



**REPORT OF THE COMMITTEE ON DEFENCE AND INTERIOR ON THE ECOWAS  
CONVENTION ON SMALL ARMS AND LIGHT WEAPONS, THEIR AMMUNITIONS AND  
OTHER RELATED MATERIALS**

**1.0 INTRODUCTION**

The ECOWAS Convention on Small Arms and Light Weapons, their Ammunitions and Other Related Materials was laid in Parliament by Hon. Kwashie Gidisu on behalf of the Minister of the Interior on **Wednesday, 2<sup>nd</sup> December, 2009** in accordance with Article 75(2) of the 1992 Constitution. Subsequently, the Draft ECOWAS Convention was referred to the Committee on Defence and Interior for consideration and report pursuant to Order 158 of the Standing Orders of the House.

**2.0 REFERENCE DOCUMENTS**

In considering the Convention, the Committee made reference to the following documents:

- i. The 1992 Constitution of Ghana
- ii. The Standing Orders of Parliament
- iii. The Consultative Act of African Union
- iv. ECOWAS Protocol on Conflict prevention, management and resolution, peace-keeping and security

**3.0 DELIBERATIONS**

The Committee acknowledged the invaluable contributions of the former Minister of the Interior, Hon. Cletus Avoka, Mr. Jones Appiah, the Acting Executive Secretary of the Commission on Small Arms, Mr. Daniel Andoh, Programme Manager UNDP, Lt. Col. (Rtd.) Ohene-Asare and other officials from the Kofi Annan International Peace-Keeping Training Centre during the Committee's deliberations.

GHANA LIBRARY

ACC NO : 3225  
 CLASS NO : CR / ECOWAS / COM / 10

#### **4.0 BACKGROUND INFORMATION**

**4.1** On the 14<sup>th</sup> of June 2006, Heads of African States and Government of Member States of the Economic Community of West African States (ECOWAS) met in Abuja, Nigeria and resolved to press upon respective country Parliaments to accede to 'The ECOWAS Convention on Small Arms and Light Weapons, Their Ammunitions and Other Related Materials'.

**4.2** Again, Article 58 of the Revised ECOWAS Treaty stipulates that Member States shall undertake to work to safeguard and consolidate relations conducive to maintenance of peace, stability and security within the region and to establish and strengthen appropriate mechanisms for the timely prevention and resolution of conflicts.

**4.3** Also, the Consultative Act of the African Union provides that African Union Commission shall take the necessary measures to establish a legal instrument to prevent, combat and eradicate illicit trade in small arms and light weapons in Africa.

**4.4** Furthermore, ECOWAS Protocol on Conflict Prevention, Management and Resolution, Peace-keeping and Security signed in Lome on 10<sup>th</sup> December 1999, particularly Articles 3, 50 and 51 emphasized the need for the control of the proliferation of Small Arms and Light Weapons and illegal circulation of such arms within Africa sub-region.

The Resolution was therefore passed in fulfillment of the above and other treaties; the growing concern about the insecurity within the sub-region; as well as commitment of ECOWAS to supporting international, regional and sub-regional initiatives aimed at curtailing the proliferation of small arms and light weapons.

## 5.0 JUSTIFICATIONS FOR THE RATIFICATION OF THE CONVENTION

5.1 The Committee noted that the Convention was in consonance with the United Nations programme of Action to prevent, combat and eradicate the illicit trade in small Arms and Light Weapons in all aspects; The United Nations international instrument which was adopted in 2005 which seeks to enable States identify and rapidly trace small arms and light weapons. Furthermore, the UN protocol on the manufacture and illicit trade in fire arms, spare parts, components and ammunitions also adopted in 2001.

5.2 The Committee also noted that ratification of the Convention will further consolidate the gains of the Moratorium on the importation, exportation and manufacture of light weapons and its code of conduct, and take into account the shortcomings observed with a view to taking corrective measures;

- ❖ To prevent and combat the excessive and destabilizing accumulation of small arms and light weapons within ECOWAS;
- ❖ Further more the ECOWAS Convention on Small Arms and Light Weapons, their Ammunitions and other related Materials seek to achieve the following objectives:
- ❖ To further strengthen efforts at controlling small arms and light weapons within ECOWAS;
- ❖ To promote trust between the Member States through concerted and transparent action on the control of small arms and light weapons within ECOWAS;
- ❖ To build institutional and operational capacity of the ECOWAS Executive Secretariat and the Member States in the effort to curb the proliferation of small arms and light weapons, their ammunitions and related materials;
- ❖ To promote the exchange of information and cooperation among the Member States

5.2.1 Furthermore, it is an undeniable fact that Ghana has been in the fore front of sub-regional peace building especially relating to regional security under Article 58 of the revised ECOWAS treaty , which stipulates that Member states undertake to work towards safeguarding and consolidating relations conducive to the maintenance of peace ,

stability and security within the region, establish ,and strengthen appropriate mechanisms for the timely prevention of conflicts.

