

# Status of National Commissions in ECOWAS states

## 1.0 Introduction

The Authority of Heads of State and Government decided on 10 December 1999 in Lomé, Togo, the establishment in each Member State of a National Commission to *“assist the relevant national authorities in the conception, development and implementation of national policies for the fight against the proliferation and illicit circulation of small arms”* as a measure to enhance the implementation of the Moratorium (on the Importation, Exportation and Manufacture of Light Weapons now transformed to Convention).

Article 4 of the Code of Conduct for the implementation of the Moratorium established National Commissions in Member States with the mandate to promote and ensure the coordination of the concrete measures adopted in view of the implementation of the Moratorium (now transformed to Convention) at the national level and these National Commissions have played an important role in the implementation of the former PCASED.

With the establishment and functioning of the ECOSAP and ECOWAS Small Arms Unit in which the National Commissions will be playing a critical role in the implementation of the major activities, the consensus has been reached that the effective functioning of these commissions is the key step to ensure the success of the fight against small arms proliferation in the ECOWAS sub-region.

In an effort to ascertain the functionality of the national commissions and their sustainability, at the inception of the ECOSAP programme, a functionality mission was the first activity conducted by the Programme in conjunction with the ECOWAS Small Arms Unit from November 2006 to March 2007 to appraise the status of the various NATCOMs. The mission had a mandate to verify the legal structures that created them, their weaknesses, strength, challenges and other pertinent issues related to their effective operations. The table below presents the picture as at **March 2007**.

**Table 1: NATCOMs- Dates of Creation and Legal Status as at March 2007**

s/n	Country	Date of establishment	Legal or administrative act	Legal Name/Acronym
1.	<b>Benin</b>	April 25, 2001	Decree 2001 – 167/pres/pm/def of April 25, 2001; and Amended by Decree 2006 – 174/PRES/PM/MAECR/DEF/SECU of 2006	Commission Nationale de Lutte Contre la Prolifération des Armes Légères ( <b>CNLCPAL</b> )
2.	<b>Burkina Faso</b>	20 April 2006.	The NATCOM was established 2001-167 Decree of 21 April 2001 which was amended by decree 2006-174 of 20 April 2006.	Commission Nationale de Lutte Contre la Prolifération des Armes Légères( <b>CNLCPAL</b> )
3.	<b>Cape Verde</b>	-	Only a Focal Committee existing	comprising one person at the ministry of defence
4.	<b>Cote d'Ivoire</b>	-	-	comprising one Person
5.	<b>Gambia</b>	-	Focal Focal Committee Composed of representative from government agencies	
6.	<b>Ghana</b>	2007	The legislation to establish the NATCOM has been put in place, (Act 706 Of 2007).	
7.	<b>Guinea</b>	August 2000	The NATCOM is established by decree No, 0066/ PRG of 18/08/2000	
8.	<b>Guinea Bissau</b>	15 July, 2006	The NATCOM is established by Decree no. 5/2006	Commission Nationale de Lutte Contre la Prolifération des Armes Légères ( <b>CNLCPAL</b> )
9.	<b>Liberia</b>	-	Focal Committee	
10.	<b>Mali</b>	1993		Commission Nationale de Lutte Contre la Prolifération des Armes Légères ( <b>CNLCPAL</b> )
11.	<b>Niger</b>	November 1994	Created by Presidential Decree of November 28 1994; Amended by Presidential Decree of November 8, 1999	Commission Nationale pour la Collecte Et le Contrôle des Armes Illicites ( <b>CNCCAI</b> )
12.	<b>Nigeria</b>	May 2001	Presidential Directives of May 7,2001established the	Nigeria National Committee on the Implementation of

			NATCOM;	ECOWAS Moratorium on Small Arms ( <b>NATCOM</b> )
13.	<b>Senegal</b>	20 October 2000	NATCOM, established by presidential decree in October 2000	Commission Nationale de Lutte Contre la Prolifération des Armes Légères( <b>CNLCPAL</b> )
14.	<b>Sierra Leone</b>		Focal Committee Composed with representative from government agencies	
15.	<b>Togo</b>	2001	NATCOM created by decree 2001- 098/PR	

