted when the country’s DDR program ended has yielded some results that can serve as a model for countries in the sub-region that are emerging from conflict. For instance, the

grassroots approach of CACD II encourages local ownership of weapons collection programs. This is significant because it helps to improve relations between the central government and the local communities. In addition, it helps to reestablish the civil authority that completely collapsed during the civil war. It also fosters the work of the reconstituted SLP, which had a serious image problem even before the outbreak of hostilities.

The SLP has been instrumental in weapons collection programs in post-war Sierra Leone and was charged with the responsibility of drafting the country's new firearms legislation. Thus, the role played by the SLP in the community arms collection programs reestablishes it as a credible law enforcement agency. Furthermore, this program helps to strengthen the role of such local authorities as the paramount chiefs, while the government attempts to reestablish central authority over territory it lost during the war.

As well, the existence of well-established and respected civil authority at the community level contributes to the success of weapons collection programs. For example, the implementation of CACD II was more successful in the Kholifa Rowala Chiefdom because of the unchallenged authority of the paramount chief and the Chiefdom Recovery Committee.

Efforts to combat weapons proliferation also help to strengthen the role of civil society organizations as important partners. In spite of tensions that exist between civil society organizations and government departments, especially in the area of security, the fight against SALW helps to blur these differences. For instance, civil society organizations played crucial roles in the implementation of the weapons-for-development program and the formulation of the national firearms legislation. In addition, civil society organizations are represented on the National Committee on Small Arms and will ensure that the views of the public are reflected in its activities.

Although there are laudable signs of cooperation between ECOWAS, national governments, and civil society organizations, more needs to be done to improve existing relations. For their part, civil society

organizations need to acquaint themselves with ECOWAS policies and programs so that they can make a meaningful contribution to the implementation process. The role of civil society organizations could, therefore, be strengthened through financial and logistical support – such support would enhance the capacity of CSOs in their contribution to national and regional initiatives aimed at combating illicit weapons proliferation.

During the implementation of CACD II it was realized that the existence of multiple transitional justice programs such as the Truth and Reconciliation Commission and the Special Court for Sierra Leone<sup>43</sup> can complicate weapons collection programs. The indictment of prominent people by the Special Court hampered information gathering during CACD II because people were afraid that such information could be used to incarcerate them. It is therefore important to integrate all post-war programs, ranging from transitional justice to weapons collection, to minimize misunderstanding and often deliberate misinterpretation by 'spoilers.' A robust public awareness campaign can explain the multiple tracks in the peace-building process.

In spite of initial steps taken by some national governments, allegations of violations of the Moratorium by some ECOWAS member states pose one of the greatest challenges to its implementation. For instance the UN Panel of Experts on Liberia points to serious violations of the UN arms embargo on Liberia. The Panel noted that between June and September 2002, 210.5 tons of weapons were delivered to Liberia in violation of both the UN arms embargo and the ECOWAS Moratorium. The Panel noted that the arms were purchased with end-user certificates issued by some ECOWAS member states. The Report singled out Côte d'Ivoire, Gambia, Togo, and Burkina Faso as the culprits. It states:

[T]he end-user certificates that were used to divert weapons to Liberia in violation of the arms embargo were all from ECOWAS member states.... [S]ome member states also seem to violate the Moratorium by importing arms without requesting waivers....<sup>44</sup>

In a separate Report the Panel points out:  
[T]here are a number of accounts of trucks carrying weapons from Côte d'Ivoire into Liberia in 2000 and 2001. These trucks either brought weapons from San Pedro or Abidjan or originated from Burkina Faso, according to eyewitness accounts. Refugees from Lofa County reported that two Burkinabe trucks loaded with weapons had been surprised in Vionjama by Liberian dissidents.<sup>45</sup>

It is for international organizations and governments that have SALW programs, like the Canadian government, to undertake initiatives that not only collect and destroy weapons but empower the local community – local ownership of the process is a key to the success of any such programs. Tapping the local knowledge of possible arms cache sites could lead to more weapons recoveries. The grassroots approach used in the four pilot chiefdoms in Sierra Leone provides valuable pointers for future Canadian engagement with both national governments and regional organizations such as ECOWAS in combating illicit SALW. Engaging in weapons-for-development programs will go a long way in addressing some of the demand-side issues that encourage proliferation.

In addition, the Canadian government could play a significant role in addressing the supply side of the small arms equation. The government could use its diplomatic and strategic position within NATO to encourage arms-producing countries to respect the Moratorium by curtailing the supplies of weapons from their countries to conflict zones in West Africa.

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## Notes

- <sup>1</sup> The United Nations defines light weapons as heavy machine-guns, hand-held and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missiles and rocket systems, portable launchers of anti-missile systems, and mortars of caliber 100mm. It defines small arms as revolvers, self-loading pistols, rifles, carbines, sub-machine guns, assault rifles, and light machine guns ("General and complete disarmament: small arms," note by the Secretary-General, UN document A/52/298, 5 November 1997, pp. 11-12).
- <sup>2</sup> It is important to point out that, in 1975, Guinea-Bissau became the last West African state to gain independence. Most other countries had gained independence in the 1960s or even earlier, as was the case with Ghana in 1957.