## **6.0 OBSERVATIONS AND RECOMMENDATIONS**

**6.1** It was observed that several efforts have been made by the ECOWAS to prevent conflicts within and among the Member States by acceding to many international and regional treaties. This convention (The ECOWAS Convention on Small Arms and Light Weapons, their Ammunitions and other related Materials) therefore seek to harmonize all such Protocols, Treaties and Declarations into one 'piece' for easier implementation.

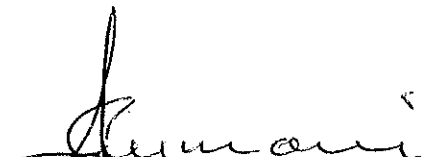
**6.2** It was also observed that Member States are required to make frantic effort bearing in mind the Articles 7, 8, and 9 of the Revised ECOWAS Treaty relating to sections applicable to a Member State who fails to fulfill its obligation to the Community; to collate data on all small arms and light weapons as well as their manufacturers. This will be used to create a sub-regional Registry detailing all type and quantity of small arms and light weapons and their respective manufactures This in the opinion of the Committee will make it easier to trace perpetrators and facilitate easy detection and retrieval of these ammunitions from illegal sources by our Security Agencies.

**6.3** The committee further observed that the proliferation of small arms and light weapons constitute a major destabilizing factor in the ECOWAS sub region which poses a serious threat to the peace and stability of our peoples and suggested the need for the enforcement of treaties like this to help sustain human security, sustainable development and human rights. It is in this regard that Ghana is called upon to ratify this very important Convention.

**7.0 CONCLUSION.**

The Committee was satisfied that the Convention was consistent with the Constitution and other related international protocols and accordingly recommends that the House ratifies the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunitions and Other Related Materials.

Respectfully submitted.

  
**HON. ALHAJI ABUKARI SUMANI (MP)**  
**CHAIRMAN, COMMITTEE**  
**DEFENCE & INTERIOR**

  
**MS. GLORIA SARKU**  
**CLERK, COMMITTEE ON**  
**DEFENCE & INTERIOR**

26<sup>th</sup> February 2010



# APPENDIX

## PROVISIONS UNDER THE CONVENTION

### ARTICLE 1:

For the purpose of this convention:

1. **LIGHT WEAPONS:** portable arms designed to be used by several persons working together in a team and which include notably:
  - heavy machine guns;
  - portable grenade launchers, mobile or mounted;
  - portable anti-aircraft cannons;
  - portable anti-tank cannons, non-recoil guns;
  - portable anti-tank missile launchers or rocket launchers;
  - portable anti-aircraft missile launchers;
  - mortars with a calibre of less than 100 millimeters;
  
2. **SMALL ARMS:** Arms used by one person and which include notably:
  - firearms and other destructive arms or devices such as exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine;
  - revolvers and pistols with automatic loading;
  - rifles and carbines;
  - machine guns;
  - assault rifles;
  - Light machine guns;
  
3. **AMMUNITION:** Devices destined to be shot or projected through the means of firearms including among others:
  - cartridges;

- projectiles and missiles for light weapons;
  - Mobile containers with missiles or projectiles for anti-aircrafts or anti-tank single action systems;
4. **OTHER RELATED MATERIALS:** All components, parts or spare parts for small arms or light weapons or ammunitions necessary for its functioning; or any chemical substance serving as active material used as propelling or explosive agents.
  5. **ILLICIT:** Covers all that is carried out in violation of this convention;
  6. **MARKING :** Inscriptions permitting the identification of arms covered by this convention;
  7. **TRACING:** Indicates the systematic monitoring of the movement of small arms and light weapons and their ammunitions and other related materials, from the manufacturer until the end user, with a view to helping member states competent authorities to detect illicit manufacture and trading;
  8. **BROKERING:** Work carried out as an intermediary between any manufacturer, supplier or distributor of small arms and light weapons and any buyer or user; this includes the provision of financial support and the transportation of small arms and light weapons;
  9. **TRANSFER:** Includes import, export, transit, transshipment and transport or any other movement whatsoever of small arms and light weapons, ammunitions and other related materials from or through the territory of a State;
  10. **NON-STATE ACTORS:** Such as any actor other than State actors, mercenaries, armed militias, armed rebel groups and private security companies;
  11. **SMALL ARMS AND LIGHT WEAPONS:**  
In this convention this shall be deemed to include ammunition and other related materials.