**Table 2.** NATCOMs status on Oversight authority, legal status and budgetary allocation as at March 2007

<b>Member States</b>	<b>Oversight authority</b>	<b>Budgetary allocation</b>	<b>Legal Status</b>
Benin	Presidency	Annual Budget	NATCOM
Burkina Faso	Office of Premier Minister	Annual Budget	NATCOM
Cape Verde	Ministry of Defense	None	Focal Point
Cote d'Ivoire	Not existing	None	Focal Point
Ghana	Ministry of Interior/Security	Support from UNDP	NATCOM
Gambia	Ministry of Interior	None	Focal Committee
Guinea	Ministry of Defense	Subside from MoD	NATCOM
Guinea Bissau	Ministry of Defense	None	NATCOM
Liberia	Ministry of Foreign Affairs	Support from UNDP	Focal Committee
Mali	Presidency	Annual Budget	NATCOM
Niger	Presidency	Annual Budget	NATCOM
Nigeria	Ministry of Foreign Affairs	Subvention from Foreign Affairs	National Committee
Senegal	Ministry of Defense	Subvention	NATCOM

		from MOD	
Sierra Leone	Presidency	Support from UNDP	Focal Committee
Togo	Presidency	Annual Budget	NATCOM

## 2.0 Functionality of the National Commissions

In assessing the functionality and status of the National Commissions the issues that are considered pertinent are: the availability of office space, provision of permanent secretariat by governments, the decision making process(e.g. holding of periodic meetings), budgetary allocation and the implementation of concrete activities aside the day to day running of the NATCOM offices. The functionality mission revealed that over 60% of the Member states had established NATCOMs; however, they were not functional in terms of operational activities.

While analysing the various models and the processes of their establishments, the mission found two unique but distinct channels of creating the NATCOMs adopted by member states. In the French speaking countries, it was discovered that NATCOMs were created through Presidential Decrees, and therefore was done with relative ease. On the other hand, the legal processes in the English Speaking countries requiring every law to be reviewed or an Act to be enacted must have the blessings debated and approved by the National Parliaments. The mission also went further to evaluate the processes involved in getting Bills accented to in a given Anglophone state and was found to be very complex, cumbersome and therefore long. Consequently, the mission discovered the fact that this reasons accounted for the slow pace in the establishment of full fledge NATCOMs in almost all the English speaking countries in the sub region. Although not totally deterred from dispensing their duties, most of the Anglophones currently have their national coordination frameworks as National Committees or Focal Points.

## 3.0 Secretariat : composition

It is important to report that in compliance with Article 4 of the Code of Conduct of the ECOWAS Moratorium, all the member states have complied with this provision except for few countries that established national committees or focal points. Therefore, the mission acknowledged the strong support and commitments of national

authorities in this respect. The case of Cape Verde, Cote d'Ivoire, Gambia and Nigeria represent countries with either national committees or national focal points, as against others that have full fledged national commissions with permanent secretariats provided by their respective governments. The composition of secretariats for the NATCOMs were assessed to be uniquely established reflecting the peculiarity of each member state. The mission found out that all the secretariats are distinct from one another with very few elements of commonalities. While in Niger and Togo the Chairmen head the secretariats and supported by permanent secretaries, the case of Mali depicted the Chairman himself manning the secretariat with support from some military aids. On the other hand, the arrangement in Burkina Faso and Guinea was such that the permanent secretaries heads and manned the day to day activities of the secretariats. The mission evaluated all the models including the one in Benin, where the secretariat is headed by the Chair, but with a clear organogram of other functional offices that comprises the office of the PS, Operations, Sensitizations and Finance. The arrangement in Benin created not only these offices, but also, the government deployed staff that engaged in conducting the activities of the NATCOM.

In making comparative analysis of the two situations, the mission realised that the foregoing scenario created implications for functionality, decision making, institutional and operational capacities of the NATCOMs. Thus, while decision making processes in the French enclave was easy, fast, and deliverable, in the Anglophone set up was fraught with bureaucracies, administrative/legal encumbrances and the likes. The case of Ghana, Liberia, the Gambia, Nigeria and Sierra Leone are clear examples. The assessment mission therefore feels that there was the urgent need of ECOWAS Commission to strongly engage with national authorities in these countries on the establishment of proper national commissions duly backed by Acts of Parliaments.

However, it should be noted that although the secretariats were established by Law, on ground the structures required for their functionality did not exist in most member states before ECOSAP. For instance, there were no staff, office spaces and budgetary allocation in many of the NATCOMs before now.

#### **4.0 Composition of the National Commissions**

The composition of the memberships of the national commissions presents varying pictures from one member state to another. As a

response to their peculiar national challenges some member states created national focal points even before the advent of the Moratorium and so had established models different from the one recommended. However, the current situations on the ground at the time of this assessment revealed varying degree of compliance to the provision of Article 4 of the Code of Conduct by the member states. In most cases, the Assessment missions found out that the memberships of the NATCOMs were mainly representatives of armed, police and other paramilitary services. The Missions noted the conspicuous absence of Civil Society Organizations (CSOs) on the memberships of a number of the NATCOMs while on the other hand, some others involved the CSOs only on an adhoc basis when their services were required at particular moments only.

