

The New ECOWAS Counter Terrorism Strategy and Arms Trade Treaty

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Abstract

It is yet to be understood as to what is the right thing to do to control a global menace, which systematically uses violence to create a general climate of fear in a population with the hope of achieving some particular political objective. This global phenomenon, known today as terrorism, has been practiced by political organizations of diverse orientations and objectives, by nationalistic and religious groups, by revolutionaries, and even by state institutions such as armies, intelligence services, and police. In effect, terrorism appears to be an enduring feature of political life. The search for solution has given sleepless nights to both scholars, state functionaries, and even many victims of the attack. Many experts nonetheless, question the credibility of defeating the terrorists by attacking them. Their fear is based on the high costs involved in countering terrorism. Certainly, proposals for an effective and just response to this global problem differ as do the recommendations about how to get the world safer for human habitation. It is in response to this global search for solution to a problem that has plagued West Africa that this study undertakes to examine how the United Nations Arms Trade Treaty can help the New ECOWAS Counter Terrorism Strategy to achieve its goals.

Introduction

Terrorism is a value laden word that defies precise definition. It is a concept that is charged with political motives. The definitional problem is compounded when researchers try to balance the need to identify commonalities against the need to recognize unique features of individual cases. Should Al Qaeda and Palestinian sky-jackers, Basque separatists and Niger Delta militants, Boko Haram and South American kidnapers be seen as similar? Should Al-Qaeda in the Islamic Maghreb (AQIM) be placed in the same category with the insurgents that produced the American, French and Russian revolutions? Do their actions resemble the tactics of Ku Klux Klan or the big barons trafficking drugs across the globe? Was the “state terrorism” of Adolf Hitler and that of Mao Tse Tung part of the global terrorist movement? Is an attack on a human rights principle different from the terrorist attack on human life? How should the US and the Soviet balance of terror during the Cold War be classified in today’s terrorist ethos? Nations must agree on what terrorism is not. It is not easy to prevent nations from arming terrorists if these nations do not first agree on who the terrorists are, or on what constitutes terrorism.

Nonetheless, the word -terror- was first coined in the 1790s during the French Revolution by the revolutionaries against their opponents. The Jacobin party of Maximilien Robespierre carried out a reign of terror involving mass executions by the guillotine. Although terrorism at that usage implies an act of violence by a state against its domestic enemies, since the 20th century the term has been applied most frequently to violence aimed, either directly or indirectly, at governments in an effort to influence policy or topple an existing regime.¹ Terrorism in West Africa has its historical roots. The West African political history reveals that its leaders and their supporters deployed various tactics including sponsored mutinies to win independence; the efforts were to counter the institutionalized violence perpetrated by the colonial authorities. In Nigeria, the Aba Women’s riot and the 1921 Oke-Ogun Uprising were quelled by Imperial Britain through commando-like guerrilla tactics and bush-action.² Even after gaining political independence there were various state-sponsored militants usually equipped by the state with the aim of keeping particular regimes in power. The 28 November 2010, disputed presidential election of Ivory Coast is an example of a state-sponsored terrorism which resulted in the paralysis of the country by a political tug of war between President Laurent Gbagbo and Alassane Ouattara. The election dispute took a terrifying pattern of violence where state-sponsored militants loyal to Gbagbo known as The Young Patriots were involved in nationalistic and xenophobic violence using terrorism tactics to kill and harass northerners and Ivoirians of alleged ‘foreign descent’. “Gbagbo regularly made use of a dangerously unpredictable youth militia to take to the streets, rioting, burning and killing in support of his regime. He never overtly incited them, but proxies did so. He didn’t use hate speech to stir up xenophobic sentiment; his supporters did it for him.”³ Though this paper focuses on non-state terrorism, yet this type of state-sponsored terrorism is not uncommon in the political landscape of many West African states.

