

In brief: The ECOWAS Convention on Small Arms and Light Weapons, Ammunition and other related materials

1 - The Origins

The ECOWAS Convention on Small Arms and Light Weapons, Ammunition and their Other Related Materials (ECOWAS Convention on SALW) succeeded the ECOWAS Moratorium, which represents a political engagement adopted in 1998. Because of the importance of the issue and the lack of efficiency of the Moratorium due to its voluntary nature, ECOWAS decided in 2003 in Dakar to transform it into a legally binding Convention and to strengthen the capacity of the ECOWAS' Commission in the fight against illicit SALW. This process received contributions from several actors, including external partners and civil society in West Africa.

2 - Legal basis:

The Convention is a legally binding instrument adopted in 14th June, 2006 in Abuja (Nigeria) which entered into force on 29th September, 2009, after ten member states had ratified the Convention. It draws its strength from Article 58 of the revised ECOWAS' Treaty relating to regional security.

The text is structured around a Preamble and 7 chapters divided into 32 articles.

3 - Content:

3.1 Definitions

The Convention on SALW is harmonizing the understanding of certain key terms using definitions approved/validated at international level, e.g. small arms and light weapons, illegal, marking, tracing, brokering, transfer, non-state actors, etc.

This common understanding will facilitate the following objectives:

- prevent and combat the excessive accumulation of SALW;
- sustaining the fight for control of SALW in the ECOWAS region;
- Consolidate the gains of the Moratorium on SALW.

4.2. Principles

Transfer

Art. 3.1 states a prohibition of transfer of SALW which includes the equipment needed for their manufacture, with no possibility of exemptions for non-state actors (Art. 3.2.). A Member State can request for exemption (Art. 4-6) in case of:

- Legitimate defense and national security (Art. 4.1);
- Purpose of policing (Art.4.2.);
- Need related to the conduct of peace operations.
- SALW are not considered goods within the meaning of Article 45 of the Revised Treaty of ECOWAS.

Art. 6 spells out the conditions for refusal of exemption, including the risk that weapons will be used to violate international humanitarian law, undermine the rights and freedoms of individuals and populations, or for purposes of oppression, etc.

Local manufacture

Member states are obliged to do effective controls on the manufacturers by:

- regulating the activities of local manufacturers
- adopting policies to reduce and / or limiting the manufacture and marketing and regulate act
- drafting a comprehensive list of local manufacturers
- sending to ECOWAS types and quantities of weapons produced annually on their territory

The need for communication between the member states: Transparency and information exchange.

The Convention provides the means and instruments to promote transparency and confidence between Member States:

- Creating a national registry and databases (art.9)
- Creation of a sub regional register (Art. 10)
- Creation of a register of peace operations (Art. 11)
- Dialogue with manufacturers (Art. 12)
- Fight against corruption (Art. 13)

Operational Mechanism, Institutional and Implementation Arrangement

In this section there are some effective mechanisms that are required from Member States as controls on the possession of SALW by civilians (Art. 14), activities for visitor certificates and stockpiles etc.

Member states are obliged to revise and update national legislation so as to comply with the provisions of the Convention (Art. 21)

General and final provisions

The Court of Justice of ECOWAS is competent to establish the responsibility of any state which violates the Convention. The penalties are provided for in Article 77 of the Revised Treaty, so it is applicable.

5- SOME STATISTICS: Why to continue the fight!

Status of ratification

No	Country	Ratification	Deposit
1	BENIN	05/08/09	29/09/09
2	BURKINA FASO	19/10/07	28/11/07
3	LIBERIA	27/05/09	13/08/09
4	MALI	10/12/07	27/12/07
5	NIGER	09/02/07	19/02/07
6	NIGERIA	27/10/08	05/02/09
7	SENEGAL	30/04/08	02/06/08
8	SIERRA LEONE	22/06/07	29/06/07
9	TOGO	12/09/08	03/10/08
10	CAPE VERDE	20/07/09	02/11/09

Still 5 ECOWAS countries have not ratified yet.

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