INTER-GOVERNMENTAL ACTION GROUP AGAINST
MONEY LAUNDERING IN WEST AFRICA

GIABA REPORT

The Nexus between Small Arms and Light Weapons and Money Laundering and Terrorist Financing in West Africa



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Preface

i. Illicit trade in firearms generates vast sums of money both directly and indirectly, with an estimated annual value of $53 million.[1] This trade inflicts immeasurable human costs throughout the world.[2] West Africa is one of the most unstable regions in Africa and the world. Accordingly, the United Nations has not only deployed four missions to the sub-region, but also created the United Nations Office for West Africa (UNOWA) with the mandate of enhancing the contributions of the UN towards regional peace and security. The four missions are located in Cote d'Ivoire, Guinea Bissau, Liberia and Sierra Leone, albeit with changes in their mandates and configurations over the years.[3]

ii. Increased proliferation of small arms and light weapons in West Africa and the corresponding increase in their accessibility deepens the tendency of the average person to resort to violence as a means of dispute resolution. Weapons proliferation thus increases the potential for violence and violent conflicts in the sub-region and, by extension, threatens to retard development, cause massive human and physical destruction, serious human rights infractions, and a chronic atmosphere of instability and insecurity in the sub-region.

iii. There are an estimated 8 million small arms and light weapons (SALW) in the hands of state and non-state actors in the West African sub-region.[4] In fact, illicit trafficking in SALW is considered a lucrative business because of the high demand and the relative ease with which illicit weapons are brought into the region and moved across the ECOWAS Member States.

iv. Underpinning illicit trade in SALW are several factors, including porous borders between ECOWAS countries and the existence of large swathes of ungoverned or unmonitored territory. Compounding these challenges are the weak – and often non-existent – capacities of law enforcement institutions and the largely informal and cash-based nature of economic transactions, which permits easy movement of money within and in between borders in West Africa. The combination of these factors, along with others, provides an enabling environment for cross-border crimes, including the smuggling of illegal SALW to flourish in the sub-region.[5]

v. The illegal circulation of SALW is not new to West Africa as it is underpinned by and follows well established trade and smuggling routes and institutional conditions, some of which predates political independence. The critical role played by the sub-region's high volume of money laundering in the smuggling of SALW necessitates a clearer and deeper understanding of the linkages between the both crimes and the financing of

[1] See UNODC, 'Organized Crime, Organized Responses – Countering Cross-border Crime', 9 June 2011. Available at http://www.unodc.org/unodc/en/frontpage/2011/June/organized-crime-organized-responses-countering-cross-border-criminality.html
[2] Ibid.
[3] See, for instance, 'UNOCI Mandate' at http://www.un.org/en/peacekeeping/missions/unoci/mandate.shtml; 'UNOGBIS Mandate at http://uniogbis.unmissions.org/Default.aspx?tabid=9875&language=en-US; 'UNAMIL Mandate' at http://www.un.org/en/peacekeeping/missions/unmil/mandate.shtml;
[4] Florquin, N. and Berman, E.G. (2005). *Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region.* Geneva: Small Arms Survey, pp. xiv; Addo, Prosper, Cross-border Criminal Activities in West Africa: Options for Effective Responses, KAIPTC Paper No. 12, May 2006.
[5] Other factors include the lack of corruption within law enforcement and other state institutions.

terrorism. Such understanding would enable the development of appropriate regional and national strategies to combat the twin problems.

vi. Having recognized the corrosive effects of illegal trade in SALW on human and physical developments in West Africa, ECOWAS has taken steps to address the problem. In 1998, Member States agreed to a moratorium and pledged not to import, export or manufacture SALW. Subsequent negotiations resulted in the adoption of the ECOWAS Convention on Small Arms and Light Weapons in 2009, which came into force on September 2009. The Convention has provided the basis for legal and institutional mechanisms on the regional and national levels to combat the illicit trafficking of SALW.

vii. The Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), a specialized institution of ECOWAS with the AML/CTF mandate, is contributing to the broader understanding of the problem of illicit trafficking in SALW in the region. This study, undertaken by GIABA in collaboration with the Pan African Strategic and Policy Research Group (PANAFSTRAG), aims to provide a deeper and nuanced understanding of the relationship between illicit trafficking in SALW and money laundering/terrorist financing within West Africa. It further aims to sensitize all stakeholders on the challenges posed by the proliferation of SALW and associated money laundering and terrorist financing.

Acknowledgment

This report is the product of the efforts of many individuals and groups. Deep appreciation goes to the Pan African Strategic and Policy Research Group (PANAFSTRAG) under the leadership of Major-General Ishola Williams (rtd) and his team of researchers who carried out the initial study under a very tight financial rope. Also, GIABA's appreciation goes to a seasoned security practitioner, Dr. Bukar Usman, who edited the document.

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GIABA Secretariat,
Dakar, Senegal

Abbreviations & Acronyms

AFRC	Armed Forces Ruling Council
CDF	Civil Defense Force
CTF	Counter Terrorist Financing
ECOWAS	Economic Community of West African States
ECOSAP	ECOWAS Small Arms Program
EFCC	Economic and Financial Crimes Commission
FATF	Financial Action Task Force
FARD	Revolutionary Armed Forces of the People
FIU	Financial Intelligence Unit
GIABA	Inter –Governmental Action Group against Money Laundering
MEND	Movement for the Emancipation of the Niger Delta
MFDC	Mouvement des Force Démocratiques de Casamance
ML	Money Laundering
Natcom	National Commission on Small Arms and Light Weapons
NDLEA	National Drug Law Enforcement Agency
NGO	Non-governmental Organisation
RUF	Revolutionary United Front
SALW	Small Arms and Light Weapons
STR	Suspicious Transaction Report
TRC	Truth and Reconciliation Commission
UEMOA	L'Union Economique et Monétaire Ouest Africaine
UNDP	United Nations Development Program
USD	United States Dollar
TF	Terrorist Financing
WAEMU	West African Economic and Monetary Union

Definition of Terms

For the purposes of this study, the following terms have been defined as follows:

Illicit Trafficking: the unauthorized import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components from or across the territory of one country to another or within the territories of member states of ECOWAS.[6]

Proliferate: spread of weapons and delivery of weapons to persons and groups with criminal and terrorist objectives..[7]

Small Arms: arms used by one person and which include firearms or devices such as explosives, 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; machines guns; assault rifles and light machine guns.[8]

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; portable anti-aircraft cannons, portable anti-tank cannons, non-recoil guns; portable anti-tank missile launchers or rocket launchers; portable anti-aircraft missile launchers; and mortars with a caliber of less than 100 millimeters.[9]

Money Laundering: the processing of criminal proceeds to disguise their illegal origin[10].

Financing of Terrorism: to directly or indirectly, unlawfully and willfully, provide or collect funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, to carry out any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.[11]

The Wassenaar Arrangement: short for "The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies." Established on July 12, 1996, in the Dutch town of Wassenaar, near The Hague, it is a multilateral export control regime (MECR) with 40 participating states.

[6] Article 3(e) of the 2001 Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the 2000 United Nations Convention against Transnational Organised Crime
[7] Schmid, Alex P. (1998). Thesaurus and Glossary of Early Warning and Conflict Prevention Terms. Wein: Synthesis Foundation pp.70
[8] Article 1(2) of the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials
[9] Article 1(1) of the ECOWAS Convention on SALW
[10] Financial Action Task Force website,www.fatf-gafi.org,December,2010
[11] Article 1(b) of the 1999 *United Nations Convention for the Suppression of the Financing of Terrorism*

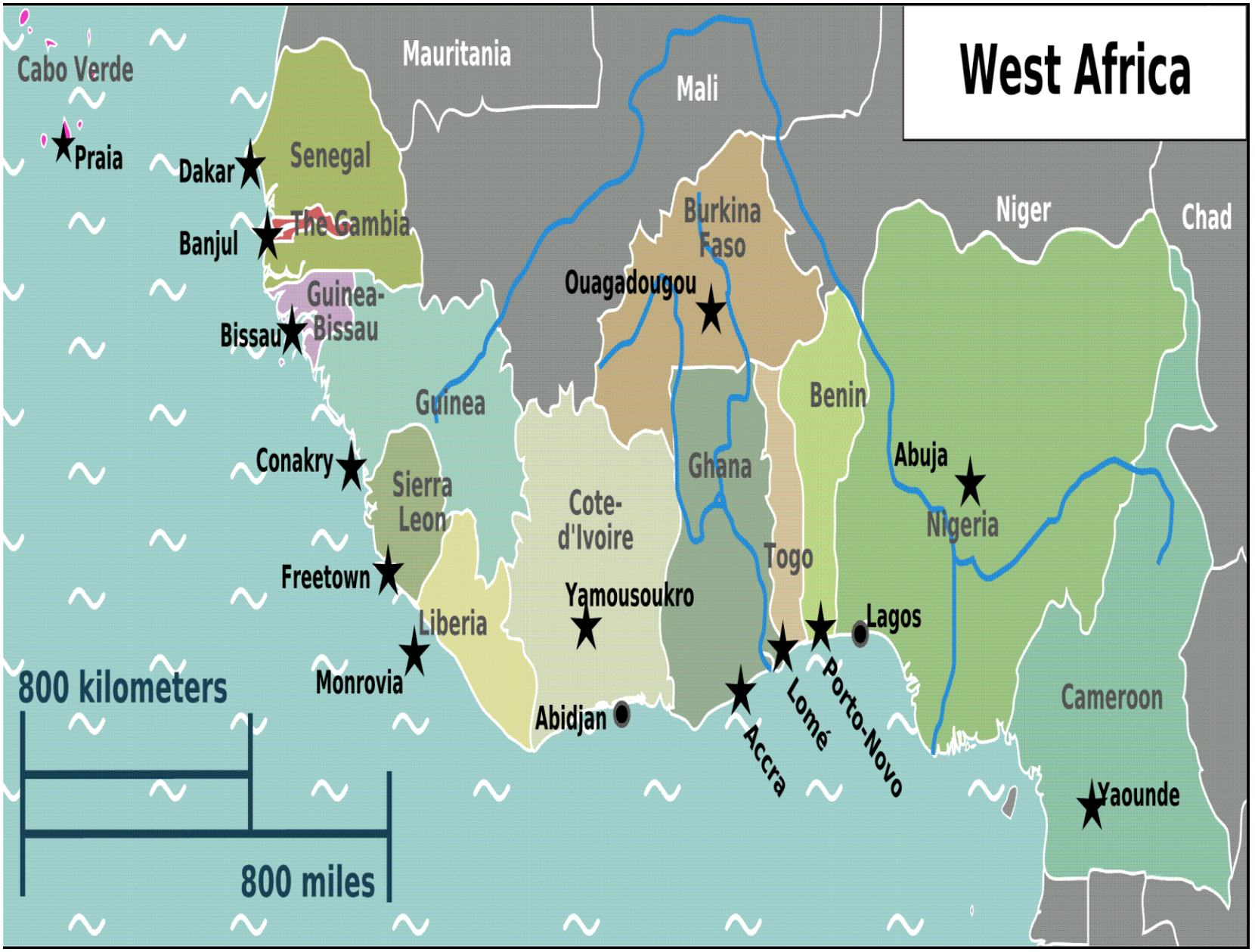
Executive Summary

1. This presents the findings of field research on the nexus between illicit trafficking in Small Arms and Light Weapons (SALW) and Money Laundering (ML) in West Africa on the one hand; and illicit trafficking in SALW and Terrorist Financing (TF) in West Africa on the other in all 15 member States of the Economic Community of West African States (ECOWAS).