Non-state terrorism refers to those acts of terrorism that are carried out by persons or local groups within the state that are meant to redress domestic grievances.⁴ Domestic terrorism has a long history in West Africa. Revolutionary and secessionist groups, marginalized communities struggling for resource control and religious fundamentalists find themselves in this category. Foday Sankoh’s Revolutionary United Front (RUF) of

Sierra Leone, the Movement of Democratic Forces in the Casamance in Southern Senegal, the Movement for the Emancipation of the Niger Delta (MEND) and a religious fundamentalist - *Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad* - ('People Committed to the Propagation of the Prophet's Teachings and Jihad') identified as Boko Haram are known examples. The political violence carried out by Boko Haram has today claimed thousands of lives in Nigeria and the situation continue to further deteriorate⁵ as the group questions the corporate existence of Nigeria. Boko Haram close link with Al-Qaeda in the Islamic Maghreb (AQIM) has today complicated the political terrain of domestic terrorism, which gives rise to transnational terrorism. International or transnational terrorism refers to terrorist acts by persons or groups that are external to the affected state and whose objective is to advance an extraterritorial cause.⁶ In West Africa, this brand of terrorism is fast becoming a major threat to political and human security. The origin of AQIM can be traced to an Algerian terrorist group called Armed Islamic Group (AIG); a dissident branch later sprang up from AIG called Salafist Group for Preaching and Combat (GSPC) and having made little progress, GSPC announced its allegiance to Al-Qaeda operating under a new name AQIM.⁷

AQIM is indeed present and active in the Western Sahel; a largely desert and sparsely populated region spanning from the borders of Algeria, Mauritania, Niger and parts of Mali.⁸ The intensification of the activities of AQIM in West Africa more especially in Mauritania, Mali and Niger and now Nigeria is worrisome. As the region is increasingly becoming a hub of terrorism and a fertile ground for breeding terrorist networks, there is a more increasing need to understand the link between terrorism in West Africa and arms trade. To this end, this study will be guided by these questions: Why is terrorism a thriving business today in West Africa? What structural state weaknesses exist in the region that has given rise to terrorism? Do porous borders, corruption and bad governance provide an added impetus for the creation of sanctuaries as well as radicalization and recruitment of new terrorist members? Is poverty related to terrorism? How does the new ECOWAS strategy address the challenges posed by terror in the region? Can the control of arms trade facilitate human and political security in the region? In the light of recent events in West Africa with some scholars attesting to the geographic nature of terrorism, this study gives a political survey of the sub-region.

Political Survey of West Africa

For about five decades, from 1960 to 2013 precisely, West Africa has been known as the most politically unstable region of Africa since it hosted 70% of the coup d'état and military interventions with the most affected countries being Burkina Faso (1980, 1982, 1983, 1987), Mauritania (1980, 1984), Liberia (1980, 1989), Nigeria (1966, 1983, 1985), Guinea Bissau and Mali. In 1985 alone, 11 of the 16 countries of West Africa had military regimes.⁹ The intrusion of the military into politics triggered many problems. At the national levels, military regimes often failed to respect their commitment to return power to civilians thus remaining as dictators. Nigeria stands as the best example with the military holding on to power for about 27 years (from 1960 to 1997); democratic institutions and values were ruined. As the military encroached into politics in Nigeria, the same applies to Togo, Mali, Benin, Ghana, Gambia, Sierra Leone, Burkina Faso, Liberia, Mauritania, Niger, and Guinea. In many instances, journalists were incarcerated. In 1980 Sergeant Samuel Doe eliminated President Tubman of Liberia to gain and hold on to power; in 1987, in Burkina Faso, Captain Blaise Compaoré toppled his colleague Thomas Sankara to replace him as the head of the state; some pro-Sankara senior officers were executed in the process after accusing them of a phantom coup. In 1981, flight lieutenant Jerry Rawlings executed numerous statesmen in Ghana accusing them of corruption and mismanagement of national wealth. Besides the military intervention into politics, the region has experienced lots of wars. In West Africa, civil wars had been fought in Cote d'Ivoire, Guinea, Liberia, Nigeria, Sierra Leone, Togo and Mali. Military intervention, wars and now terrorist acts attest to the region's instability. Interestingly very few or rather none of the wars have been between the various countries that makes up the region. Rather in almost all cases they have been civil wars. Unfortunately these internecine wars have been some of the most brutal on the planet as the various factions seek to completely wipe each other out.¹⁰ Civil wars and terrorism have left millions dead in West Africa.