### **ARTICLE 3**

#### **PROHIBITION OF TRANSFER OF SMALL ARMS AND LIGHT WEAPONS**

1. Member States shall ban the transfer of small arms and light weapons and their manufacturing materials into their national territory or from /through their national territory.
2. Member State shall ban, without exception, transfers of small arms and light weapons to Non-State Actors that are not explicitly authorized by the importing Member.
3. Small arms and light weapons as defined in this convention shall not be deemed to be goods for the purpose of Article 45 of ECOWAS Revised treaty of 1993.

### **ARTICLE 4**

#### **CONDITIONS OF EXEMPTION**

1. A Member State can request exemption from the provisions of Article 3.1 in order to meet legitimate National Defence and security needs, or to participate in peace support or other operations in accordance with decisions of the United Nations, African Union, ECOWAS, or other regional or sub-regional body of which it is a member.
2. For the purpose of paragraph one of this article, Member States shall establish and maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of small arms and light weapons.
3. Each Member State shall take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing authorization can be verified and validated.

## ARTICLE 5

### PROCEDURES FOR EXEMPTION

1. The request for exemption for an arms transfer is transmitted for examination to the ECOWAS Executive Secretariat and must contain information on:
  - a) Details of the arms to be transferred- the quality, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other marks;
  - b) Details of the supplier-full details ( name of company and representative, address, and full contact details) of all companies and individuals involved ,including brokers where relevant;
  - c) Details of the supply process- the number and period of shipment, the routes including transit locations, the type of transport to be used, all companies involved in importing, freight forwarding and handling, details of the storage and management of the weapons whilst being transferred, the time period covered by the activity for which the exemption is requested;
  - d) Details of the final end user- name of individual/company/institution and representative responsible, confirmation from relevant national authority that the end user is authorized to import weapons;
  - e) Details of the end use.
2. The ECOWAS Executive Secretary shall apply the criteria for Article 6 of this Convention for exemption requests as well as those of paragraph (a) of this Article. Reasoned opinion of the ECOWAS Executive Secretary shall be sent confidentially to the Member State in order to confirm or refuse the opinion given. The final decision of Member States shall be taken by consensus. In the absence of a consensus, the exemption request as well as the

reasoned opinion of the Executive Secretary shall be submitted for a final decision to the ECOWAS Mediation and Security Council.

3. The granting of an exemption shall be transmitted to the Member State concerned by the ECOWAS Executive Secretary through the issuing of an exemption certificate. The exemption certificate once issued must accompany the request for an export license as well as End-User- Certificate.
4. The ECOWAS Executive Secretary shall forward to the Member States information on exemptions and refusals granted within 90 days. The Executive Secretary shall also compile and publish a comprehensive annual report detailing all international arms transfers granted exemptions, and a list of refusals.

#### **ARTICLE 6:**

##### **CASES FOR REFUSAL OF EXEMPTIONS FOR TRANSFERS**

1. A transfer shall not be authorized if :
  - a) Authorization on export, import, transit, transshipment or brokering considered as donation has not been provided by all States directly concerned with the transfer;
  - b) All the required information has not been supplied to the ECOWAS Executive Secretary;
  - c) The arms have not been marked according to requirements under this Convention.
2. A transfer shall not be authorized if its authorization violates obligations of the requesting States as well as those of Member States, under international law including:

- a) **Obligations under the Charter of the United Nations-including:**
    - i. Binding resolutions of the United Nations Security Council such as those imposing arms embargoes;
    - ii. The prohibition on the use or threat of use of force;
    - iii. The prohibition on intervention in the internal affairs of another State.
  
  - b) Universally accepted principles of international humanitarian law.
  
  - c) Any other treaty or decision by which Member States are bound, including:
    - i. Binding decisions, including embargoes, adopted by relevant international, multilateral, regional and sub-regional bodies, such as the African Union Peace and Security Council, to which a State is party;
    - ii. Prohibitions of arms transfers that arise in particular treaties which a State is party to, such as OTTAWA Convention on Antipersonnel Mines, the 1980 Convention on Certain Conventional Weapons and its Protocols.
3. A transfer shall not be authorized if the arms are destined to be used:
- a) for the violation of international humanitarian law or infringement of human and peoples rights and freedoms, or for the purpose of oppression;
  - b) for the commission of serious violations of international humanitarian law, genocide or crimes against humanity;
  - c) to worsen the internal situation in the country of final destination, in terms of provoking or prolonging armed conflicts, or aggravating existing tensions;

- d) to carry out terrorist acts or support or encourage terrorism;
  - e) other than for the legitimate Defence and security needs of the beneficiary country;
4. A transfer shall not be authorized if it is destined to;
- a) be used for or to facilitate the commission of violent or organized crime;
  - b) adversely affect regional security, endanger peace, contribute to destabilizing or uncontrolled accumulations of arms or military capabilities into a region, or otherwise contribute to regional instability;
  - c) hinder or obstruct sustainable development and unduly divert human and economic resources to armaments of the states involved in the transfer;
  - d) involve corrupt practices at any stage- from the supplier, through any middlemen or brokers, to the recipient;
5. A transfer shall not be authorized if it is likely to be diverted, within the transit or importing country or be re-exported, to unauthorized uses or users or into the illicit trade;
6. The Executive Secretary and all Member States shall provide elements of proof to apply the criteria enunciated in paragraphs 1,2,3,4 and 5 of the present article and to indicate the refusal of exemption request made by a Member State.