2. Following a comprehensive desk research and analysis of relevant laws and regulations related to SALW and money laundering and terrorism financing, fieldwork was conducted in the form of interviews on the basis of confidentiality with relevant stakeholders in public, private, and civil society sectors. Further analysis of research data was conducted by consultants.

3. The study is divided into eight chapters. Chapter 1 provides the background and spells out the objectives of the study. It also includes a brief explanation of the methodology used. Chapter 2 focuses on typologies, prevalence, and impact of small arms and light weapons (SALW) trafficking and proliferation in West Africa. It focuses on the trends and patterns of illicit trafficking in SALW in the region, with particular focus on the internal and external drivers of SALW, the nature of the firearms deals, the types of firearms trafficked, and the types of SALW that are manufactured locally in the region, including the countries that have the most thriving local SALW manufacturing industries.

4. Chapter 3explores the nexus between illicit small arms and light weapons (SALW) trafficking and money laundering in West Africa, particularly on the likely sources of funds for financing illegal arms importation into West Africa by non-state actors. This chapter also examines how illicit profits from illicit SALW trafficking and proliferation deals are laundered. The laundering methods are through local and international banks, real estate investments, and small retail business. Chapter 4 examines the nexus between illicit trafficking in SALW and terrorist financing in West Africa. It examines the methods through which proceeds generated from SALW trafficking are used to fund activities of terrorist and extremist groups in the region..Chapter 5 provides an analysis of existing laws and regulations, and the institutional mechanisms for preventing and combating illicit trafficking in SALW, and for regulating ML/TF. It examines, among other things, the ECOWAS Convention on Small Arms and Light Weapons, the regional administrative measures for combating illicit trafficking in SALW and the regional administrative measures against ML and TF. Chapter 6 provides the findings of the study, while chapters 7 and 8 deal with general conclusions and recommendations, respectively.


West Africa
Cabo Verde
Praia
Dakar
Senegal
Mauritania
Mali
Banjul
The Gambia
Guinea-Bissau
Bissau
Burkina Faso
Ouagadougou
Niger
Chad
Guinea
Conakry
Sierra Leon
Cote-d'Ivoire
Ghana
Benin
Abuja
Nigeria
Togo
Freetown
Liberia
Yamousoukro
Lagos
Monrovia
Abidjan
Accra
Lomé
Porto-Novo
Cameroon
Yaounde
800 kilometers
800 miles

Chapter 1: Introduction

1. Since gaining independence in the late 1950s and early 1960s, most West African countries have witnessed various degrees of violent conflict.[12] Some of these armed conflicts threatened the very existence of these countries as well as the peace and security of the region.[13] Underpinning these conflicts were bad governance, high levels of poverty, struggle for scarce resources, and the competition for economic and/or political power among the elites, among others. Significantly, the smuggling of high volumes of illicit SALW have played a critical role in sustaining and intensifying these, conflicts in, West Africa.[14]

2. The Economic Community of West African States (ECOWAS) has responded proactively in tackling illicit SALW trafficking and proliferation by establishing institutions and developing legal instruments for its control in the region.

3. At the national level, ECOWAS Member States at have by enacting firearms laws, establishing National Commissions on Small Arms and Light Weapons (involving mostly security agencies in the campaign against SALW proliferation), strengthening the capacities of their judiciaries to deal speedily with firearms offences, and collaborating with civil society in the areas of research and public-awareness campaigns on the dangers of illegal trafficking in SALW.

4. Despite these efforts, however, illicit SALW trafficking and proliferation remains prevalent and continues to underpin high levels of violence and criminality in West Africa. The phenomenon is, facilitated and sustained by the existence of large stockpiles of arms from previous conflicts, weak arms control mechanisms, long and porous national borders, established smuggling routes, inadequate cooperation among national border security officials, , the informal modes of trade, and easy movement of cash across borders. .

Objectives of the Study:

5. This study aims to shed more light on the nature and dynamics of illicit SALW trafficking, and investigate its relationship with money laundering on one hand, and terrorist financing on the other hand. In particular, it aims to:

- Evaluate and analyze accurately the typology, prevalence and impact of SALW trafficking and proliferation in West Africa based on available data and information, to include the estimate of SALW seized, arrests made, prosecution, convictions and confiscation of assets.
- Estimate the proportion of the proceeds from SALW trafficking and proliferation that is laundered or the proceeds of other predicate offences that is laundered from the above in West Africa.
- Identify the extent and category of groups or persons involved in the movement/flow of the proceeds, and the methods used in West Africa.

[12] For full treatment on the history of conflicts in the region, see, for instance, Adebajo, Adekeye (2002). Liberia's Civil War: Nigeria, ECOMOG, and Regional Security in West Africa. Boulder, CO and London, UK: Lynne Rienner Publishers; Adebajo, Adekeye (2002). Building Peace in West Africa: Liberia, Sierra Leone, and Guinea-Bissau. Boulder, CO and London, UK: Lynne Rienner Publishers; Gberie, Lansana (2005). A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone. Bloomington, IN: Indiana University Press

[13] Ibid

[14] The interests of external powers, particularly Western multinational corporations, have been equally important in provoking and sustain conflict in the region.

- Examine the existing control measures including legislations and relevant ECOWAS convention in terms of constraints, gaps, etc in West Africa.
- Recommend broad and specific measures for action to effectively address the nexus.

Methodology

a) The study covered all the 15 Member States of GIABA, namely Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. A comprehensive review of relevant literature conducted on all the 15 states by a 15-member research team comprising of one researcher from each of the state. The team also conducted analysis of newspaper articles on SALW, money laundering, and terrorist financing issues.

b) Additionally, the research team gathered empirical data from seven Member States, namely Cote d'Ivoire, Guinea, Guinea Bissau, Mali, Niger, Nigeria and Senegal, through formal and informal interviews. The interviewees included selected persons from the government, security agencies, civil society, banking sector, militants, insurgents, agencies responsible for the control of SALW, agencies responsible for control of corruption, financial and economic crimes, the legal profession, drug law enforcement agencies, and international organizations working on crime, money laundering and SALW control. While some interviews were on-the-record, others were on the basis of strict confidentiality. In some countries, 6-7-member group discussions on illicit SALW issues were held. Accordingly, the methodology used in the seven countries where empirical data was gathered differed from those used in the other countries where only literature review was conducted.

c) Furthermore, questionnaires were administered to selected respondents in some of the states samples for the study. The respondents were mainly security agents, youths, ex-militants, ex-fighters, community leaders, women groups, money laundering experts and SALW experts. The questionnaire was designed to elicit information on the causes of proliferation of SALW, the sources of arms, the persons or groups behind illegal brokering, and how money made from illicit trafficking in SALW are laundered.

d) In line with GIABA standards, validation workshops were held in Dakar, Senegal and Accra, Ghana in November 2010. The workshops, which brought together country researchers, the study team and GIABA officials, reviewed the conduct of the survey in each country, particularly the problems encountered by the researchers, discussed the progress of the survey in all countries under study, streamlined the format for collation of information from each country, and developed final strategies for the successful completion of the study.

Chapter 2: Typologies, Prevalence and Impact of Small Arms and Light Weapons (SALW) Trafficking and Proliferation in West Africa

6. This chapter evaluates and analyzes the typology, prevalence and impact of SALW trafficking and proliferation in West Africa. Expository references are made, in relevant sections, to the number of illicit SALW weapons seized, offenders arrested, prosecuted and convicted, as well as assets confiscated.

7. Evaluation, in this chapter, of the state of SALW in the West African region cuts across the 15 countries of ECOWAS. However, the analysis of the issues is segmented into three main headings: (a) Typology of SALW trafficking and proliferation in West Africa; (b) Prevalence of SALW trafficking and proliferation in West Africa; and (c) Impact of SALW trafficking and proliferation in West Africa. Veritable statistics, where available, have been presented to substantiate the issues raised.

Typology of SALW Trafficking and Proliferation in West Africa

8. Typology is "the study or systematic classification of types that have characteristics or traits in common."[15] This segment, therefore, reveals the types, techniques and trends of SALW trafficking and proliferation in West Africa.[16] It delineates and explores these typologies based on the types of SALW involved, sources of the arms and weapons, routes for smuggling SALW into West Africa, and actors responsible for illicit flow of SALW into the region.

Types of Small Arms & Light Weapons in West Africa

9. This report groups SALW in West Africa into two broad categories: locally manufactured SALW and imported SALW. Examples of local SALWs include firearms, small bombs, and grenades. Imported SALW include rocket launchers, missile systems, light machine guns, revolvers and pistols with automatic loading, etc.[17] Small arms are different from light weapons in that the former can be used by only one person can use whereas the latter, though portable, are designed to be used by a group of persons working together. Light weapons are bigger and deadlier than small arms and are not produced in West Africa. They are imported into the region and include weapons such as grenade launchers, anti-aircraft cannons, anti-tank missile launchers, non-recoil guns, and anti-aircraft missile launchers, among others.[18]

10. A sizable number of illicit arms in West Africa are locally manufactured. The level of manufacturing, however, differs across ECOWAS states. The commonest types of locally manufactured guns are pistols as well as short, long and double-barrel guns.[19]

11. According to interviews with security officials in the region, the use of imported firearms is common among militant groups, although there is emerging evidence that some

[15] The Free Dictionary, Houghton Mifflin Company, www.thefreedictionary.com
[16] Refers to spread and delivery of weapons to irresponsible elements such as criminals, terrorists and other armed actors. See Article 3(e) of the 2001 *Protocol against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, supplementing the 2000 *United Nations Convention against Transnational Organized Crime.*
[17] Adefemi Isuonah et al, The Proliferation of Small Arms and Light Weapons in Bayelsa State, p.60
[18] Financial Action Task Force website, www.fatf-gafi.org, December, 2010
[19] UNREC, Inventory of National Arms Production Capacities, pp.59.

criminal gangs also use them. The most common types of firearms smuggled into West Africa and used by non-state actors are pump action guns, assault rifles, AK-47, revolvers, and self-loading guns.[20] There is evidence that AK-47, pump action and sub machine guns are popular throughout the ECOWAS region with AK-47 being the commonest weapon of choice.[21] Moreover, the level of combination between these weapons and locally manufactured arms by end-users differs across ECOWAS states .In Togo and Burkina Faso prefer AK-47 guns, local pistols and long rifles. The commonest firearms used for armed robbery in Benin Republic's towns of Cotonou, Parakou and Seme are AK-47 and M16 guns. In Ghana, where an estimated 400,000 small arms were registered by private citizens between 1955 and 2004, , pistols and revolvers are also popular weapons.[22]

12. Information gathered from fieldwork in n Sierra Leone indicate that revolvers, self-loading pistols, rifles, assault rifles, locally made guns, mortars and hand grenades as the kind of small arms smuggled into the country.[23] However, AK-47 guns, hand grenades and locally made firearms are the most commonly used. Specifically, these arms remain in use, notwithstanding the end of the country's brutal civil war.