Many questions had been raised for the recurring conflicts and wars that had afflicted the sub-region. There is an understanding that most of these communal entities were not really nation-states before the Europeans arrived. Rather they were ethnic nationalities that each had its own traditional area where it lived. The Europeans however drew lines on a map in order to fit their own needs. The result was that as colonialism ended, new countries were formed that included people of diverse ethnic groupings. The outcome was that each of the tribes sought to politically control the new country; this resulted to civil wars. Wars are not eternal. As these destructive wars came to an end, many West African countries went back to electoral politics. Democratic experiments have not yielded the desired dividends in the region as poverty is still quite pronounced; indeed, the region is one of the poorest in the world where the majority live on less than one US Dollar a day. In West Africa, infant mortality rates are among the highest in the world; less than half of the adult population is literate; agriculture remains the dominant of productive activity; and four out of every five people live in rural areas even

as the world is undergoing rapid urbanization.¹¹

West Africa is indeed descriptive of a region where serious deprivations in many aspects of life face so many people. Economically, West Africa plays the same world-wide economic role that it has for the previous five centuries - providing natural resources from its plentiful supplies, and markets for manufactured goods. The region is known for its chronic unemployment. Failure in democracy increases the spate of terrorism in the region. Today, the region is increasingly becoming a hub of terrorism and a fertile ground for breeding terrorist networks. Organized crime syndicates, illegal natural resource exploitation and transfer, human and drug trafficking and money laundering among other transnational criminal activities have preposterously begun to flourish in the region and in concert they continue to play cardinal roles in the financing of terrorism and the potential exportation of terrorism to other parts of the globe. From all indications, terrorism poses an alarming kind of contemporary violence. It has emerged in recent years as a major threat to global peace and security. Though it has a universal manifestation as already shown, West Africa is one of the hardest hit regions. Terrorism is a tactic of the weak against the powerful. Thus, it is not surprising that in West Africa, political or social minorities, religious fundamentalists and ethnic movements sometimes turn to acts of terrorism on behalf of their political causes.¹² In West Africa, kidnapping, hijacking, hostage-taking, bombing, suicide attacks, and murder characterize this reprehensible activity.

The threat of terrorism in West Africa is enormous and poses daunting challenges to not only security management in the region but also political stability and economic development. Thus, whether as a result of civil wars or terrorist activities the abundant supply of small arms, ammunition, light weapons and explosives has played a crucial role. Circulation of small arms and light weapons within the region since the end of the cold war has made easy the escalation of tensions between groups in disagreement. Bloody massacres and massive human displacement become quick problem solutions when black market gun running is rampant. Moreover, since most countries in the region do not manufacture weapons, therefore most of the arms possessed by the armed gang have been imported. To curb the suffering caused by the unregulated availability of these small arms and light weapons, the West African region needs to address the supply side of arms and the manner in which they come into the region. With the strong linkage between the supply of small arms and light weapons and terrorist activities, the need for negotiating a comprehensive and global Arms Trade Treaty is very essential; there is the critical need for West Africa to be supportive of whatever endeavors made by the United Nations in reaching agreement with governments worldwide on the principles, content and scope of a legally binding instrument to curb the problems associated with arms proliferation.

Arms proliferation in West Africa

Small arms and light weapons (SALW) till date remain the primary weapons of armed insurrections, armed terrorist activities, intra-and inter-communal feuds, civil wars and other religious-sectarian violence throughout the sub-region. Every West African country has experienced widespread violence in which these weapons of destruction featured. SALW have particularly fuelled overlapping and rebellious conflicts presently in Mali. In previous years, small and light weapons featured prominently in conflicts in Côte d'Ivoire, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. SALW have been used to subvert constitutions, to carry out coups d'état and to create and maintain a general state of fear, insecurity and instability most especially by military dictators in Nigeria and other West African countries. In these countries, human rights have been violated as a cover-up for bad governance. In other occasions SALW are employed for non-political and non-conflict-related crime and violence, such as armed robbery and kidnapping. In conflict situations, some states in West Africa have liberalized gun possession laws in order to stimulate civilian arming. Arms were directly distributed to paramilitary groups by governments in order to fight rebel forces during the civil wars in Côte d'Ivoire, Liberia and Sierra Leone, but legislation was also liberalized, and proved a major driver of small arms diffusion. There are instances when many of these weapons come from war-torn countries in and outside Africa. It is against this backdrop that President Jonathan rationalized that his imposition of a state of emergency in Borno, Adamawa and Yobe states was to mop up arms that came into Nigeria from the Libyan uprising:

We must comb the whole place to seize all these weapons and so on. A lot of free weapons come in because of the Libya crisis. We must seize them. They are illegal weapons and must be seized and you cannot do that without declaring a state of emergency to enable the military enter any house, whether it is a residential building, it is a church, a mosque, a shrine, anywhere, hotel, anything that we suspect. We will be able to enter and seize these weapons.¹³

From the above narrative one can postulate with some West Africans that 'when the war ends, the guns remain'. After conflict, small arms are recycled for use in new conflicts and crime at home, or sold to other West African countries for use in new conflicts or to prolong ongoing ones.