## **5.0 Challenges**

The major Challenges confronting the NATCOMs effective functionality could be summarised as follows:

- **Political will**
- **Office space**
- **Information exchange**
- **Problem of coordination and internal / external institutional relationships**
- **Decentralisation**
- **Human resource management (Lack of staff)**
- **Administration and finance**
- **Lack of Technical capacity**

## **6.0 Current situation**

One of the objectives of ECOSAP is to facilitate the functionality of the NATCOMs for the fight against Small Arms and Light Weapons. In this direction the Programme has made a lot of efforts to achieve this objective, it should however, be noted as stated above that there are various dynamics involved in NATCOM establishment and functionality.

ECOSAP has since its inception made a lot of efforts to revive the NATCOMs in terms of their functionality and even gone beyond its limits in some cases by engaging with relevant government agencies to change the status quo against all odds, bearing in mind that implementation of the programme largely depends on the existence of

basic structures provided by national governments. It must be realized that it requires political will and in some cases the transformation of the “Will” to concrete action by member states to create NATCOMs and install them with *permanent secretariat*, provide *office space* and *allocate budget lines* to NATCOMs for their minimum operations. The specificity in member states must be taken into consideration, civil and political unrest in some cases among other factors.

ECOSAP had in the past three years been jointly engaged with ECOWAS Commission to further persuade member states set up these mechanisms as a platform for implementation of activities by the NATCOMs and in view of the ECOWAS Convention which has just entered into the force. A close look at the table below portrays the current status of the NATCOMs since ECOSAP came on board. Remarkably, ECOSAP has played a key role in the legal establishment of the National Commissions of Cape Verde, Cote d’Ivoire, and The Gambia which were established on the 18<sup>th</sup> September 2008, April 30<sup>th</sup> 2009 and 7<sup>th</sup> April, 2009 respectively.

The Programme in collaboration with the ECOWAS Commission is closely following up with the Legal establishment of the NATCOMs of Nigeria, Liberia and Sierra Leone, which are at advanced stages in their parliaments awaiting ratification of the bills. In addition it is worthy to mention that many of the NATCOMs now have bank accounts, secretariats, office spaces and budgetary allocation as a result of regular engagements with relevant authorities by the programme. A comparison of the table below and the status of the NATCOMs as at 2007 when the functionality review was conducted , it will be realized that some progress have been made.

**Table 3.** Below shows the status of the NATCOMs as at November 2009.

COUNTRY	Legally Established	Bank Account	Office Space	Budget Allocation
Benin				
Burkina Faso				
Cape Verde	Newly Created	Process on course		Provided for in the text creating the NATCOM but yet to be effected.
Cote d'Ivoire	Newly Created	Process on course		
Ghana		Provided for in the text creating the NATCOM but yet to be effected		Provided for in the text creating the NATCOM but yet to be effected
Gambia	Newly Created	Provided for in the text creating the NATCOM but yet to be effected		Provided for in the text creating the NATCOM but yet to be effected
Guinea				
Guinea Bissau		Provided for in the text creating the NATCOM but yet to be effected		
Liberia	Focal Committee		Office allocated by the president and currently on going renovation by ECOSAP	
Mali				
Niger				
Nigeria	Focal Committee		Allocated office space within the MOD will soon get its own independent Office	

Senegal				
Sierra Leone	Focal Committee			
Togo				

LEGEND:

DOES NOT EXIST

EXISTS AND FUNCTIONAL

PROCESS ON COURSE AND AT ADVANCED STAGE

**Table 4.** Shows oversight authority of NATCOMs as at November 2009

<b>Status of the Institutional Oversight Authorities of the NATCOMs - November 2009</b>	
<b>COUNTRY</b>	<b>INSTITUTION</b>
Benin	Presidency
Burkina Faso	Prime Minister
Cape Verde	Minister of Defense
Cote d'Ivoire	Prime Minister
Ghana	Ministry of Internal Security
Gambia	Ministry of Interior
Guinea	Ministry of Defense
Guinea Bissau	Prime Minister
Liberia	Presidency
Mali	Presidency
Niger	Presidency
Nigeria	Ministry of Defense
Senegal	Ministry of Armed Forces
Sierra Leone	Presidency
Togo	Presidency