13. In Niger, an estimated there estimated 93,000 remains in private hands, with the majority of them being owned by non-state groups..[24] For instance, between 2005 and 2010, 28 long pistols, a handful of Kalashnikov rifles, AK-47 and Berretta guns were seized in the country.[25]

14. Furthermore, 400 pistols and 10,000 ammunitions were seized in Togo in 2009.[26] These seizures are only a portion of the estimated 60,000 guns in the hands of Togolese civilians as of March 2011.[27] This situation is compounded by the persistent flow of fresh arms into the ECOWAS region.

15. In October 2010, barely few months after it received about 20,000 small arms[28] surrendered by Niger Delta militants under the country's Amnesty Program, Nigeria uncovered 13 containers loaded with 107mm rockets, 120mm, 80mm, and 60mm mortars and small arms ammunition at the country's largest seaport.[29] The contents were disguised as construction materials. Evidently, more arms are very likely to be proliferated than the authorities are able to seize or destroy.

Sources of Small Arms & Light Weapons in West Africa

16. SALW are trafficked into West Africa from various sources. These sources can be classified as follows: (i) domestic (arms produced or proliferated within a given country); (ii)

[20] Interviews with government and security officials
[21] Ibid
[22] Wegener, Katharina (2011). 'Etuo Mu Ye Sum: The Barrel of a Gun is Dark (Clouded in Darkness: Reflections on the Uncertain Future of Small Arms and Light Weapons in Ghana' Accra: Friedrich Ebert Stiftung, pp. 4.
[23] Interviews with government and security officials, and civilians and civil society representatives
[24] Interview with Security Agents in Niamey, October 2010
[25] Interview with a High Court Registry, Niamey,October,2010
[26] Documentary Source from the Togo National Commission on SALW
[27] Alpers, Philip and Marcus Wilson (2011). Facts, Figures and Firearm Law. Sydney School of Public Health, University of Sydney."
[28]
[29] Former Presidential Adviser on Niger Delta and National Coordinator of the Post-Amnesty Programme, Mr. Timi Alaibe, clarified that "the initial figure of those that turned in weapons was 20,192 but that several others surrendered their weapons after the October 2009 deadline, when it became obvious to them that the federal government was indeed sincere and ready to make good its promises on the amnesty."
UPI News, 'Evidence Iran is Behind Seized Arms Cargo', 15 November 2010. Available at
http://www.upi.com/Top_News/Special/2010/11/15/Evidence-Iran-is-behind-seized-arms-cargo/UPI-30221289854759/

regional (arms trafficked from one ECOWAS country to another); (iii) continental (arms trafficked into West Africa from other parts of Africa); and (iv) non-African sources (arms trafficked from other parts of the world into West Africa

17. Small arms, particularly unsophisticated rifles produced by local blacksmiths, are usually procured domestically from a large number of local blacksmiths, particularly in Ghana.. There is a large number of such blacksmiths in Ghana where a locally manufactured pistol sells as low as US$2.00.[30] Based on the output of 500 blacksmiths known to be involved in firearms production in 2004, Ghana was estimated to have between 35,000 and 40,000 illegally-produced guns in five of its ten regions.[31] Even more significant is the estimated "...2,500 blacksmiths with the capacity to engage in craft production in one region alone. This figure does not include the apprentices who have the capacity to manufacture guns under supervision."[32] Considering that Ghana is not experiencing armed conflicts or the sort of violence that requires heavy use arms, Ghanaian weapons are most likely smuggled to conflict spots in the region.

18. The proliferation of guns in Ghana can be traced to its era of military intervention in politics. Although the country is now a stable democracy, many of the high-calibre guns, especially AK-47s, used by military operatives have fallen into civilian hands and are yet to be recovered.[33] Thus imported and locally manufactured guns have since remained proliferated in Ghana.

19. Aside from Ghana, arms manufacturing is high in Nigeria, Benin, and other West African countries. In particular, there are an estimated 1 million to 3 million small arms and light weapons in circulation in Nigeria.[34] Benin's National Commission on SALW notes an increase in the number of local arms manufacturers in the country from 264 to 355 since 2006.[35] .This represents an annual increase of 5.6 percent in the country's arms manufacturing. The Commission further notes that based on weapons produced in the towns of Borgou, Plateau, Mono-Couffo and Zou-Hill, Benin's annual output at 4,679 short guns and 87 pistols.[36] Nonetheless, given the lack of reliable data, there is widespread belief, particularly among civil society groups, that the current output is much higher.[37]

20. Locally produced arms and sophisticated arms, either stolen from the state or imported, are easily trafficked and proliferated within West African countries.. Significantly, there are indications that the theft of sophisticated weapons is often organized and carried out by military personnel. These weapons are often sold to criminal and extremist groups. In 2008, for instance, six Nigerian soldiers were convicted and sentenced to life imprisonment for illegally selling over 7000 arms of various descriptions worth more than 100 Naira million

[30]

[31] Aning, E. K. (2005) 'The Anatomy of Ghana's Secret Arms Industry', in Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region, eds N. Florquin & E. Berman, SAS, Geneva, pp. 83. .

[32] Ibid; Sabala Kizito, African Commitment to Controlling Small Arms and Light Weapons: A Review of Eight NEPAD Countries, NL, African Human Security Initiative, 2004.

[33] Interview with security officers in Accra, October, 2010.

[34] Edeko, Sunday (2011), "The Proliferation of Small Arms and Light Weapons in Africa: A Case Study of the Niger Delta in Nigeria", Sacha Journal of Environmental Studies, Vol. 1. No. 2, pp. 66

[35] Interview with officials of the Beninios National Commission on SALW, Cotonou, October 2010.

[36] Ibid

[37] Interviews with Beninios security officials and civil society representatives, October 2010.

to Niger Delta militants.[38] Moreover, police officers and police barracks have often been attacked by armed gangs for the sole purpose of collection weapons.[39]

21. Arms are also trafficked into Niger and Mali from Libya, Nigeria, Chad, Algeria, Mali and Burkina Faso.[40] But there are also pathways through which weapons sneak in from Somalia and Sudan. Arms stockpiled by rebels during the Liberian and Sierra Leonean civil wars are now a major source of illicit arms flow into the Mano River region.

22. Arms are smuggled to and within West Africa, either from one state to another and/or from Europe and other African locations, such as Chad, Cameroon, South Africa and the Great Lakes region. Nigeria's borders with Cameroon, Niger, and Chad are well-known routes for arms trafficking.[41] Smugglers on these routes employ a great deal of trans-border dissimulation and subterfuge, often concealing weapons in coffins, iced fish cartons, cement bags, paint buckets and under car seats.[42] Such tricks are common on many borders within the region via which lorry-load of arms are successfully trafficked.[43]

23. The smuggling of illicit SALW from countries outside West Africa should be of particular concern to the regional and national authorities, as the types of arms and weapons smuggled tend to me more sophisticated and lethal. To be sure, however, the distinguishing features of these three sources can be blurred by the complexities of illicit cross-border weapons movement.

24. Private firearms in Sierra Leone, apart from those illicitly grabbed during its recent civil war and those locally produced, are sourced from neighboring countries of Guinea, Liberia and Cote d'Ivoire. There are also leakages and pilfering from state-controlled armories and from peacekeepers.[44]

25. In Benin, illicit firearms are smuggled in from South Africa, Nigeria, Kenya, Ghana, Egypt and Burkina Faso. Other sources are tourists who bring in firearms but illegally transfer them before leaving the country. There are also cases of disappearance of firearms seized by the authorities.[45]

26. Illegal arms dealers move arms from the Niger Delta region of Nigeria to Togo while locally made arms from the northern parts of Ghana are easily sold in Togo.[46]

27. The joint border of Cote d'Ivoire, Guinea and Liberia are notorious smuggling routes for arms in and out of the three countries.[47] However, the main countries of origin of SALW used in Cote d'Ivoire are: USA (41%), Britain (19.5%), Russia (17.5%), France (7%), and

[38] Daily Mail, 'Nigerian Troops Jailed Over Arms Sales to Militants', 18 November 2008. Available at http://www.dailymail.co.uk/news/article-1087038/Nigerian-troops-jailed-arms-sales-militants.html#axzz2KJnRRR8J (Accessed 12 October 2010).
[39] *Vanguard*, 'Police Nab 11 Suspected Rifle Thieves in Plateau' 5 August 2010. Available at http://www.vanguardngr.com/2010/08/police-nab-11-suspected-rifle-thieves-in-plateau/. It was reported that armed robbers "broke into the homes of a sergeant and a constable to steal two AK 47 rifles and sold them."
[40] Survey conducted in Niamey, October 2010
[41] Views of SALW experts at Focus Group Discussion and interviews, Warri, Nigeria, October, 2010.
[42] Views of SALW experts at Focus Group Discussion and interviews, Warri, Nigeria, October, 2010.
[43] Three lorries full of arms, and a fourth of ammunitions, were intercepted by the Nigeria police in 2007/2010.
[44] Survey conducted in Sierra Leone ,October 2010
[45] Survey in Benin, December 2010. About 3500 firearms were reported missing between the period 2006-2010, according to a study by RASALEB
[46] Interview with security officers in Togo, November 2010
[47] GIABA, Threat Assessment of Money Laundering and Terrorist Financing in West Africa quoting United Nations Police in Abidjan

China (5%).[48] (*See Chart 2.1 on types, sources, routes and destinations of SALW in West Africa*)

Chart 2.1: Types, Sources, Routes, and Destinations of SALW in West Africa

Country of Destination or Use	Types of SALW	Likely Countries of Origin/Suppliers	Means/Routes
Niger	AK47 guns, pistols, short, long and double barrel guns, Berreta guns, and Kalachnikov rifles	Libya, Chad, Somali, Sudan, Nigeria, Algeria, Burkina Faso, and Local Manufacturers	Land borders and footpaths
Guinea Bissau	AK47 guns, pistols, short, long and double barrel guns	Remnants from the independence struggle, Liberia , Sierra Leone**,** and Local Manufacturers	Land and sea borders
Cote d'Ivoire	AK47 guns, pistols, revolvers, assault rifles, short, long and double barrel guns	Liberia, Guinea, USA, Britain, Russia, France, China, and Local Manufacturers	Land and sea borders
Nigeria (Niger Delta, North-East)	Pump action guns,AK-47 guns, Revolvers, self-loading guns, Assault rifles, pistols, short, long and double barrel guns	Chad, Cameroon, South Africa, Europe, Niger Military and Police officers Local manufacturers Great Lakes region, and Russia	Land and sea borders, creeks, and air strips
Togo	AK47 guns, local pistols and long rifles, pistols, short, long and double barrel guns	Nigeria, Ghana and Local Manufacturers	Land borders, footpaths
Ghana	Pistols, AK47 guns, revolvers, pump action guns, short, long and double barrel guns	Remnants of the military-era, and Local Manufacturers	-
Sierra Leone	AK47 guns, revolvers, rockets, self loading pistols, rifles, assault rifles,	Guinea, Liberia, Cote d'Ivoire, Remnants of the Civil war, and Local Manufacturers	Land, sea borders, and footpaths through Guinean Forest