Despite the termination of most conflicts in the sub-region, smuggling and the illicit trade in small arms are reported to be on the increase. Others have found that many of the arms smuggling rings operate out of Cameroon, Equatorial Guinea and Nigeria.¹⁴ The smugglers use speed-boats to connect to the high seas, and then

ferry the arms back to shore. Niger Delta region of Nigeria is a classic example; arms of various shades are brought into Niger Delta from various locations. Most of the weapons—such as the Russian AK-47, the German G-3, the Belgian FN-FAL, Czech machine guns and Serbian rocket-propelled grenades (RPGs)—are supplied by illegal dealers and sellers, who are paid through the proceeds of bunkered (stolen) oil. In October 2006 the Rivers State Police Commissioner arrested Chris Ndudi Njoku, a Nigerian businessman who specialized in importing prohibited firearms into Nigeria. In his possession were G-3s, AK-47s and Beretta automatic rifles. European dealers are also involved in the trade with their Nigerian counterparts, but rarely have to face justice.¹⁵ Legal laxity in the region has increased the spate of arms proliferation. The deterioration of many West African states' capacity to enforce the rule of law has blurred the boundaries between legal and illicit markets, enabling a thriving trade in SALW. Some politicians in the region are known to buy these illicit weapons and supply same to their supporters during elections.¹⁶

The porous nature of West Africa's borders aids illicit trafficking of arms. Unmanned border crossing points and widespread corruption facilitate these transactions in small arms. The borders between West Africa's states are long and full of footpaths, which are poorly patrolled. More than 150 illegal crossing points were identified to and from Sierra Leone and Guinea and Liberia. Over 85% of crossing points were covered by fewer than 11% of the customs, immigration and security officials identified. The Sierra Leone Border Threat Assessment Report established that smuggling of SALW can be a real threat to stability in the Mano River Basin.¹⁷

Today, guns have changed. They are smaller, more sophisticated, and deadlier. Trafficking in illegal arms has become a lucrative and dangerous game played by many parties in the region. Blacksmiths have significantly improved their role in the manufacture and circulation of firearms in Ghana and other countries within the sub-region. At least 400 blacksmiths in southern Ghana are now serving the industry, each capable of making up to 80 guns per year.¹⁸

Efforts to Combat terrorism in West Africa

Many international, regional, and local efforts have been made to combat terrorism in West Africa. At the global level is the UN Security Council Resolution 1373 (2001) that established the Counter-Terrorism Committee (CTC). It was an effort to stop terrorism in all of its forms. UN Security Council Resolution 1624 (2005) is designed to improve border security and encourage member countries to submit updates to the CTC. Unfortunately, West African countries have had partial compliance as observed in the UNSCR 1624 reports. Other policies to stop terrorism predate the UN resolutions but have proven equally ineffective. The Organization of African Unity (OAU) first addressed terrorism in its 1992 Dakar declaration, and its 1999 Algiers agreement determined to "eliminate terrorism in all its forms and manifestations."

At the national level, many West African states have legislated anti terrorist acts. These include:

- (a). Sierra Leone 1861 Malicious Damage Act;
- (b). Niger Titre VI du Terrorisme et du Financement du Terrorisme (2003);
- (c). Ghana Anti-Terrorism Bill (2005) and the Anti-Money Laundering Bill (2007);
- (d). Senegal Loi Modifiant le Code de procedure Penale et Relative à la lutte Contre les Actes de Terrorisme (2007);
- (e). Gambia Anti-Terrorism Act (amended) 2008 and the Money Laundering Act (2003);
- (f). Nigeria Counter-Terrorism Bill 2010 and the Anti-Money Laundering Bill 2004.