#### **ARTICLE 7:**

#### **CONTROL OF THE MANUFACTURE OF SMALL ARMS AND LIGHT WEAPONS**

1. Member States shall undertake to control the manufacture of small and light weapons within their national territories;

2. Each Member State shall regulate the activities of local small arms light weapons manufacturers and shall undertake to adopt strategies and policies to the reduction and/or limitation of the manufacture of small arms and light weapons so as to control the local manufacture as well as their marketing in ECOWAS region.
3. Member States shall undertake to draft an exhaustive list of local manufacturers of small arms and light weapons and the registration of each of them into the national arms registers;
4. Where production and/or assembly capacities of small arms and light weapons exist within the ECOWAS region, Member States shall submit to the Executive Secretary .This data shall include the type of the arms and their annual production.

#### **ARTICLE 8:**

#### **MEASURES OF CONTROL FOR SMALL ARMS AND LIGHT WEAPONS MANUFACTURE**

Without prejudice to the other measures that Member States will undertake to ensure the effective control of the manufacturing of small arms and light weapons on their national territory, a request for the manufacture of small arms and light weapons will not be granted if the requesting person has not given information relating to;

- a. Details of the arms to be manufactured- the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other markings;
- b. The procedure for marking; the procedure for entering details of each small arm and
- c. Light weapon into the national small arms and light weapons register; information on the storage and management of the weapons after manufacture.

**ARTICLE 9:**

**NATIONAL DATABASE AND REGISTERS OF SMALL ARMS AND LIGHT WEAPONS**

1. Member States shall establish where they do exist already, national computerized registers and database of small arms and light weapons.
2. The following information shall be recorded in the national registry:
  - a) Description of the product( type or model, caliber) and quantity(if it concerns a batch);

**ARTICLE 10:**

**ECOWAS SMALL ARMS AND LIGHT WEAPONS DATABASE AND REGISTER.**

1. Member States undertake to establish a sub-regional database and register of small arms and light weapons under the ECOWAS Executive Secretary as a way of promoting confidence.
2. The ECOWAS Executive Secretariat shall develop in collaboration with the Member States the procedures for the setting up and management of the database and register as well as the issues to be covered.
3. The Member States shall provide the ECOWAS Executive Secretariat with all the necessary information for the operation of the sub-regional database and register of small arms and light weapons. Member States also undertake to transmit an annual report to ECOWAS Executive Secretary detailing their orders or purchase of small arms and light weapons.
4. The ECOWAS Executive Secretary shall present an annual report on the workings of the sub-regional database and register of small arms and light weapons at the summit of Heads of States and Government.
5. Records shall be kept in the register permanently.

**ARTICLE 11:**

**REGISTER OF ARMS FOR PEACE OPERATIONS**

1. Member States undertake to:
  - a) Establish a register of small arms and light weapons, their ammunition and other related material destined for use in peacekeeping operations both inside and outside the ECOWAS territory under the ECOWAS Executive Secretary as a way of ensuring the control of movements of small arms and light weapons and their effective withdrawal at the end of peace operations in which Member States are participating.
  - b) Declare in this regard to the ECOWAS Executive Secretariat all small arms and light weapons used in peace operations.
  - c) Declare to the ECOWAS Executive Secretary all the small arms and light weapons seized, collected and /or destroyed during peace operations on their territory and in the ECOWAS region.
2. The ECOWAS Executive Secretary shall take the necessary measures to ensure the adequate recording of the information transmitted by the Member States participating to peace operations.
3. Records shall be permanently kept in the register.

**ARTICLE 12:**

**DIALOGUE WITH MANUFACTURERS AND SUPPLIERS**

1. The ECOWAS Executive Secretary and each Member State shall strengthen cooperation and dialogue with national and international manufacturers and suppliers of arms as well



as with the competent international and regional organizations in order to ensure their support, respect for compliance with the spirit and the letter of this Convention.

2. The ECOWAS Executive Secretary shall take the necessary measures to take advantage of the information available from Member States of the Wassenaar Arrangement, the European Union and other manufacturers and suppliers of arms, in order to strengthen the effective implementation of this Convention.