- 3 "Guinea-Bissau arms smuggling crackdown sparks military revolt," *Africa Recovery*, August 1988.
- 4 For more information on US assistance to the Doe regime see George Klay Kieh, "Merchants of Repression: an assessment of United States military assistance to Liberia," *Liberian Forum*, Vol. 9 (1989), pp. 50-60, cited in Stephen Ellis, *The Mask of Anarchy – The Destruction of Liberia and the Religious Dimension of an African Civil War*, London: Hurst & Company, 1999, p. 63.
- 5 See Abdel-Fatau Musah, "Small Arms and Conflict Transformation in West Africa," Abdel-Fatau Musah and Niobe Thompson (eds.), *Over a Barrel: Light Weapons & Human Rights in the Commonwealth*, Report, Commonwealth Human Rights Initiative, London and Delhi, 1999, pp. 115-119.
- 6 See "Burkina Faso," in Sylvester Odion-Akhaine (ed.), *Index on Demilitarization 2001*, Lagos: Centre for Constitutionalism and Demilitarization, 2001, p. 40; also cited in Nnamdi K. Obasi, *Small Arms Proliferation & Disarmament in West Africa – Progress and Prospect of the ECOWAS Moratorium*, Abuja, Nigeria: Apophyl Productions, 2002, p. 83.
- 7 Personal interviews with staff of the African Security Dialogue and Research, and Police Superintendent of the Ghana Police Service, Accra, Ghana, 18 June 2003. The weapons produced by the artisans have become more sophisticated and can be made into high caliber automatic and semi-automatic weapons through the process of reverse engineering. The frequent use of locally manufactured weapons in armed robberies and inter-ethnic feuds has brought to the fore the central role of local artisans in arms proliferation in the sub-region.
- 8 Information compiled from the Auditor-General's Report on the Accounts of the Government of the Federation of Nigeria, Ministry of Police Affairs, for the years ended 31 December 1996, 1998, 1999, 2000, and 2001.
- 9 "'Killing Field' Victims," *Newsletter of the Committee for the Defense of Human Rights*, Lagos, Nigeria, Vol. 10, No. 34, September 1999, p. 2; cited in Obasi, p. 77. The problem of returning peacekeepers engaging in illegal arms deals and thereby exacerbating an already dire situation was confirmed in interviews conducted by the researcher in Ghana, Benin, and Mali in the months of June, July, and August 2003.
- 10 Sola Ogunbanwe and Cheick Faye, "The ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons 1998-2001," Evaluation Study, Bamako: PCASED/ECOWAS, October, 2002, p. 17.
- 11 Karel Princeloo, "The secret empire: Top gunrunner's reach extends across continents," Associated Press, 28 February 2002; cited in Abdel-Fatau, Musah, "Small Arms: A Time Bomb Under West Africa's Democratization Process," *The Brown Journal of World Affairs*, Spring 2002, Vol. IX, Issue I, p. 244, available online at: <http://www.watsoninstitute.org/bjwa/archive/9.1/SmallArms/Musah.pdf>, visited 24/09/03.
- 12 "Ukrainian weapons pour into the RUF," available online at: <http://www.nisat.org>.
- 13 See Hutchful Eboe, "Understanding the African Security Crisis," in A. Musah and J. Kayode Fayemi (eds.), *Mercenaries: An African Security Dilemma*, London: Pluto Press, 2000, p. 213.
- 14 Note that there are now 15 ECOWAS member states since Mauritania's withdrawal.
- 15 The Moratorium has been extended for another renewable period of three years. See Decision CAHSG.1/5/01, "Extending the Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa," Bamako, Mali, 1 November 2001.
- 16 See "ECOWAS Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa," 31 October 1998, p. 1.