Besides these national legislations, some West African regional groups have taken some action to curb terrorism. In this category, the West African Police Chiefs Corporation, the African Centre for the Study and Research on Terrorism, and 'ECOWAS' Inter-Governmental Action Group against Money Laundering in West Africa as well as its Committee of Chiefs of Security Service stand prominently. Collectively, on 27 and 28 February 2013, the new ECOWAS Counter-Terrorism Strategy was adopted by the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) at its 66th ordinary session in Yamoussoukro, Cote d'Ivoire. The West African leaders have vowed to leave no stone unturned in their fight against terrorism. This vow was embodied in the Political Declaration on a Common Position against Terrorism, which included a Counter-Terrorism Strategy and Implementation Plan. The Strategy is the result of an inclusive process that began in 2009 and has involved national, regional and international experts, civil society and media organizations. The principal purpose of the Declaration and Strategy is to prevent and eradicate terrorism and related criminal acts in West Africa, with a view to creating conditions conducive to sound economic development and ensuring the wellbeing of all ECOWAS citizens. The plans also seek to give effect to regional, continental and international counter-terrorism instruments and to provide a common operational framework for action.¹⁹

At a time of rising terrorist activities in West Africa, the Declaration is a historic achievement in ECOWAS efforts to combat terrorism. Military coups, internecine conflicts, mercenary activities and authoritarian regimes have exposed West Africans to different incarnations of terrorism. The contemporary

intensification of terrorist attacks in the region, particularly following the escalation of the Niger-Delta conflict in 2006 and the resurgence of Boko Haram in 2009, as well as the occupation of northern Mali by terrorist groups in 2012, have alarmed not only West African countries but also the broader international community. These developments have exposed the fragility of West African states and the profound threat that terrorism poses to peace, stability, development and territorial integrity.²⁰

The key question is whether the Declaration and Strategy can solve the complicated problem of terrorism in West Africa, which is often intertwined with transnational criminality. The effectiveness of any such instrument depends on its implementation. To achieve results, systematic actions are needed to enforce the Strategy. The commitment of ECOWAS member states, other regional actors and international partners to the practical translation of the Strategy's provisions will be key to the Strategy's success. What does the Strategy intend to bring about one might ask?

Firstly, it is important to note that although ECOWAS had long espoused the need to prevent and combat terrorism, the Declaration and Strategy constitute the first major ECOWAS policy framework documents adopted specifically to deal with the problem. The Declaration provides broad policy areas, including norms and principles that are shared by all member states and enshrined in relevant regional, continental and international legal regimes. For example, member states unequivocally condemn terrorism and related offences such as incitement to and financing of terrorism. It also establishes the principle that a terrorist attack in one member state constitutes an attack on all. This clause in effect, embodies the principle of collective security.

Secondly, the Strategy is inspired by the United Nations Global Counter-Terrorism Strategy to provide comprehensive steps that states must take individually and collectively to address the threat of terrorism. It rests on three main pillars: prevent, pursue and reconstruct (PPR). The most important pillar is the first, which requires member states to undertake a wide range of activities to prevent terrorism. These include ratifying and effectively implementing the relevant legal regimes, eliminating conditions conducive to the spread of terrorism, enhancing early warning and operational intelligence, preventing extremism and radicalization, and promoting democratic practices and the protection of human rights. The Pursue pillar is meant to enable member states to undertake rapid, timely and effective responses to terrorism when it occurs. Some of the main objectives are to investigate, intercept and disrupt terrorists planning, networks and activities; promote a rule-based or criminal justice approach that seeks to bring terrorist leaders and their supporters to justice; and cut off terrorists funding and access to equipment, finances, training etc. The third pillar deals with the aftermath of a terrorist act and is aimed at rebuilding society and enabling the state to heal social wounds caused by terrorism and counter-terrorism activities. This strategy assumes or blatantly ignores giving some prominence the weapons terrorists rely on the most and that already kill vast number of West Africans every year: small weapons — the pistols, land mines, assault rifles and handheld grenade and rocket launchers that flood the world. It is this obvious omission that necessitates a re-examination of the United Nations Arms Trade Treaty, in the search for a terror free West Africa. The re-examination is timely: small arms and light weapons have played a major role in exacerbating armed violence and crimes in the sub-region.

The United Nations Arms Trade Treaty (ATT)