[48] Tropical Market, No 3066, 20/08/2004

Country of Destination or Use	Types of SALW	Likely Countries of Origin/Suppliers	Means/Routes
	locally made guns, mortars, and hand grenades		
Liberia	AK47 guns, revolvers, self loading pistols, rifles, assault rifles, locally made guns, mortars, and hand grenades	Guinea, Burkina Faso, East Europe, Libya, remnants of the civil war, Local Manufacturers	Land and sea borders
Senegal (Casamance Region)	AK47 guns, pistols, rockets, short, long and double barrel guns	Guinea Bissau, Gambia , Iran and Local Manufacturers	Land borders, maritime borders and footpaths
Gambia	AK47 guns, pistols, rockets, short, long and double barrel guns	Local Manufacturers, Iran and Senegal	Land and Sea Borders
Burkina Faso	A47 guns, revolvers, self loading pistols, rifles, assault rifles, and locally made guns	Liberia, Cote d'Ivoire, and Local Manufacturers	Land borders and footpaths
Guinea	AK47 guns, local pistols and long rifles, short, long and double barrel guns	Local Manufacturers Cote d'Ivoire, Sierra Leone and Liberia	Land and Sea Borders
Cape Verde	AK47 guns, revolvers, assault rifles, long and double barrel guns	Europe and local Manufacturing	Sea Borders
Benin	AK47 guns, revolvers, assault rifles, long and double barrel guns	Nigeria, Togo, South Africa	Land and Sea Borders
Mali	AK47 guns, revolvers, assault rifles, long and double barrel guns	Local Manufacturers Niger, Libya, Algeria, and Mauritania	Land Borders

28. According to Amnesty International, 1,135 companies in more than 98 countries are engaged in the production of small arms, ammunition and their components.[49] These

[49] Amnesty International and Oxfam International (2003). Shattered Lives: The Case for Tough International Arms Control. Hackney: Colibri Press Limited pp.56.;

companies, most of which are European, include FN Herstal (Belgium), Heckler and Koch (Germany), Steyr Mannlicher (Austria), Beretta (Italy), and GIAT (France).. FN Herstal, which produces the popular assault rifle, FAL, is the largest small and light weapons manufacturing company in Western Europe. In 2003, for instance, the company accrued roughly 400m Euros in sales revenues, with nearly all of the revenue coming from outside Belgium. [50] The weapons produced by these companies circulate illicitly in many countries: for instance, Heckler and Koch's G3 rifles are in use in about 50 countries, including Angola, Ethiopia, Ghana, Kenya, Morocco, Nigeria, Sudan, Togo, Uganda, Zambia and Zimbabwe.[51]

Routes for Smuggling SALW in West Africa

29. Firearms are smuggled through several routes around the world into West Africa and other parts of the African continent. Although these illicit routes snake covertly into each other with often unpredictable stopovers and diversions along the way, four arms-trafficking routes can be identified in West Africa: (a) West Africa routes, (b) Africa routes, (c) Middle East routes, and (d) European routes. (*See Chart 2.2: Routes for illicit trafficking in SALW in West Africa*). These illegal arms circuits cut across land, air, and sea borders. The trajectory of an international illicit arms movement, for instance, may necessitate several detours involving land and sea points, such as, rivers, creeks and footpaths across more than one country or region.

[50] Reinhide Weidache (2005). Behind a Veil of Secrecy: Military Small Arms and Light Weapons Production in Western Europe. Small Arms Survey Occasional Paper No. 16
[51] See Ewa Cholewa, "Illicit trade in Small Arms", cited in Naagbanton Patrick, *ibid*

Chart 2.2: Routes for Illicit Trafficking in SALW in West Africa



30. Arms smuggling is generally more prevalent in areas where militants operate, such as the Niger Delta region of Nigeria, northern Cote d'Ivoire, the Casamance region of Senegal, and the northern regions of Mali and Niger.[52] However, all entry points into an ECOWAS country are possible trafficking routes.

[52] GIABA, Threat Assessment of Money Laundering and Terrorist Financing in West Africa, pp.25

31. The seizure of thirteen containers of arms shipped from Iran on board vessel MV CMA CGA Everest in July 2010 indicated that many of the sea ports in West Africa could be entry points for illegal arms into the region. The Iranian consignment contained 107mm rockets, 120mm, 80mm and 60mm mortars and small arms ammunition. Although Iran claimed the weapons were destined for Gambia as part of bilateral agreements, Gambian authorities denied ownership or procurement of the consignment.[53] Senegal, alleging that the weapons were possibly heading for the Casamance region, accused Iran of arming the rebels there.[54] Both Gambia and Senegal, in protest, severed diplomatic ties with Iran while Nigeria officially reported the matter to the UN Security Council.[55]

32. On land, the most notorious entry points for smuggling firearms into Nigeria are Idi Iroko and Seme border towns in the South West, Warri in Delta State in the Deep South, and with north-eastern states of Adamawa, Borno and Yobe on the border with Cameroon.[56] There is also suspicion that SALW are smuggled into the Niger Delta from all of the region's numerous creeks, and exchanged for oil at the high sea.[57] Despite lack of confirmation by Nigerian police in Lagos interviews with independent sources at the Idi Iroko and Seme borders confirmed of the cross-border movement of arms from and to different parts of West and Central Africa.[58] Nigerian airports are rarely used for arms smuggling into the country, albeit suspicion that the air strip in Warri has been associated with arms trafficking.[59] While arms have been intercepted at Aminu Kano International Airport in Kano state, many traffickers in northern Nigeria prefer to smuggle arms into the country across Lake Chad or via the border with Cameroon. An example is the arrest of a woman in Borno state for attempting to smuggle 10 AK 47 Guns into Nigeria from Chad through Cameroon. [60]

33. Interviews with customs and law enforcement officials revealed that illicit SALWs are smuggled into Ghana from neighboring countries, such as Cote d'Ivoire and Burkina Faso. Arms are also smuggled into Burkina Faso, Mali and Niger from Libya through Sudan, Somalia, Chad, and Cameroon. The smuggling route of differs, depending on the country of destination. Officials also suspected that weapons are smuggled into neighboring Togo through airports and land borders, particularly with Benin and Burkina Faso.[61]. In Cote d'Ivoire, the northern and western borders remain the main routes for illicit arms trafficking, despite a United Nations embargo. The meeting point of the country's border with neighboring Liberia and Guinea is also a notorious transit point.[62] There is further suspicion among customs and security officials in the region that arms and weapons are smuggled into the Mano River region – Sierra Leone, Liberia, and Guinea-Conakry – through airports, seaports, and land borders.[63] Indeed, there is an estimated 150 illegal crossing points to and from Sierra Leone, Guinea and Liberia.[64] The Guinean forest in particular is a notorious

[53] Reuters, 'Iran Says Arms Seized in Nigeria Were for Gambia', 9 February 2011. Available http://www.reuters.com/article/2011/02/09/ozatp-nigeria-iran-arms-idAFJOE71809H20110209 (Accessed 24 February 2011)
[54] Reuters, 'Senegal Severs Ties with Iran Over Rebel Weapons', 23 February 2011. Available at http://www.reuters.com/article/2011/02/23/ozatp-senegal-iran-idAFJOE71M01A20110223. (Accessed 24 February 2011).
[55] Ibid; BBC News, 'Gambia Cuts Ties with Iran and Orders Diplomats to Go' 23 November 2010. Available at http://www.bbc.co.uk/news/world-africa-11819143. (Accessed 10 February 2011).
[56] Adedeji Ebo, Small Arms Proliferations in Nigeria: A Preliminary Overview, pp.19
[57] Focal point discussion in Yenagoa, October 2010
[58] Interview with NDLEA operatives, October 2010.
[59] Custom Official interviewed at Murtala Mohammed International Airport in October 2010; Interview with residents of Warri, October 2010.
[60] See, for example, Daily Trust, 'Police Nab Woman with 10 AK 47', 11 November 2010. Available at http://www.dailytrust.com.ng/index.php/top-stories/26044-police-nab-woman-with-10-ak-47-rifles-in-borno. (Accessed 24 February 2011).
[61] Interviews with Security Agents in Lome, November 2010; In 2005, a well known broker was arrested at the Lome International Airport while attempting to export a large quantity of arms to Cote d'Ivoire.
[62] GIABA, Threat Assessment of Money Laundering and Terrorist Financing in West Africa, pp.25.
[63] Survey conducted in Sierra Leone, October 2010
[64] Francis Keili, Report on Border Threat, pp.20

transit route for illicit arms and weapons into the region. Indeed, there is an estimated 150 illegal crossing points to and from Sierra Leone, Guinea and Liberia.

34. The common routes for illicit trafficking in SALW into Benin are the various land and maritime borders of the country, not least because they are porous.. The high volume of traffic normally overwhelms the few ill-equipped, ill-trained, and mostly corrupt security officers at the border. The Benin-Togo border and Benin-Burkina border also popular routes for smuggling activities, including smuggling in SALW.[65]

Actors Responsible for illicit SALW Trafficking in West Africa

35. Typological delineations here are multiple and often interwoven. Indeed, there are several types of Illicit SALW traffickers in the West Africa. Nonetheless, the study identified a number of actors in the trafficking and proliferation of SALW in the region. In particular, the primary actors in the illicit arms business are leaders of politically-motivated insurgent/rebel groups, armed criminal gangs including campus cult gangs, security and law enforcement operatives; politicians, international oil merchants, drug traffickers, ethnocentric or sectarian community leaders or warlords and commercial arms dealers.[66]

36. In Nigeria's Niger Delta region, local and state politicians, local oil racketeers, international oil merchants and security agents, are the key actors in SALW smuggling.[67] Even more important is the involvement of Nigerian security officers. In 2008, for instance, fifteen army officers, including three colonels, were arrested as part of the syndicate that stole arms and ammunition from the Army Central Ordinance Depot in Kaduna and sold them to militants. The officers were subsequently tried at a court-martial in Kaduna over the disappearance of hundreds of AK-47 rifles, GPMGs and ammunition boxes.[68]

37. According to Togo's National Commission on SALW, Togolese arms smugglers are typically between the ages of 20 and 40 years. During the course of interviews, officials of the Commission reported that about 400 firearms were seized from arms smugglers between ages twenty and forty. During the civil wars in Liberia and Sierra Leone, the primary arms smugglers were international firearms brokers, rebel leaders, security agents and local manufacturers.[69] The major actors in Cote d'Ivoire are leaders of rebel groups and politicians. Wherever their theatre of operation, these traffickers operate as syndicates (*See Chart 2.3: Estimates of West African SALW in or out of circulation [2000 – 2010]***)**