**ARTICLE 13:**

**PREVENTION OF AND THE FIGHT AGAINST CORRUPTION**

Member States shall institute appropriate and effective measures for cooperation between administrative departments concerned and law enforcement agencies to curb corruption associated with the illicit manufacturing of, trafficking in, illicit possession and use of small arms and light weapons.

**ARTICLE 14:**

**CONTROL OF POSSESSION OF SMALL ARMS AND LIGHT WEAPONS BY CIVILIANS**

1. Member States shall prohibit the possession, use and sale of light weapons by civilians.
2. Member States shall regulate the possession, use and sale of small arms by civilians.
3. Authorizations may be granted to permit individual possession of one or more small arms and their ammunition in line with the legislation of each Member State. Applications for such authorizations shall be processed by relevant national authorities. All applicants must the relevant national authority in person. The Executive Secretary shall develop and communicate authorization procedures to the relevant national authority.

4. Member States undertake to implement a strict control regime for civilian possession of the small arms. The authorization procedure will involve issuing a license from the relevant national authority for each small arm used by a civilian. Member States shall not grant an authorization if the applicant does not meet the following criteria:
  - a) The required minimum age;
  - b) Applicant does not have criminal record and has not been subject to morality investigation;
  - c) Proof of a legitimate reason to possess, carry or use for each small arms;
  - d) Proof that the prospective owner has undergone safety training and competency training including training in the relevant laws regarding small arms;
  - e) Proof that the weapon will be stored in a safe place and separately from its ammunition.
5. Member States shall impose a limit on the number of weapons a license may cover and require a 'cooling off' period of at least 21 days before an authorization is granted for the possession of each weapon. Member States shall include an expiration date on each license and authorizations shall be subject to periodic review. Contravention of regulations concerning possession of small arms in private hands will allow the small arms to be seized by authorities, the license/authorization revoked, and adequate sanctions including penalties applied.
6. Member States shall include information regarding the civilian possession of small within the national small arm database and register established under Article 9 of the present Convention;
7. Member States shall undertake to introduce minimum penal sanctions for the illicit possession and use of small arms and light weapons and the carrying of unlicensed small arms.
  - a) The content of the marking;

- b) The names and addresses of the former and current owners and, when possible, successive owners;
  - c) The date of registration;
  - d) Information concerning each transaction including:
    - i) The name and address of the shipper , the intermediary(where applicable), the consignee and the user indicated on the end-user-certificate;
    - ii) The point of departure, transit and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user.
    - iii) The export, transit and import license(quantities and batches corresponding to the same license as well as the validity of the license);
    - iv) Full details concerning the method of transport and transporter(s);
    - v) The controlling agency or agencies (at point of departure, transit and entry);
    - vi) The nature of the transaction( commercial, non-commercial, private or public, conversion, repair);
    - vii) Where applicable, the insurer and/or the financial institution intervening the transaction
8. Records shall be permanently kept in the register.

#### **ARTICLE 15:**

##### **VISITOR'S CERTIFICATE**

1. Each Member State shall take the appropriate measures demanding that visitors wanting to import temporarily small arms covered by this convention for the duration of their temporary stay in the ECOWAS region, prepare in advance an application including information about the purpose, type and marking of small arms to be imported into one of the ECOWAS territories and to declare the arms on their arrival. Such application shall be addressed to the relevant authorities of the Member State concerned for decision.

2. ECOWAS Executive Secretary shall issue guidelines on the procedures to be followed and communicate them to the relevant authority.
3. If the request is agreed, the competent national authorities shall issue to the visitors an entry certificate and an exit declaration at the visitors' arrival and departure.
4. All certificates shall be recorded by the Member States concerned in the national small arms register referred to in compliance with the above mentioned Article 9.

**ARTICLE 16:**

**MANAGEMENT AND SECURITY OF STOCKPILES**

1. Member States shall take the necessary measures to ensure the safe and effective management, storage and security of their national stocks of small arms and light weapons;
2. To this effect, Member States shall establish effective standards and the procedures for stockpile management, storage and security. These standards and procedures shall include;
  - a) Appropriate site
  - b) Physical security measures of storage facilities.
  - c) Inventory management and record keeping.
  - d) Staff training
  - e) Security during manufacture and transportation.
  - f) Sanction in case of theft or loss.
3. Member States shall ensure that stockpiles of small arms and light weapons by manufacturers, dealers as well as individuals are securely stored in accordance with the appropriate standards and procedures;
4. Member States shall undertake to regular review, in accordance with national laws and standards, the storage facilities and conditions of small arms and light weapons

held by their armed and security forces and other authorized bodies, in order to identify, for disposal, surplus and obsolete stocks;