The new ECOWAS Counter Terrorism Strategy is a historic but generalized instrument meant to curb terrorist acts in West Africa. As observed in the previous section there is a missing link in the strategy. The missing link can be discovered in re-establishing the nexus between the Strategy and ATT. The Arms Trade Treaty (ATT) is a multilateral treaty that regulates the international trade in conventional weapons. International weapons commerce has been estimated to reach US\$70 billion a year.²¹ The treaty was negotiated at a global conference under the auspices of the United Nations from 2–27 July 2012 in New York. As it was not possible to reach an agreement on a final text at that time, a new meeting for the conference was scheduled for 18–28 March 2013. On 2 April 2013, the United Nations General Assembly adopted the ATT in its Resolution GA/11354. The United Nations General Assembly has the understanding that in all parts of the world, the ready availability of weapons and ammunition has led to human suffering, political repression, crime and terror among civilian populations. Moreover, the irresponsible transfers of conventional weapons have destabilized security in many regions thus contributing to human rights abuses by armed gangs. By a vote of 154 in favour to 3 against (Democratic People's Republic of Korea, Iran, Syria), with 23 abstentions, the Assembly passed the 28-article Arms Trade Treaty, aiming to establish the highest possible common international standards for the annual \$70 billion business that would regulate trade in conventional arms, from small arms to battle tanks, combat aircraft and warships. The adoption of the ATT is a turning point: it will put a stop to destabilizing arms flows from its signatories to conflict regions. It will prevent human rights abusers and violators of the law of war from being supplied with arms. And it will help keep warlords, pirates, and gangs from acquiring these deadly tools.²² The UN Secretary General claimed the passage of the treaty is a victory for the world's people:

This is a victory for the world's people. The ATT will make it more difficult for deadly weapons to be diverted into the illicit market and it will help to keep warlords, pirates,

terrorists, criminals and their like from acquiring deadly arms. It will be a powerful new tool in our efforts to prevent grave human rights abuses or violations of international humanitarian law. And it will provide much-needed momentum for other global disarmament and non-proliferation efforts.²³

How does ATT assist West Africa's fight against terrorism and by implication her search for security? It must be acknowledged that the treaty will not control the domestic use of weapons in any country, but it will require countries that ratify it to establish national regulations to control the transfer of conventional arms, parts and components and to regulate arms brokers.

The ATT covers battle tanks, armoured combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, and small arms and light weapons. It prohibits states that ratify it from transferring conventional weapons if they violate arms embargoes or if they promote acts of genocide, crimes against humanity or war crimes. ATT also prohibits the export of conventional arms if they could be used in attacks on civilians or civilian buildings such as schools and hospitals. In considering whether to authorize the export of arms, the treaty says a country must evaluate whether the weapon would be used to violate international human rights or humanitarian laws or be used by terrorists or organized crime. They must also determine whether the weapons transfer would contribute to or undermine peace and security. The treaty also requires parties to the treaty to take measures to prevent the diversion of conventional weapons to the illicit market.

The ECOWAS member states recognize the importance of ATT and have maintained a common position. The common position is based on some of these principles:

- a) The inherent right of all States to individual and collective self-defense in accordance with Article 51 of the United Nations Charter; as well as the ECOWAS Protocol on Non-Aggression, and the Protocol on Mutual Assistance on Defense;
- b) the general prohibition against the use of force and the principles of peaceful settlement of disputes and non-interference in the internal affairs of States, as embodied under Article 2 of the United Nations Charter;
- c) The purposes and principles enshrined in the ECOWAS Protocol on the Mechanism Relating to Conflict Prevention, Resolution, Management Peacekeeping and Security and the ECOWAS Convention on Small Arms and light Weapons, their ammunition and other Related Materials;
- d) the recognition of the primary responsibility of States in the trade and transfer of conventional arms and the respective responsibilities of exporters and importers;
- e) The transfer of conventional arms, particularly small arms and light weapons and ammunition, which must be expressly authorized by competent government authorities as well as a clear prohibition of transfers to unauthorized non-State actors
- f) the right of all States to manufacture, import, export, transfer and retain conventional arms for legitimate defense, security and law enforcement needs in order to participate in peace support operations;
- g) the obligations of all States to fully comply with United Nations Security Council arms embargoes and other decisions in accordance with the United Nations Charter;
- h) Respect for other international, regional or sub-regional commitments or decisions made or agreements on non-proliferation, small arms and light weapons control, and disarmament to which States involved in the transfer are a party.²⁴

The ATT had the overwhelming support of African states, civil society and faith groups. All African states that voted did so in favour, with the exception of Egypt, Sudan and Swaziland, which abstained. Cape Verde, Equatorial Guinea, Sao Tome and Principe, Sierra Leone and Zimbabwe did not vote.

This awesome support given by the African states to ATT is understandable. The African continent disproportionately bears the human costs of the arms trade, having suffered the majority of deaths from armed violence since 1990. A 2007 investigation by Oxfam, the International Action Network on Small Arms (IANSA) and Safer World found that the cost of armed conflict in Africa – in military expenditures, health costs, reconstruction, lost tax revenue and depressed productivity – is approximately \$18 billion a year, on average reducing a state's economic output by 15%. Nigeria, along with other ECOWAS states, played a significant role in the negotiations, often speaking on behalf of "the Africa Group" – the common ATT negotiating bloc of almost all the sub-Saharan states.