- <sup>17</sup> See Memorandum on the ECOWAS Moratorium on Light Weapons, Bamako, Mali, 31 October 1998.
- <sup>18</sup> ECOWAS Plan of Action for the Implementation of the Programme for Co-ordination and Assistance for Security and Development (PCASED), March 1999.
- <sup>19</sup> See ECOWAS "Code of Conduct for the Implementation of the Moratorium on the Importation, Manufacture and Exportation of Light Weapons to West Africa," Lomé, Togo, 10 December 1999.
- <sup>20</sup> See *Sierra Leone Disarmament and Demobilization Programmes Assessment Report, Executive Summary and Lessons Learned*, GoSL and the World Bank, Freetown, 4 July 2002.
- <sup>21</sup> See Code of Conduct, p. 6.
- <sup>22</sup> For information see "The Lomé Peace Accord," signed Peace Agreement between the Government of Sierra Leone and the Revolutionary United Front, Lomé, Togo, 25 May 1999.
- <sup>23</sup> See "Sierra Leone: Disarmament, Demobilization and Reintegration (DDR)," Good Practice Infobrief, Findings Africa Region, No. 81, October 2002, p. 1; available online at: <http://www.worldbank.org/afr/findings/infobeng/infob81.pdf>, visited 19/01/04.
- <sup>24</sup> "West Africa – Disarmament on the Move," *PCASED Annual Report 2001-2002*, Bamako, Mali, 2003, p. 11.
- <sup>25</sup> See "CACD Processes, Roles and Responsibilities," Working Draft, 19 March 2002; Report of Workshop held in February 2003, at the Pastoral Centre, Kenema, Sierra Leone.
- <sup>26</sup> Personal interviews with Police Superintendent, Police Headquarters, Freetown, 10 June 2003; Senior Secretary Ministry of Internal Affairs, Freetown, 12 June 2003. New firearms legislation has been drafted by the legal department of the SLP with support from the UNDP. However, the new legislation is still in its draft stage as the government is stalling on it.
- <sup>27</sup> Superintendent Ibrahim Kamara, "Report to the Minister of Internal Affairs over the Review of the Licensing Procedure for the Weapons Surrendered," CACD, March 2002.
- <sup>28</sup> Personal Interview with CACD II Project Officer, 6 June 2002, Freetown, Sierra Leone.
- <sup>29</sup> *Ibid.*
- <sup>30</sup> See Community Arms Collection and Development Programme, Final Report, June 2003, GoSL/UNDP, Freetown, Sierra Leone, pp. 5-6.
- <sup>31</sup> *Ibid.*, p. 7.
- <sup>32</sup> Personal Interview with UNDP Director of the Community Arms Collection for Development, Freetown, 11 June 2003; Final Report Community Arms Collection and Development Programme, Government of Sierra Leone & UNDP, June 2003.
- <sup>33</sup> See Activities of the Preparatory Assistance Phase for an Arms for Development Programme in Sierra Leone and the Mano River Basin, June 2003, Freetown, Sierra Leone.
- <sup>34</sup> For details on the sub-regional project see "Mano River Union Arms for Development Programme," Project Document, Freetown, GoSL & UNDP, 30 May 2003.
- <sup>35</sup> Code of Conduct, p. 3.
- <sup>36</sup> See Decision A/DEC13/12/99 "Establishing of National Commissions for the Control of the Proliferation and Illicit Circulation of Light Weapons," Lomé, Togo, 10 December 1999.
- <sup>37</sup> Personal interview with National Chairman and Secretary of NCSA, Freetown, Sierra Leone, 14 June 2003.
- <sup>38</sup> Personal interviews with Police Superintendent, Police Headquarters, Freetown, 10 June 2003; with Senior Lecturer, Nigerian Defence Academy, Kaduna, 12 August 2003; Senior Programme Officer, PCASED, Bamako, 16 August 2003; Chair, Ghana National Commission on Small Arms, Accra, 23 June 2003.
- <sup>39</sup> Code of Conduct, p. 4.

- <sup>40</sup> See PCASED Plan of Action, p. 11. Member states are encouraged to draw parallels with similar initiatives such as: The Declaration of Principles in the context of firearms control and trans-national organized crime (ECOSOC); The European Union Programme on Preventing and Combating Illicit Trafficking in Conventional Arms (1997); The Organization of American States (OAS) Inter-American Convention against the Illicit Manufacturing and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials (1997); The 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.
- <sup>41</sup> See Final Report "Community Arms Collection for Development Programme," GoSL/UNDP, June 2003, p. 2.
- <sup>42</sup> The West African Action Network on Small Arms (WAANSA) established in May 2002, with Headquarters in Accra, Ghana. The network consists of over 45 non-governmental organizations from all 15 ECOWAS member states. WAANSA has since signed a Memorandum of Understanding with PCASED that identifies key areas of cooperation. In addition National Networks such as SLANSA, consisting largely of civil society organizations, have been formed in most ECOWAS member states.
- <sup>43</sup> As part of the peace process, the Government of Sierra Leone in collaboration with the United Nations set up a Truth and Reconciliation Commission (TRC) and a Special Court to foster peace-building efforts. The TRC is meant to document crimes committed by all sides during the ten-year conflict period, while the Special Court will try persons deemed to be responsible for committing war crimes and other related abuses.
- <sup>44</sup> For details see *Report of the Panel of Experts on Liberia*, S/2002/1115, UN, New York, 25 October 2002, pp. 25-26, available online at: [www.un.org](http://www.un.org). Note that there is a UN arms embargo on Liberia imposed by the Security Council by Resolution S/Res/788, 1992. The embargo was imposed on the NPFL for its continued attacks on ECOMOG peacekeeping forces and its support to RUF rebels in Sierra Leone. The arms embargo is still in force.
- <sup>45</sup> *Report of the Panel of Experts on Liberia to the Security Council 1343*, S/2002/1015, United Nations, New York, 26 October 2001, p. 65.