Prevalence of SALW Trafficking and Proliferation in West Africa

38. West Africa is awash with millions of SALW, most of which are in the hands of non-state and mostly abusive actors. Despite the gradual and on-going entrenchment of democratic governance in the region, the regional stockpile of illicit SALW has reached alarming proportion. While the number of illicit SALW stockpiled in sub-region is unclear, the outbreak of violence and conflicts in various parts of the region has increased illegal arms acquisition. As of 2004, , there are an estimated seven to eight million small arms and light

[65] Survey conducted in Benin, December 2010
[66] Interviews with locals, security and law enforcement officials in Lagos, Port Harcourt, Warri and Yenogoa, October 2010.
[67] Adefemi Isumonah, the Proliferation of Small Arms and Light Weapons in the Niger Delta, pp.82
[68] *Vanguard* Newspaper, Lagos, January 17, 2008.
[69] Farah, Douglas and Braun, Stephen (2007). Merchant of Death: Money, Guns, Plans, and the Man who Makes War Possible. Hoboken, NJ: John Wiley and Sons Inc, pp.34; Rtd. Capt. Humphrey and Dr Bob K. Conteh, Small Arms and Light Weapons Perception Survey in Sierra Leone, pp.10

weapons in circulation in West Africa.[70] This is slightly higher than the seven million estimated in 2002.[71]

Chart 2.3: *Estimates of W/African SALW in or out of circulation* (2000 – 2010)

NAME OF COUNTRY	SALW in Circulation	SALW seized	SALW Surrendered	SALW lost	Comments
Benin	135,505[72]	1,800[73]	-	-	
Burkina Faso	83,913	-	-	-	
Cape Verde	12,188[74]	-	-	-	
Cote d'Ivoire	10,000[75] 458,677[76]	-	1000[77]	-	
Gambia	136,850[78]	-	28[79]	-	
Ghana	100,000[80]	3,387[81]	-	-	
Guinea	130,884	61[82]	-		
Guinea Bissau	25,000[83]	-	-	1,270	
Liberia	166,117[84]	-	27,000[85] 61,918,000[86]	-	
Mali	174,752	-	-	-	
Niger	117,305[87]	28[88]	12432[89] 30,000[90]	-	
Nigeria	2.5million[91]	3,732[92]	20,000[93] 1,257[94]	140 7,000[95]	6491 destroyed by the army[96]
Senegal	263,714[97]	--	8,000[98]	-	
Sierra Leone	49,785[99]	-	9,237[100] 6,165[101] 30,000[102]	-	

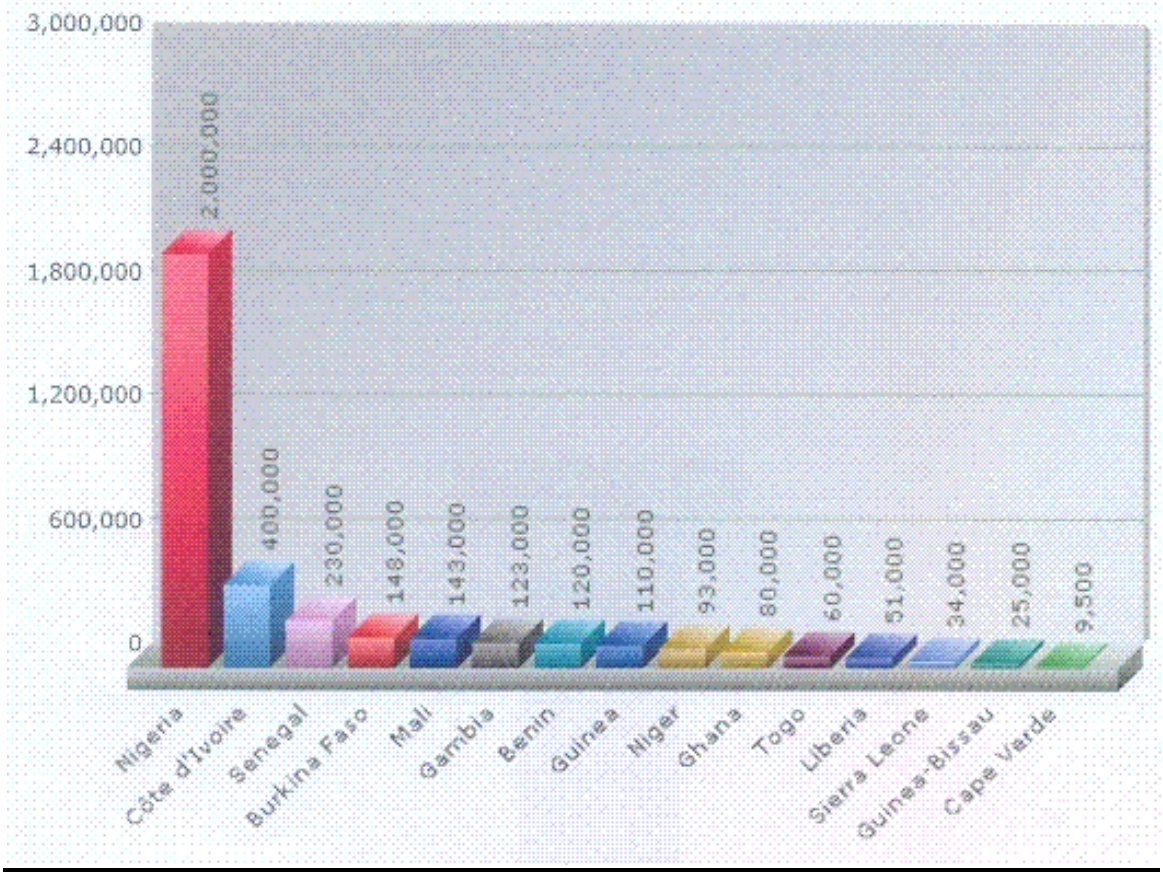
[70] Stohl, Rachel, "The Legacy of Illicit Small Arms Devastation in West Africa," US Congressional Human Rights Caucus Briefing on Small Arms in West Africa, Centre for Defence Information, Washington DC, May 20, 2004
[71] Musah, Abdel-Fatau (2002), 'Small Arms: A Time Bomb Under West Africa's Democratization Process', *The Brown Journal of World Affairs*, Vol IX, Issue 1, pp. 240.
[72] Gunpolicy.org/firearms,Februrary,2011
[73] The National Commission on SALW in Benin made the seizure (2005-2007)
[74] Gunpolicy.org/firearms, op. cit
[75] 2004 estimate by Amnesty International
[76] Gunpolicy.org/firearms, op. cit
[77] Government of Cote d' Ivoire Disarmament Programme in May, 2010,www.afrol.com
[78] Gunpolicy.org/firearms, op.cit
[79] In the Upper River Region,April,2007
[80] Mr. Frank Adu Poku, Director General of Criminal Investigation Department of Ghana.
[81] SALW seized and destroyed in Ghana (2001 – 2010) www.ghanaweb.com, December, 2010
[82] National Police of Guinea Report,2004-2008
[83] Rachael Stohl, The legacy of Illicit Small Arms: Devastation in West Africa,p5
[84] Gunpolicy.org/firearms, op. cit
[85] Eric Berman, Illicit Trafficking of SALW in Africa, Increasingly a Homegrown Problem, p10
[86] DDRR Programme in Liberia,2003,www.unddr.org
[87] Gunpolicy.org/firearms, op. cit
[88] High Court Registry, Niamey
[89] Flame of Peace Ceremony, September 25, 2000
[90] Surrendered in 2009
[91] Gunpolicy.org/firearms, op. cit
[92] Based on survey of Nigerian Newspapers Jan,2006-Aug,2010; see www.gunpolicy.org, 2010
[93] Surrendered by the Niger Delta Militants, Vanguard Newspaper of May 13, 2010
[94] SALW surrendered and destroyed in Nigeria (July,2008), see www.iss.co.za, December, 2010
[95] Nigerian soldier sentenced to life for selling 7,000 guns from the public armoury, Punch Newspaper, November 28, 2008
[96] In two exercises, the Nigerian army destroyed surrendered 2,732 rifles, 3,405 guns, 81 RPGs, 266 pistols, 6 cannons, and 1 spear.
[97] Gunpolicy.org/firearms, op. cit
[98] Number of SALW surrendered and destroyed in Senegal in 2003; Development and Implementation of Programmes on Voluntary Surrender and Destruction of SALW,www.iss.co.za, December 2010
[99] Gunpolicy.org/firearms, op. cit
[100] Community Arms Collection and Destruction Programme
[101] Surrendered during the Arms for Development Programme

NAME OF COUNTRY	SALW in Circulation	SALW seized	SALW Surrendered	SALW lost	Comments
Togo	80,339[103]	400[104]	-	-	

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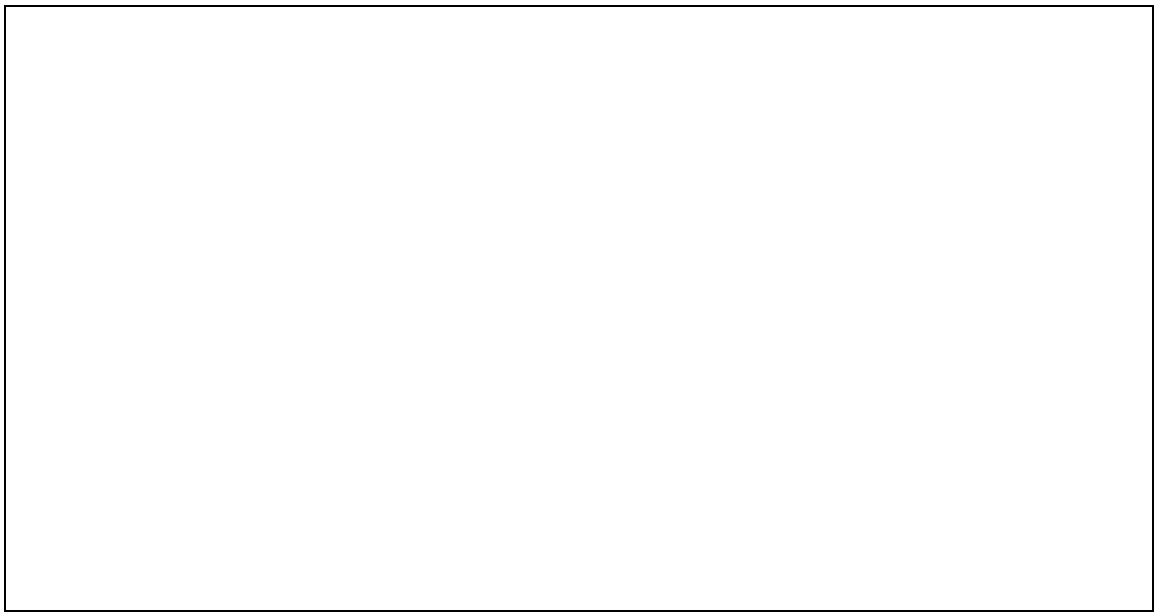
39. To underscore the high prevalence of SALW trafficking and proliferation in West Africa, a relevant comparative data on the ECOWAS states might shed some new light on the issue. In particular, there are an estimated 3,625,000 privately owned firearms in West Africa as of March 2011.[105] This figure, sourced from various published sources, is conservative a summation of the number of privately owned firearms recorded for each of ECOWAS state (See Chart 2.4 and Chart 2.5). It most likely underestimates the number of arms in circulation as it mainly represents ***registered*** privately-held firearms. Considering that militants, insurgents, ethno-religious fighters, mercenaries, and criminal gangs in the sub-region also own and control large stockpiles of arms and weapons, the figure is likely to be more than double..[106] Notwithstanding the conservative figure, however, the prevalence of illicit SALW in West Africa represent a serious threat to its long term peace, security and development.