ECOWAS member states are not unaware of the serious challenges that confront ATT if it must work. The ECOWAS Commissioner for Political Affairs, Peace and Security, Mrs. Salamatu Hussaini Suleiman noted that some "elements critical for the ECOWAS region" were absent from the draft report of the ATT currently in circulation. "These include the "absence of reference to Non-State actors and their role in the illicit circulation and misuse of conventional arms," as well as the need to ensure that the ATT recognizes the role of Regional Economic Communities such as ECOWAS and the incorporation of ammunition in the scope of the ATT."²⁵ Besides this timely observation by Suleiman, making the Arms Trade Treaty work in practice is the real challenge for Africa and in particular West Africa. There is no way the New ECOWAS Counter-Terrorist

Strategy could ignore or demean the prominent role the weapons terrorists rely on their deadly acts. The new ECOWAS Counter- Terrorism Strategy underrates small-arms trade.

New ECOWAS Counter Terrorism Strategy and ATT: the Challenges

The New ECOWAS Counter Terrorism Strategy is anchored on regional and international cooperation; the cooperation is particularly in the area of intelligence, investigation, prosecution and counter-terrorism operation. To this end, mutual legal assistance is an absolute necessity if the subsisting shortfall and disparity in the West African states' capabilities must be met. Some of the major features of the Strategy are an ECOWAS Counter-Terrorism Coordination Unit; an ECOWAS Arrest Warrant; and an ECOWAS Black List of Terrorist and Criminal Networks. The Strategy also calls for the adoption of an ECOWAS Counter-Terrorism Training Manual. An integral part of the Strategy is its implementation plan that details the practical modalities for action. If implemented, the ECOWAS Arrest Warrant, for example, will strengthen cross-border cooperation among law enforcement agencies and eliminate safe havens for terrorists and other criminals. In particular, it will enable ECOWAS states to pursue terrorists across borders and so help prevent a Mali-like crisis within the region.

While the Strategy may not be a complete answer to the problem of terrorism in West Africa, it certainly does provide a robust and proactive framework for containing the threat of terrorism. For its full potential to be realized, however, the "Strategy" must be implemented at all levels, ranging from the wider world, different regions and down to various states. It is a strategy that relies on interconnectivity of information in the onerous assignment of tracking down terrorists. This is an ambitious task. Leaving the systemic demands, it is therefore mandatory that ECOWAS states must take practical measures to ensure that the provisions of both the Strategy and the Declaration are scrupulously enforced at the national and regional level. The ECOWAS Commission should urgently operationalize the Counter-Terrorism Coordination Unit and set up a monitoring mechanism, including log frames to keep track of states implementation of the Strategy. At the same time the AU, through the African Centre for the Study and Research on Terrorism (ACSRT), should support ECOWAS endeavors, particularly the capacity-building of states and the Counter-Terrorism Coordination Unit. With the umbilical link between terror and arms, this recommendation holds true to the United Nations Arms Trade Treaty recently passed by the General Assembly.

Unlike in the Conference, where all 193 Member States had to agree on the final text, the Assembly needed only a simple majority, or 97 votes, to pass the ATT text. The treaty will enter into force 90 days after ratified by the 50th signatory. As observed earlier, the treaty will regulate all conventional arms within the following categories: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, and small arms and light weapons. According to the UN Office for Disarmament Affairs, the treaty will not do any of the following: interfere with domestic arms commerce or the right to bear arms in Member States; ban the export of any type of weapon; harm States' legitimate right to self-defence; or undermine national arms regulation standards already in place.²⁶ The immediate challenge facing West Africa is on the implementation of the treaty. Each West African state will have to evaluate what resources it has available and then determine what resources are needed to implement the treaty. Several states have been developing capacity on reporting on other treaties and instruments such as the United Nations Programme of Action (UNPoA) and the International Tracing Instrument. These instruments impact on different areas of conventional arms, and small arms and light weapons. Central to these challenges in West Africa is the minimal resources needed to monitor illegal border crossings used in the arms trade. The implications of ratifying the ATT will be enormous for under-staffed and technically decrepit West African states. Moreover, West African borders are porous and it is also an environment fraught with corruption and criminality. It is difficult to legislate on strict border control, something that runs contrary to subsisting ECOWAS treaty on free movement of citizens including smugglers of arms and on the import and export of goods. Unscrupulous arms dealers within the region will be jockeying to off-load their stockpiled hardware before industrious countries start to look critically at all the shipments that reach and depart from their shores.