5. The Executive Secretary shall ensure, in collaboration with Member States, the effective standards and procedures for stockpile management of weapons collected in the context of peace operations are dully observed;

#### **ARTICLE 17:**

#### **COLLECTION AND DESTRUCTION OF SMALL ARMS AND LIGHT WEAPONS**

1. Member States shall undertake to collect and/or destroy:
  - a) the arms which are surplus to the national needs or have become obsolete;
  - b) seized weapons;
  - c) unmarked weapons;
  - d) illicitly held weapons;
  - e) arms collected in the implementation of peace accords or programme for the voluntary handing in of weapons;
2. All weapons so collected must be registered and securely stored and/or destroyed.
3. Member States undertake to promote and/or carry out programme of voluntary handing in of weapons.

#### **ARTICLE 18**

#### **MARKING**

1. For identification purposes, all small arms and light weapons, their ammunition and other materials, considered as essential by the supplier, shall be assigned a unique and specific marking upon manufacture; this marking shall include the following elements:

2. **For small arms and light weapons covered under this convention,**
- a) "Classic marking" shall include a unique serial number, the manufacturer's identity, as well as the identification of the country and year of manufacture. Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture. The markings shall be expressed alphabetically. They must be legible and should be featured on a maximum number of main parts of the weapon, and at the
  - b) very least on the part designated by the manufacturer as essential as well as on one other important part of the arm;
  - c) A "Security marking" shall be applied to all weapons produced after the entry into force of this Convention. This will permit the identification of the weapons in the event that classic markings have been destroyed or falsified. Security markings must be undertaken on component parts that are not easily manipulated after the weapon's manufacture, and the falsification of which would render the weapons unusable;
  - d) Member States that import a small-arm that is not marked in accordance with the provisions outlined under paragraph a) and b) above shall :
    - i) Apply a classic marking if the weapons were manufactured before the entry into force of this Convention;
    - ii) Apply a classic marking and a security marking if the weapons were manufactured after entry into force of this Convention; failing this, the weapons can not be imported or must be destroyed.
    - iii) If the importing country and the year of import are not known at the time of manufacture, the acronym of importing state and the year of importation are marked by a competent institution in the importing country.

**3. For ammunition :**

- a) The marking shall include a unique lot number, the manufacturer's identity as well as the country and year of manufacture. Information concerning the purchaser's identity and the country of destination should also be included if known at the time of manufacture. These details must feature at least once on the jacket (i.e. cartridge) containing the powder
- b) Or liquid used in the ammunition or explosive. The markings shall be expressed alphabetically.
- c) The smallest ammunition packaging shall include information outlined under 3(a);

**ARTICLE 19**

**TRACING**

1. Member States shall exchange information on illicit small arms and light weapons and on seized small arms and light weapons as well as trafficking in weapons that contravene international law or the internal laws of the States in which the operations take place (condemnation of the person or institution implicated, sanctions, disposals, destruction methods, neutralization):
2. In the case of other small arms and light weapons, Member States shall exchange the following data on a regular basis:
  - a) On manufacture(the marking system and techniques used, and authorized manufacturers);
  - b) On transfers (exports to and/or imports from all other States, transits, information available concerning national legislation, existing practices and controls, authorized dealers and brokers);
  - c) On existing stockpiles (management, inventory, security, surplus, losses, theft, destruction).

3. The Executive Secretary shall receive request for exemption and shall act in accordance with Article 5 of this Convention.
4. A Member States may initiate a tracing request through the ECOWAS Executive Secretary in relation to small arms and light weapons found within its territorial jurisdiction that it considers to be illicit.
5. To ensure smooth and effective cooperation in tracing, request for assistance in tracing illicit small arms or light weapons would contain sufficient information including, inter alia:
  - a) information describing the illicit nature of the small arm and light weapon, including the legal justification thereof and circumstances under which the small arm and light weapon was found;
  - b) Markings, type, caliber and other relevant information;
  - c) intended use of the information being sought;
6. Member States receiving a tracing request shall acknowledge receipt within a reasonable time frame.
7. Member States shall provide reliable responses to tracing request made by other Member States within one month from the date of receipt of the said request.
8. In responding to a tracing request, the requested Member States shall provide all available information sought by the requesting Member State that is relevant for the purpose of tracing illicit small arms and light weapons.



9. The requested Member State shall seek additional information from the requesting Member State where a tracing request does not contain the information required in paragraph 5 above.