Chart 2.4: Number of Privately Owned Firearms in each ECOWAS state



[102] Surrendered during the DDR for ex-combatants in Sierra Leone
[103] Gunpolicy.org/firearms, op. cit
[104] Based on the record of Togo National Commission on SALW, October 2010
[105] See Gunpolicy.org, 'Armed Violence and Guns in West Africa' at http://www.gunpolicy.org/firearms/region/west-africa.
[106] Stohl (2004),*Op cit*.

Chart 2.5: Rate of Civilian Firearm Possession per 100 Population



Source: the global portal, gunpolicy.org, April 2011.

Impact of SALW Trafficking and Proliferation in West Africa

40. Civil wars, communal violence and social unrests involving the use of high volumes of SALWs have directly inflicted deep human and material wounds on West Africa. This is evidenced by the estimated deaths of 2.2 million West Africans in civil wars in Cote d'Ivoire, Liberia, Sierra Leone and other countries in the sub-region..[107] During Sierra Leone's civil war in particular about 50,000 people were killed, another 30,000 were amputated.[108] The impact of these conflicts on vulnerable groups, such as women and children is particularly destructive. For instance, more than 200,000 women were victims of sexual violence during the civil war in Sierra Leone.[109] This is a conservative estimate as most victims do not report cases of sexual violence because they do not trust the existing state mechanisms to protect them.[110]

41. Equally devastating is the considerable collateral damage caused by SALW-fuelled conflicts. In particular, the countless deaths through forced displacement, loss of access to healthcare, etc, cannot be overstated. The destruction of properties and communities including deprivation of sources of income and deprivation of right to family, resulting in considerable psychological trauma and creation of large number of refugees dependent on humanitarian aid are all direct causes of conflicts and violence involving SALWs. The challenge of resettling refugees and IDPs remains daunting in conflict-ravaged parts of the region. For instance, less than half of the estimated 4.5 million populations displaced during Sierra Leone's civil war with many remaining homeless and socially and economically disoriented.[111] Accordingly, the extent of small arms-related devastation 'dwarfs that of all other weapons systems- and in

[107] *Op cit*, Musah, Abdel-Fatau
[108] Franci Langumba Keili, 'Small Arms and Light Weapons in West Africa: A Stock-taking', Disarmament Forum, In Vignard, Kerstin (ed.). The Complex Dynamics of Small Arms in West Africa. Geneva: United Nations Institute for Disarmament Research, pp. 9.
[109] Ibid
[110] In many cases, state mechanisms against human rights abuses are either profoundly dysfunctional or simply non-existent.
[111] Kizito, Sabala (2004). African Commitment to Controlling Small Arms and Light Weapons: A Review of Eight NEPAD Countries. NL: African Human Security Initiative,

most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms, indeed, could well be described as 'weapons of mass destruction.'[112] .

42. As of March 11, 2010, there were 5,778 Liberian refugees in Nigerian refugee camps. This number is dwarfed by the thousands of Nigerians who were, at frequent intervals, internally displaced from their homes due to religious and communal clashes in mainly north-central and north-eastern parts of the country. Among the most recent of such clashes was the eruption of electoral violence after the April 2011 presidential election, leading to hundreds of deaths in northern Nigeria.[113].

43. SALW-fuelled conflicts have severely damaged governance systems and eroding popular confidence in them, and destroyed hitherto peaceful relationships amongst communities and groups in West Africa. More importantly, SALW trafficking and proliferation continue to pose serious threats to the rule of law and economic growth and development in West Africa.

[112] Annan, Kofi, "Freedom from Fear: Small Arms," Speech to the Millennium Assembly of the United Nations, 27 March, 2000. Copy available at http://www.un-ngls.org/orf/GA/laurence%20bropleh%20-%20fear.pdf.
[113] According to the BBC, "Hundreds have died in clashes in Nigeria following national elections last month (i.e, April 2011) … The worst of the violence was in Bauchi and Kaduna states." (http://www.bbc.co.uk/news/world-africa-13322307).

Chapter 3: Nexus Between Small Arms and Light Weapons Trafficking & Money Laundering in West Africa

44. Having done an overview of small arms and light weapons trafficking and proliferation in West Africa in the preceding chapter, this chapter examines the correlation between illicit SALW trade and money laundering in the sub-region. Based on the study conducted in the 15 ECOWAS Member States, certain SALW-ML linkages were ascertained. The findings of a region-wide investigative research are presented.

45. The study identifies the following four key methods of laundering illicit firearms trafficking-related funds: (a) via shell companies through which transactions in contraband products are made,[114] (b) through investments in real estate (a rebel leader was reported to have purchased at least two houses in Bouake (Cote d'Ivoire) as well as a property in Korhogo (Cote d'Ivoire) and Burkina Faso),[115] (c) through small business investments,[116] and (d) through the use of *Hawala* system, which entails moving the money to safe locations.[117]

From Criminal Conduct to Money Laundering

46. SALW -facilitated criminal conducts such as bank robbery, kidnapping, oil bunkering, and illicit mining, lead to the acquisition of criminal money.[118] Criminals are then compelled to disguise the origin of the proceeds of these crimes in other to avoid suspicion or detection, thereby leading to money laundering.[119] Detection could leads prosecution, which might result in long-term imprisonment and/or the confiscation of the criminal benefit. A typical money laundering operation takes the form of routing and re-routing criminal money through particular banking and financial systems – international, regional, or national – with using false – and often legitimate – documents, until the process leads to the integration of the money into the economy.[120] How this intricate association between SALW trafficking and money laundering plays out in West Africa is examined below.

Funding & Proceeds of Illicit Firearms Trafficking

47. Since the concept of "criminal money" is the lynchpin of all money laundering offences, this section verifies the extent to which criminal benefit is embedded in the funding of illicit firearms trafficking and the operations in which those arms are employed. The role of

[114] Global Witness investigators revealed this on pages 34 and 42 of their study, "Hot Chocolate: How cocoa fuelled the conflict in Côte d'Ivoire," June 2007

[115] See Global Witness, ibid, page 40, www.globalwitness.org

[116] According to the survey of the Panel of Experts on the United Nations Côte d'Ivoire, the Area Commanders of the Forces Nouvelles are owners of small retail businesses. See Final Report of the Panel of Experts on Côte d'Ivoire, Paragraph 205.

[117] See Report of the Security Council Panel of Experts on Cote d'Ivoire, paragraph 300

[118] Refers to a "property which represents a benefit from criminal conduct, either directly or indirectly, in whole or in part, so long as the launderer 'knows or suspects' that the property represents such a benefit," Proceeds of Crime Act (POCA) 2002, s340(3), mentioned in www.rahmanravelli.co.uk

[119] According to U4 Anti-Corruption Resource Centre, money laundering is "any act or attempted act to disguise the source of money or assets derived from criminal activity. Money laundering includes concealing the origins and the use of the illegal assets." Some of the international legal efforts to control money laundering include the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime and its Protocols. ECOWAS has a number of legal instruments ratified and domesticated by some of its member-states. One of the recommendations of the Financial Action Task Force (FATF), which all cooperative countries accede to, is the need for financial institutions, especially banks, to implement customer due diligence procedures as well as raise suspicious transactions report (STR), usually submitted to the Financial Intelligence Unit (FIU) or any similar body, over questionable transactions by their customers.

[120] This is the last of a 3-stage money laundering scheme identified by Rahman Ravelli, op cit, and refers to "the process by which criminal money ultimately becomes absorbed into the economy, such as through investment in real estate." The first and second stages are "Placement" ("the process of getting criminal money into the financial system," and "Layering" ("the process of moving money in the financial system through complex webs of transactions, often via offshore companies") respectively

SALW smuggling and proliferation in generating criminal money can be seen within the context of the criminal activities it supports within West Africa, namely drug trafficking, the kidnapping of civilians, illegal mining and export of solid minerals[121] [122], oil bunkering, ,[123] illegal sale of cash crops, [124] ; (vi) funds from politicians, used in arming the youths for political reasons (common in Nigeria);[125] (vii) funds from community leaders, used in financing communal conflicts,;[126], etc (common with rebel groups in Niger and Mali);[127] and (ix) direct illicit funding by firearms dealers who fund firearms smuggling for purely commercial reasons[128] (*See Chart 3.1*).

48. The practice of barter trade on the shorelines of the Niger Delta results in the direct exchange of criminal benefits, thus circumventing, to some extent, money laundering hurdles. In a series of interviews, it became clear that militants in often exchange stolen oil for arms and weapons with various criminal dealers. Although the introduction of an amnesty program by the Nigerian government reduced such exchanges, arms smuggling is reportedly thriving in the region.[129] Indeed, most interviewees reported that arms dealers smuggle arms through the creeks of in Bayelsa state.