Both the ATT and the new ECOWAS Counter Terrorist Strategy face serious challenges if the two statutes will see the light of the day. The challenge has to do with implementation. The challenge the Counter-Terrorism Strategy faces is that its implementation could be hamstrung by a lack of political will. Given the sweeping nature of the Strategy, substantial human, financial and material resources which ECOWAS member states do not have in abundance, will be needed to ensure its full implementation. The Strategy is also likely to suffer from the perennial problem of competing priorities between counter-terrorism and other issues, whereby the former often loses out. Indeed, the lack of debate on the Draft Strategy before its announcement is worrisome. It speaks volumes of leadership within the region. Ordinarily, there should be public enlightenment and debate at the level of the Authority of Heads of State and Government if the populace is to be carried along. Added to the above, other challenges range from poor coordination among different bureaucracies within ECOWAS member states and a limited access to INTERPOL records; language barriers within the region and the failure to incorporate international terrorist financing regulations into local laws. None of these challenges can be wished

away.

To West Africa that is known for armed conflict, the arms trade treaty means that the international community recognizes that there is an external threat to the region's safety and security. The threat is related to arms trade in general. The international community in ATT pledges that it will maintain better control over the firearms manufactured within the various sovereignties and that it will take measures to prevent the weapons that are manufactured from being diverted to unintended users. However, it also means that West African states will have to step up and participate in the process to monitor and evaluate the arms trade. In addition, the region will have to clean up its reputation for decrepit governance and human rights violations, the *Frankenstein Monster* responsible for armed conflict; otherwise, the West African states themselves will be prevented from importing arms and ammunition needed to enhance regional security. Hopefully the international community will aid West African states known for limited and wasted resources, as promised and entrenched in the treaty. If not, the ATT might have exactly the opposite effect of that which was intended with its creation before any amendment is made after six years of its adoption.

Conclusion

History provides many examples of multilateral arms control and disarmament efforts. In this study, the focus is on the New ECOWAS Counter-Terrorist Strategy and United Nations Arms Trade Treaty recently passed by the United Nations General Assembly. Nations trade in arms principally for economic gain. The United States as an example cements its share of the arms trade by providing that "one-fourth of all U.S. foreign aid goes to helping the recipients buy U.S. produced weapons, equipment, or other services."²⁷

The inability of arms manufacturers and suppliers to control the uses to which their military hardware will be put is troubling. Friends can become foes and supplying weapons can backfire. The weapons the U.S. shipped to Iraq when Saddam Hussein was fighting Iran in the 1980s were later used against U.S. forces in the Persian Gulf War. The Stinger missiles the United States supplied to Taliban forces resisting the Soviet Union's invasion in Afghanistan fell into the hands of terrorists that later opposed the U.S. occupation in that country.²⁸ It is against this backdrop that both the Global South is supportive of an Arms Trade Treaty that will regulate the international trade in conventional arms, from small arms to battle tanks, combat aircraft and warships. West Africa as a region has paid its price for an uncontrolled proliferation of these weapons of destruction. The region needs to address the supply side of these arms and the manner in which they come into the region. In this way, the New ECOWAS Counter –Terrorist Strategy has the potentials of achieving its set goals.

Secondly, West Africa poses important security concerns for the entire continent and the world because of its frequent internal conflict, corruption and weak political structures that have made the region insecure and unstable. The sub-region's ill-governed spaces have expectedly attracted terrorist groups by providing access to transport systems, safe havens and venues for transnational funding. This study reveals that the problems that West Africans face come down to two fundamental challenges well within the sub-regions' capability to control: establishing good political governance and sustainable economic development-both of which are foundation of stability and security that is needed. Internal and regional security and stability enable the formation of proper governance and development, but good governance and economic development also directly contribute to stability and security. It follows therefore that good political governance and economic development are the mandatory structures upon which other problems like counter-terrorism will be solved. This recommendation is timely for policymakers in the region who understand security exclusively from its realist-military standpoint. West African security and stability also require internal rule of law, order, and justice to form a safe, secure and stable environment in which to gain the support of the West African citizens and militants, religious fundamentalists and animists, the PhD holders looking for drivers' job in Dangote's group of companies and the redeemed compradors.

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