## **ARTICLE 20**

### **BROKERING-**

1. Member States shall register all citizens and all companies incorporated in their territory that are brokering in small arms and light weapons, including financial agents and transportation agents on armament and shall make such registration a requirement for their licit operation.
2. Member States shall ensure that all registered small arms and light weapons brokering agents obtain an explicit authorization for each individual transaction in which they are involved irrespective of where the arrangements take place.
3. Member States shall require that all small arms and light weapons brokering license applications for authorization provide full disclosure of relevant import and export licenses or authorization and associated relevant documents, the names and locations of all brokering and shipping agents involved in the transaction and the transit routes and points of the small arms and light weapons shipments.
4. Member States shall adopt such legislative and other measures to punish and establish as a criminal offence the illicit brokering of small arms and light weapons.
5. Brokering activities may be assessed under Article 1 and 6 of the present Convention.

## **ARTICLE 21**

### **HARMONIZATION OF LEGISLATIVE PROVISIONS**

1. Member States shall undertake to revise and update national legislation to ensure that the provisions in the Convention are minimum standards for small arms and light weapons control and their ammunition as well as other related materials.
2. Each Member State shall adopt legislative and other necessary measures to establish a criminal offence in the following cases:
  - a) any activity carried in violation of the provisions of this Convention;
  - b) any activity carried out in violation of an arms embargo imposed by United Nations, the African Union or ECOWAS;
3. The Executive Secretary shall elaborate and propose to Member States guidelines for harmonization of legislative provisions.

## **ARTICLE 22:**

### **STRENGTHENING OF BORDER CONTROL**

Member States, in collaboration with the ECOWAS Executive Secretary, shall:

- a) Strengthen sub-regional cooperation among Defence and security forces, intelligence services, customs and border control officials in combating the illicit circulation of small arms and light weapons.
- b) Enhancing the capacity of national Defence and security forces, law enforcement and security agencies, including appropriate training in investigative procedures, border control and law enforcement techniques, and upgrading of equipment and resources;

**ARTICLE 23:**

**PUBLIC EDUCATION AND AWARENESS PROGRAMMES**

1. In the interest of promoting a culture of peace, Member States shall design public/community education and awareness programmes at local, national and regional levels in order to involve the population in the efforts to curb the proliferation of small arms and light weapons.
2. Member States in this shall undertake to develop and/or strengthen their partnership with civil society organizations at the local, national and regional level including women, youth and others, for better information and raise public awareness on the dangers of small arms and light weapons.
3. Member States shall encourage civil society organizations to play a leading role in creating awareness and education of the population.

**ARTICLE 24:**

**MEMBER STATES**

1. Within the framework of the implementation of this Convention, the States Parties which have not yet done so, shall establish through regulation or legislation in a National Commission in accordance with Article 51 of the Protocol on mechanisms for prevention, management, resolution of conflict and keeping peace and security and with the enforcement of the decision of the Conference of Heads of States and Government on December 10<sup>th</sup>, 1999 on the establishment of National Commissions for the fight against the illicit proliferation and circulation of light weapons.
2. The National Commissions shall be established according to the existing ECOWAS guidelines contained in the National Manual prepared by ECOWAS.

3. Member States shall allocate a budget line to ensure effective functioning of National Commissions.
4. The Member States shall elaborate their National Action Plans on Small Arms and Light Weapons.
5. Such action plans shall be developed through a national information gathering process involving all relevant national stakeholders including civil society, and the convening of a national forum of all stakeholders to deliberate on the elements to be included in the National Action plan.

**ARTICLE 25:**

**THE ECOWAS EXECUTIVE SECRETARY**

1. The ECOWAS Executive Secretary is responsible for supporting and supervising the application of the provisions of this Convention. To this end the ECOWAS Executive Secretary shall;
  - a) define and carry out the policy for mobilizing the necessary resources for the implementation of this Convention;
  - b) provide the Member States with the necessary financial and technical support for the realization of their activities;
  - c) ensure the monitoring and implementation of this Convention;
  - d) present an annual Report to the Summit of Heads of State and Government on the status of the implementation of the Convention;
  - e) if ECOWAS Executive Secretary deems it necessary, refer a specific urgent and/or serious question regarding the application of this Convention to the ECOWAS Mediation and Security Council.
2. The Executive Secretary shall develop a Plan of action for the implementation of this Convention and submit it to the appreciation of the Member States for

adoption. Such a plan shall outline key activities that need to be implemented (such as Capacity Building, harmonization of national legislation, border control, public awareness raising, information exchange among National Commissions, strengthening the capacity of civil society, organizations, etc).

3. Member States shall take the necessary measures to endow the ECOWAS Executive Secretariat with the institutional and operational capacities appropriate to the responsibilities given to the Executive Secretary by this Convention.

#### **ARTICLE 26:**

##### **COOPERATION WITHIN AND AMONG STATES**

1. Member States undertake to promote intra and inter-state cooperation in the implementation of this Convention. To this effect:
  - a) The ECOWAS Executive Secretary shall prepare procedures for interstate cooperation between security forces, the services in charge of border controls and all other services concerned, in the spirit of this Convention.
  - b) The ECOWAS Executive Secretary shall facilitate and seek assistance for the training of officials in intra-and interstate cooperation.