49. In Cote d'Ivoire, where an estimated 40 percent of the world's cocoa is produced, government and rebel forces were reported to have partially funded their weapons purchases with money from the sale of stolen cocoa. . About 300,000 tones, representing 20-25 percent of Cote d'Ivoire total cocoa production, were reportedly smuggled illegally out of the country.[130] A 2007 report by Global Witness notes that rebel groups received more than 15 billion CFA (more than USD30 million) a year from illegal cocoa trade, beginning in 2004.[131] Money also accrued to rebel groups from illegal export of other natural resources, including cotton, wood, cashew nuts, and diamonds. s.[132]

50. Liberian and Sierra Leonean rebels extracted vast amounts from illegal mining and smuggling of diamonds during the long civil wars in both countries. Specifically, while an estimated USD250-300 million worth of diamonds were produced between 2001 and 2006, the official figure was USD26-125 million.[133] The difference is suspected to have been cornered by armed groups and used to import weapons, service their operations, and enrich their leaders.[134] Indeed, various testimonies to testimonies to Sierra Leone's Truth and Reconciliation Commission (TRC) confirmed that during the civil war, proceeds from trade in diamond, gold, and other natural resources were used to finance illegal arms importation into the country. The Revolutionary United Front (RUF) in particular reportedly received between USD25-125 million annually from illegal diamond trade during the civil. Part of the funds

[121] Final Report of the Security Council Panel of Experts on Cote d'Ivoire, established pursuant to SC Resolution 1842(2008),Paragraph 36
[122] GIABA (2008). Annual Report. Dakar: GIABA, pp. 42
[123] Oil theft, BBC Report,www.bbc.com/news.
[124] GIABA, Threat Assessment of Money Laundering and Terrorist Financing in West Africa, pp. 25
[125] Opinions of participants of a Focal Point Discussion in Warri, Delta State, September 2010
[126] Opinions of participants of Focal Point Discussion in Yenagoa, Bayelsa State, September 2010
[127] . Interview with Security Officers in Niger, October 2010
[128] Interview with Security Officers in Lagos and Warri, October 2010
[129] Interviews with security officials in Lagos, October 2010; Interviews with locals in Yenagoa.
[130] Out of this, about 30,000 may have been smuggled from the government-controlled south to Ghana, while about 40,000 tones crossed borders from the more porous, rebel-controlled, north into Burkina Faso
[131] See Final Report of the Security Council Panel of Experts on Côte d'Ivoire established pursuant to paragraph 11 of Resolution1842(2008), paragraph 36.
[132] Global Witness, "Hot Chocolate: How Cocoa Fuelled the Conflict in Côte d'Ivoire", June 2007. Copy available at http://www.globalwitness.org/sites/default/files/pdfs/cotedivoire.pdf.
[133] Official statistics indicated $26 million (2001), $42 million (2002), $76 million (2003), $127 million (2004), $142 million (2005), and $125 million (2006).
[134] GIABA(2008) Annual Report. Dakar: GIABA. pp.42

was used to purchase weapons, ammunitions, food, and equipments.[135] To be sure, however, there was no revelation as to what percentage of this amount was laundered.

51. The TRC also reported a series of diamonds-for-weapons and supplies deals between the RUF and Liberian and Burkinabe leaders, as well as Guinean military officers in the post-AFRC/RUF era..[136]. The TRC reported that in one instance, the RUF purchased a BM-21 multiple rocket launchers from the Guinean Armed Forces, immediately after the former's invasion of Freetown in January 1999. Although there is considerable suspicion that these transactions deals involved a series of money laundering activities, it is difficult to ascertain how much of the proceeds generated were wangled laundered. This is particularly because of the profoundly weak financial monitoring and control systems introduced by immediate post-war governments of the affected countries.

Laundering the Proceeds of Illicit Firearms Trafficking

52. Illicit arms traffickers and their appendages, fully aware of the criminality of their operations, are compelled to disguise the origins of the vast sums they receive. Thus, they are compelled to devise a scheme by which proceeds generated from the operations appear to have been generated from legitimate business undertakings.

53. This section seeks to determine how financial flows from illicit firearms trafficking in West Africa are cleaned and integrated into the mainstream economy without being detected. It also seeks to and to ascertain actors involved in process of laundering the proceeds. In addition, and in spite of the paucity of relevant data, an effort is made to estimate the proportion of proceeds from SALW trafficking that is laundered

54. Since the exact volume of arms trafficking flow is difficult to establish, determining the percentage of arms-trafficking flow that is laundered in West Africa is very challenging. Even where the spending habit of the traffickers is known, tracking their money trail presents unique difficulties, not least because of the informal nature of the West African economy, the absence or feeble nature of tax intelligence regimes, and the hap-hazard enforcement of customer due diligence measures by many banks and DNFBPs in the sub-region.

Money Laundering Methods Used by Traffickers

55. According to interviews with law enforcement officials, arms traffickers and the appendages launder part of the money they receive by investing in real estate and prestigious commodities.[137]. Traffickers also launder their funds through banks outside West Africa. For instance, international arms dealers who supplied arms to warring factions during the civil wars in Liberia, Cote d'Ivoire and Sierra Leone reportedly laundered their illicit funds through international banks since most of them reside outside West Africa.[138] Vast proceeds from illegal deals in arms have reportedly been used to purchase properties in Senegal, deposited into local and international banks, or simply kept in the homes of arms dealers.[139]

[135] Report of the Truth and Reconciliation Commission of Sierra Leone
[136] ibid
[137] Interviews with security officials in the Niger Delta, October 201. This is confirmed by the findings of a typologies study conducted by GIABA. See GIABA (2008). Typologies of Money Laundering through the Real Estate in West Africa. Dakar: GIABA.
[138] Interviews security officials
[139] GIABA, Threat Assessment of Money Laundering and Terrorist Financing in West Africa

56. In Nigeria, an estimated 30,000 barrels of oil are stolen daily. [140] The country reportedly lost about $100 billion to oil theft between 2003 and 2008.[141] Although much of the stolen oil and funds were exchanged for arms and weapons, it is difficult to ascertain how much illegal arms dealers received and how much was laundered subsequently. Nonetheless, officials of the Economic and Financial Crimes Commission (EFCC) who were interviewed for the study estimated that that less than 50 percent of the oil stolen by Niger Delta armed groups was used in purchasing arms directly or through oil-for-arm trade-offs. The lack of investigation and prosecution of cases money laundering cases involving arms trafficking by the EFCC does little to assuage the difficulty in accessing reliable data.[142]

57. Despite the lack of official confirmation, several interviews with officials pointed to the ease with which 'dirty money' can be lodged in Nigerian banks, particularly because of many banks are unwilling to report suspicious transactions for fear of losing out to their competitors. Instances of sanctions against non-cooperative bankers and other professionals, based on the Anti-money Laundering Act, were not many.[143] Accordingly, there was deep-seated suspicion that proceeds generated from illicit SALW trade suspected to have been lodged directly into private accounts, not least because of the weak internal control measures of the financial system.[144]

58. In one of the cases investigated in Nigeria, millions of Naira were traced to the accounts of a Nigerian soldier tried for arms trafficking and for supplying arms to the armed groups in the Niger Delta.[145] A small arms dealer in Onitsha in [146] south-eastern of Nigeria, who imported six million naira worth of ammunitions from Ghana in 2010, claimed that he financed the deal by moving the money across the borders. In view of the huge amount involved, it is safe to conclude that he withdrew or "borrowed" the money from a bank.

59. Though security agencies at the Seme border denied that huge sums of money can easily pass through the borders, findings reveal that it was indeed possible and common to move money through Seme border - which links Nigeria with Benin Republic. It was easy to pass through the Seme border without an official check if one could pay one's way or was willing to use a bike through the footpaths, which cost about $2 per ride.[147]

60. Furthermore, the estimated USD250-300 million worth of diamonds were produced in Sierra Leone between 2001 and 2006 means that country received about USD1.5 billion (calculated at the rate of $250 million per year) during the period. With a total of USD538 million officially recorded, a balance of $962 million is estimated to have been illicitly acquired by various groups and individuals. It is difficult, however, to ascertain how much of this sum was used to fund illegal firearms importation, and how much were laundered. Even so in the high cost of sustaining rebel activities necessitated that a substantial percentage of the amount could be spent on illegal arms deals, while the remained is laundered through foreign banks used by international arms agents.[148] (*See Chart 3.3 below).*

[140] Judith Asuni, Blood in the Niger Delta, pp. 6
[141] Report of the International Centre for Reconciliation, quoted in Blood in the Niger Delta, pp.7
[142] Interview with a Lawyer working for the EFCC, November 2010
[143] Interview with EFCC Lawyer, November 2010.
[144] Interviews with civil society representatives, Lagos, October 2010.
[145] A major with the Nigerian Army was convicted for selling military arms to Niger Delta militants.
[146] Intercepted by the Police in Lagos
[147] Investigations at the Seme border by a PANAFSTRAG Researcher, December 2010
[148] Respondents to the survey conducted in Sierra Leone, October 2010.

Chart 3.3: Estimate of Illicitly Acquired Funds from Unrecorded Diamond Export in Sierra Leone, 2001-2006

S/No	Year	Official Record(USD)	Unofficial Estimate(USD)	Difference(USD)
1	2001	26 Million	250 Million	224Million
2	2002	42 Million	250 Million	208 Million
3	2003	76 Million	250Million	174 Million
4	2004	127 Million	250 Million	123Million
5	2005	142 Million	250 Million	108 Million
6	2006	125 Million	250 Million	125Million

Source of figures: GIABA, 2008 Annual Report, p.42

61. In Cote d'Ivoire, it is equally difficult to ascertain the how much of proceeds generated from cocoa smuggling in the southern and northern parts of the country was used to purchase arms and/or how and how much such funds were laundered. But there were indications the funds must have been used for arms procurement while some were believed to have been laundered by arms brokers through some banks in Cote d'Ivoire and other West African countries.

62. In Niger, it is ascertained that arms dealers from Nigeria, Chad, and Cameroon supplied arms to the rebel groups in the northern and eastern parts of the country, and these dealers were suspected to have laundered these funds through investments in property and lodgments in local banks (after transporting the money as cash) and using informal foreign exchange bureaux to convert to desired currencies.[149]

63. The far-reaching implications of these findings pull at delicate cords beneath the scary realities on the surface. What is obvious is that money laundering is only the endpoint of illicit trafficking in small arms which itself breeds a number of devious activities, such as oil theft in the Niger Delta, illicit mining and export of minerals principally in Liberia and Sierra Leone, illicit exploitation and export of cash crops in Cote d'Ivoire, and smuggling of cigarettes in Niger and Mali. These activities not only fetched millions of dollars to sustain the nefarious activities of the armed groups but also produced huge surpluses which were diverted and laundered by the ring leaders even as their criminality and illicit flows destabilized and, in some places, undermined the economies of the region. This study has tried to quantify the volume and dimensions of these illicit flows but, really, their most harmful effect on the region go beyond these figures to the immeasurable human costs – the maiming and killings, institutional corruption and failure, moral decadence, and the untold misery and atmosphere of hopelessness which these traffickers inflict on the people and the region.

[149] Interviews from security and government officials, Niger, October 2010; Responses to questionnaires administered during the course of the study.

Chapter 4: Nexus Between Small Arms and Light Weapons Trafficking and Terrorist Financing in West Africa

64. The financing of terrorism through supply of illicit SALWs to terrorists groups seems naturally interlocked. But there are wider dimensions of this nexus. This chapter focuses on how illicit SALW trafficking is interconnected to terrorist financing in West Africa. The research findings presented in this chapter are particularly important, not least because they touch on the modus operandi of groups involved in illicit SALW and terrorist financing in West Africa.

