

ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

Department of Peacekeeping and Regional Security

«TOWARDS THE IMPLEMENTATION OF ECOWAS CONVENTION ON SALW, THEIR AMMUNITION AND OTHER RELATED MATERIALS»

BACKGROUND

An experience-based Convention: benefit from the experience of the Moratorium

Active involvement of CSOs

Learning from other regional and international initiatives and anticipating on some key debates (ATT initiatives)

Dealing with legal and illicit sides as well as demand and supply sides

OBJECTIVES OF THE CONVENTION

Provide ECOWAS with a legally-binding instrument to strengthen small arms and light weapons control in the sub-region

Consolidate the gains of the 1998 Declaration of the Moratorium on the importation, exportation and manufacture of small arms and its Code of Conduct.

Perpetuate efforts for the control of small arms and light weapons within ECOWAS

SPECIFICITIES OF THE CONVENTION

Scope: SALW; Ammunition; Related Materials

First International Agreement addressing the issue of transfer: SALW transfer is a state to state activity

Dealing with legal and illicit sides as well as demand and supply sides

Convention as a Confidence-building measure: promotion of transparency; exchange of information on SALW transfer (Exemption Process) and collective decision-making

ECOWAS Commission mandated with the technical and financial resource mobilization

Monitoring mechanism

Sanction for non-compliance

KEY PRINCIPLES FOR THE CONTROL OF SALW TRANSFER – Chap2

Art. 3 establishes basic principles on SALW

transfers:

1. Member States shall ban the transfer of SALW into and from/through their territories.
2. Member States shall ban, without exception, transfers of SALW to Non-State Actors that are not authorised by the importing State.
3. SALW, as defined in this Convention, shall not be deemed to be goods for the purpose of Article 45 of ECOWAS Revised Treaty of 1993.

KEY PRINCIPLES FOR THE CONTROL OF SALW TRANSFER – Chap2

Art.4 sets conditions for an exemption

1. Legitimate Defense and Security needs
2. Participation in Peace Support Operations
3. Law Enforcement

Art.5 describes the procedure for an exemption request

1. Minimum information should be contained in the request: arms to be transferred; supplier; supply process; final end user; end use
2. Review of the request by ECOWAS Commission and Member States
3. Issuance of an exemption certificate
4. Publication of an annual report

KEY PRINCIPLES FOR THE CONTROL OF SALW TRANSFER – Chap2

Art.6 provides the ECOWAS Commission with relevant elements to analyse the request for exemption

1. Lack of requested information
1. Violation of States obligations under international law

UN Charter

Accepted principles of IHL

Treaty of Decision by which Member States are bound

3. Final use of the weapons

4. Diversion to unauthorized uses or users

OTHER KEY ISSUES

A tight control of the manufacture of SALW.

The prohibition of civilian possession of light weapons and a tight control on the possession of small arms

The promotion of transparency in the flux of SALW through the establishment of SALW registers

Dialogue with arms producers and suppliers

The establishment of a Group of Independent Experts to monitor and evaluate the implementation of the Convention by the Member States.

The possibility of sanctions for the violation of the Convention by a Member, in accordance with Art 77 of the 1993 ECOWAS Revised Treaty.

STATUS OF RATIFICATION

	Ratification	Deposit
BENIN	05/08/09	29/09/09
BURKINA FASO	19/10/07	28/11/07
LIBERIA	27/05/09	13/08/09
MALI	10/12/07	27/12/07
NIGER	09/02/07	19/02/07
NIGERIA	27/10/08	05/02/09
SENEGAL	30/04/08	02/06/08
SIERRA LEONE	22/06/07	29/06/07
TOGO	12/09/08	03/10/08
CAPE VERDE	20/07/09	02/11/09

BUILDING THE FOUNDATION FOR AN EFFECTIVE IMPLEMENTATION

Development and adoption of a Plan of Action for the implementation of the Convention, Lomé, June 2008

Development and adoption of Standardized Exemption Request Form, Lomé, June 2008

Development of a Database for the Management of the Exemption Procedures

On-going capacity-building of the ECOWAS SAU

Mobilizing technical and financial resources for the implementation of the Convention

ADOPTION OF A FIVE YEAR PRIORITY

ACTIVITIES PLAN

Capacity-building of NatComs and CSO

Better Management and monitoring of the Exemption Procedure

Improved SALW and ammunitions stockpiles management and security

Effective and efficient border controls

Increased public awareness and education

ADOPTION OF A FIVE YEAR PRIORITY

ACTIVITIES PLAN

Development of coherent and efficient national legal frames

Control of local manufacture of SALW

Development and mangement of a regional SALW Database and Register at the ECOWAS Commission

National SALW Register established in Member States

Partnership and resource mobilization for the implementation of the Convention

CONCLUSION

Need for ratification by the 15 Member States

Need for Advocacy and awareness raising

Need for strong partnership