#### **ARTICLE 27:**

##### **COMPLAINT PROCEDURE CONCERNING VIOLATION OF THIS CONVENTION**

1. All concerns relating to the violation of this Convention shall be brought to the attention of the ECOWAS Executive Secretary who would then submit such a complaint to the ECOWAS Mediation and Security Council;
2. If the ECOWAS Mediation and Security Council considers that there is a breach of the obligations under this Convention, it shall decide on the appropriate measures to be taken such as sanctions, inquiry, study or refer the matter to the ECOWAS Court of Justice;

3. This review procedure of complaints shall not be the impossibility for a State or an individual to refer the case to the ECOWAS Court of Justice if it notes a failure in the application of this Convention.

**ARTICLE 28:**

**MONITORING THE IMPLEMENTATION OF THIS CONVENTION**

1. In order to ensure the monitoring of and compliance with the provisions of this Convention, the Executive Secretary shall appoint a Group of Independent Experts who supports him. The Group of Independent Experts shall submit a report to the Executive Secretary.
2. Member States, upon the request of the Executive Secretary, shall provide the Group of Independent Experts with all information at their disposal on exemption request.
3. The Group of Independent Experts may seek any other information it shall deem useful for its work in relation with Member States and through cooperation with Member States of the Wassenaar Arrangements, the European Union and suppliers of arms.
4. Each Member State shall submit an annual report to the ECOWAS Executive Secretary on its activities related to small arms and light weapons as well as other matters in relation with this Convention, in accordance with the format of the report developed by the Executive Secretary.
5. A conference on all parties to the convention shall be convened by the depositary as soon as possible after the entry into force of this convention. The Conference of Heads of States and Government of Member States shall review the implementation of this convention and shall have further mandates as decided by Member States. Other Conferences of Member States shall be held as needed.

**ARTICLE 29:**

**INTERPRETATION AND DISPUTE SETTLEMENT**

1. Any dispute arising from the interpretation and /or the implementation of the Convention shall be settled by way of negotiation or by recourse to the ECOWAS Mediation and Security Council.
2. In the absence of a negotiated settlement, the dispute shall be brought before the ECOWAS Court of Justice.

**ARTICLE 30:**

**SPECIAL PROVISIONS**

The undertaking ensuing from the provisions of this convention shall not be interpreted as being in contradiction to the spirit and letter of this Conventions or Accords linking Member State with a third State as long as these Conventions and Accords are not in contradiction with spirit and letter of these Conventions.

**ARTICLE 31:**

**SANCTIONS**

Sanctions mentioned in Article 77 of the ECOWAS Revised Treaty are applicable to all Member States whom the ECOWAS Court of Justice would have found to be in violation of this Convention.

**ARTICLE 32:**

**FINAL PROVISIONS**

**a) SIGNATURE, RATIFICATION, ACCESSION AND ENTRY INTO FORCE**

1. This Convention shall be open for signature to ECOWAS Member States. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the ninth instrument of ratification.

3. For a signatory that ratifies this Convention after the date of deposit of the ninth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.
4. Any ECOWAS Member State that has not signed this convention shall be able to accede to it. In this case, this Convention shall enter into force for that state upon the date of the deposit of the instrument of accession.

**b) AMENDMENTS**

1. Any amendments of this Convention proposed by a Member State shall be submitted to the ECOWAS Executive Secretary who shall notify the Member States.
2. Decision on the adoption of such an amendment shall be taken by the Conference of Heads of States and Government by a two-thirds majority of the Member States.
3. An amendment so adopted shall enter into force for all Member States who are party to this Convention after receipt by the Depository of the instrument of ratification by the majority of Member States.

**c) Withdrawal**

1. Each Member State shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events related to the subject-matter of this Convention, have jeopardized its supreme interest.
2. Withdrawal shall be affected by a Member State giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to Depository. The Depository shall circulate such notice to all other Member States.



3. During the period of twelve months referred to in the preceding paragraph, such Member State shall nevertheless continue to observe the provisions of such Convention.

**d) DEPOSITORY AUTHORITY**

1. This Convention shall be deposited with the Executive Secretary of ECOWAS, who is hereby designated as the depository of the Convention.
2. The Depository shall:
  - a) Receive instruments of ratification;
  - b) Register this Convention with the African Union, the United Nations, as well as any other organization as may be decided by the ECOWAS Mediation and Security Council;
  - c) Transmit authentic copies of this Convention to all States in the ECOWAS region, and shall notify them of signatures and ratifications and accession of this Convention.