Regional Overview

65. West Africa is home to many armed groups, many of which are insurgents or rebels. In Nigeria's Niger Delta region alone, about one hundred militant groups existed before the federal government's amnesty program.[150] In the north-eastern part of the country, the Boko Haram sect is the major insurgent group fighting against the Nigerian state. In the Casamance region of Senegal, the Mouvement des Forces Democtratiques de la Casamance (MFDC) has been fighting the government for more than twenty years. In northern Niger and Mali, the Tuareg insurgency remains alive while Cote d'Ivoire still contends with the remnants of its northern rebels. There are indications that al-Qaeda has presence in Mali and Mauritania, and that Al-Qaeda in the Islamic Maghreb (AQIM) has networks in Mali and Senegal. In addition, the Hezbollah has extensive fundraising network in West Africa.[151]

66. Although the operations of these and similar groups are shrouded in mystery, there is some information on how they raise funds. Militant groups in the Niger Delta raise funds primarily from oil bunkering, while the Tuareg insurgents raise funds from arms smuggling, ransoms from kidnapping, hostage-taking, cigarette smuggling, and the illicit drug trade. Although rebels in Senegal's Casamance region are involved in arms trafficking, most of their funds are extracted from drug trafficking and donations from the Diaspora.[152]

67. Although Boko Haram, is known to be involved in local arms deals, it receives funding from membership dues and donations from sympathizers within and outside the country.

68. According to UNODC sources, "External terrorist groups such as al-Qaeda are strongly suspected of having forged mutually beneficial links with West African crime networks, particularly in Nigeria, paying syndicates to facilitate everything from document forgery to trafficking in people, weapons, diamonds and drugs."[153] Counter-terrorism observers indicate that al-Qaeda's interest in West Africa has both terrorist and economic dimensions. According to Global Witness Al-Qaeda has been involved in the rough diamond trade since the 1990s. Sequel to the US embassy bombings in Kenya and Tanzania, and America's crackdown on its financial undertakings in 1998, al-Qaeda joined the diamond trade in Sierra Leone and Liberia.[154]

[150] Judith Asuni, Armed Groups of the Niger Delta, pp. 20
[151] GIABA (2010). Threat Assessment of Money Laundering and Terrorist Financing. Dakar: GIABA pp. 86
[152] *Ibid*.
[153] Information obtained by UNODC from law enforcement and intelligence analysts in West Africa
[154] Andrés, Amado Philip de, *op cit*, pointed out that the illicit diamond trade was critically important to al-Qaeda because of the following reasons: (i) it served as a means of raising funds for al Qaeda cells; (ii) it enabled al-Qaeda to hide money targeted by financial sanctions; (iii) it enabled al-Qaeda to launder the profits of criminal activity; (iv) it allowed al-Qaeda to convert cash into a commodity that holds its value and is easily transportable. In this context, Andrés said, "it would be worth highlighting the past and current use of diamonds by Hezbollah as a source of revenue and a mechanism for asset transfer."

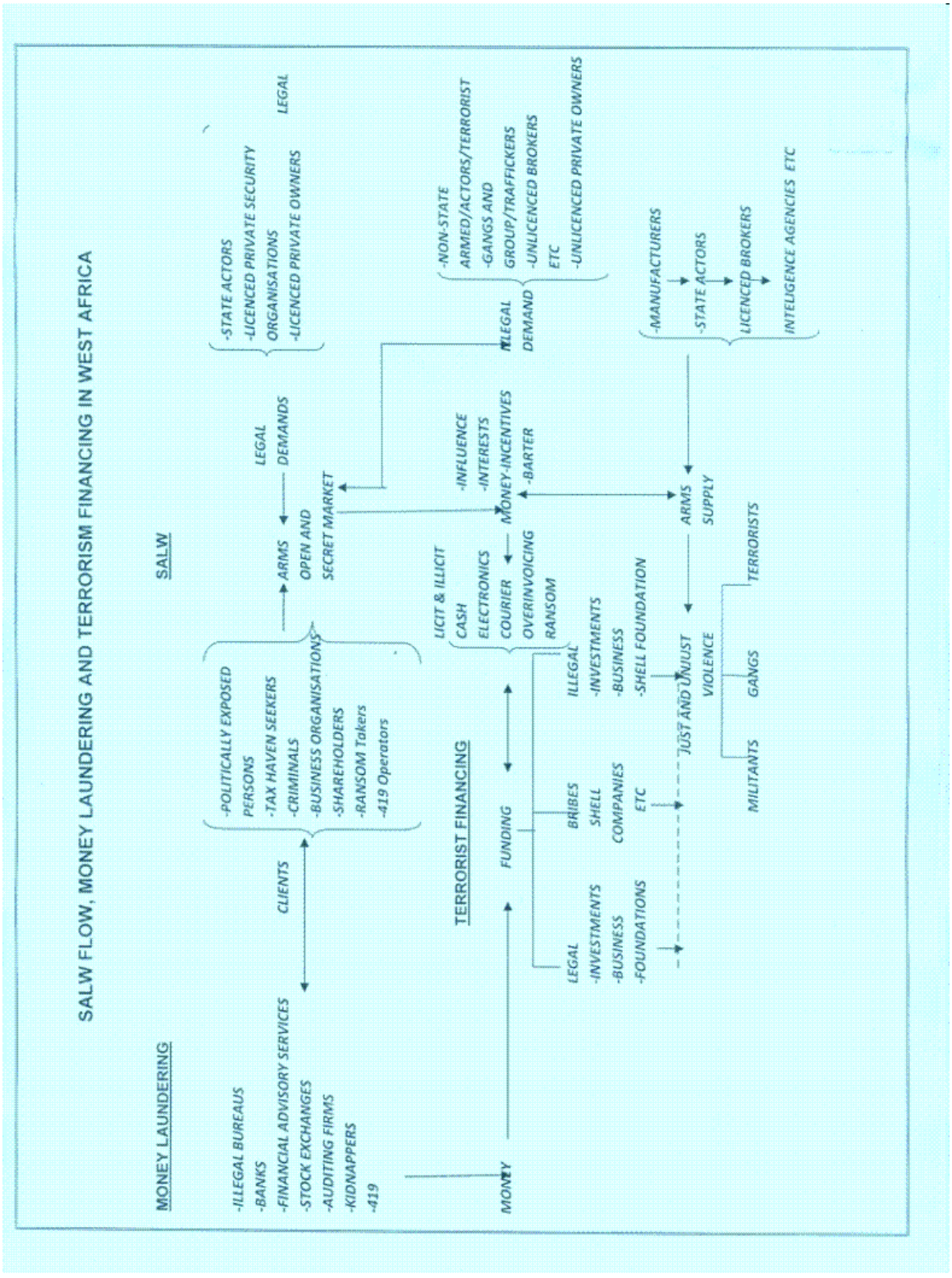
Examining the SALW–TF Chain

69. Three of the regional armed groups mentioned in the above overview are here examined more closely to demonstrate the linkage between small arms and terrorist financing (*for the triangular linkage, see Chart 4.1 on SALW flow, money laundering, and terrorist financing in West Africa).* The selected organizations are Movement for the Emancipation of the Niger Delta, representing the rebel group category; Boko Haram, symbolizing religious militancy category; and the MFDC, representing the secessionist category.

70. **Movement for the Emancipation of the Niger Delta (MEND)** is a major insurgent group in the Niger Delta that is ostensibly fighting for on behalf of Niger Deltans for a greater share or control over oil and other natural resources in the region. Accordingly, MEND has attacked several oil installations and government targets, kidnapped foreign oil workers, issues threatening messages, among others, as part of its fighting strategy. The group detonated a bomb near the venue of Nigeria's 50th independence anniversary ceremonies on 1 October 2010, killing twelve civilians and injuring many others. Prior to the attack, the group had warned the Nigerian government to refrain from holding the event.[155]..

[155] The Guardian, 'Nigerian Authorities Were Warned About Terrorist Attack on Capital', 2 October 2010. Available at http://www.guardian.co.uk/world/2010/oct/02/nigeria-warned-terrorist-attack.

Chart 4.1: SALW Flow, Money Laundering, & Terrorist Financing in West Africa



71. MEND is well-known in West Africa for its involvement in arms trafficking. The group has easy access to heavy weapons, particularly because of its proximity to Nigeria's Atlantic waters and imports some of its weapons from Western, Central and Southern African

countries.[156] Henry Okah, MEND's leader, is a known arms broker with great leverage and monopoly of sorts over the Nigeria-South Africa arms trafficking axis.[157] Asari Dokubo, another MEND leader, once reported that that Okah had supplied him arms, including AK-47s, general purpose machine guns, cans of bullets, G3 and RPGs.[158] According to locals and officials interviewed, the group launders its illicit gains through the local banks, using names of individuals not directly linked to it, while maintaining foreign accounts overseas through its leaders.[159]

72. Funds raised from illicit SALW trafficking and other criminal activities enabled MEND to conduct a series of violent attacks against government targets in the Niger Delta. to Indeed, Okah once promised that an armed MEND " will carry out attacks on land as well, and take the fight to the government. Officers will be targeted. Soldiers will be targeted. Police stations will be targeted. They will even go to the big hotels to kidnap people."[160] Significantly, members of MEND and other groups received significant amounts of money for turning in their arms and weapons under the government's amnesty program. In particular, Ateke Tom, a militant leader, received USD2, 000 for each of the 360 AK-47 rifles he turned in.[161] This is translates into about USD720,000, which is deemed to be well above the market value. Asari Dokubo struck a similar deal with the government under the amnesty program.[162]
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73. **Boko Haram**, loosely translated to mean 'Western education is a sin' is a violent Islamic insurgent group known for its extremist views, particularly its rejection of Western education. The group, which operates primarily in north-eastern Nigeria, has conducted several attacks against government, religious, and civilian targets, thereby killing hundreds of people in northern Nigeria.

74. Boko Haram acquires arms from Niger, Chad and Cameroon – countries that share borders with Nigeria at the northern part of the country. Nigeria's extensive borders with Cameroon, notorious as smuggling routes for illicit SALWs, perfectly serves the purpose of the Boko Haram, especially with the northeast being its primary operational base. With most of its original members hailing from the northeast, the group easily facilitates the flow of illicit SALWs from Chad into Nigeria.[163] Indeed, the use of AK-47 rifles to carry out attacks is an indication that most of the arms used by the group were smuggled into the country. For instance, during the April 2011 general elections, the police and other security agencies recovered from seized 3 AK-47 rifles and other arms from Boko Haram in a raid in Maiduguri.[164]The group also uses locally manufactured firearms and produces explosives in one of its hideouts in Bauchi State.[165]

75. The nuisance value small arms have enabled this militant group to attract into their coffers huge donations from a section of the political class. The donors are believed to be

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[156] IRIN News, 'Nigeria: Widespread Availability of Small Arms a Major Security Issue', 9 May 2006. Available at http://www.irinnews.org/InDepthMain.aspx?indepthid=8&reportid=58954. According to MEND leader Dokubo-Asari, the group is "...very close to international waters, and it's very easy to get weapons from ships."
[157] See Naagbanton, Patrick, "The Proliferation of Small Arms, Armed Groups and Violent Conflicts in the Niger Delta Region of Nigeria," CEHRD: Eleme, Rivers State, Nigeria, p.9
[158] Ibid
[159] Interviews with locals, former militants, and civil society representatives in the Niger Delta, October 2010.
[160] The Christian Science Monitor, 'Nigerian Militants Call of Truce in Oil-rich Niger Delta', 31 January 2010. Available at http://www.csmonitor.com/World/Africa/2010/0131/Nigeria-militants-call-off-truce-in-oil-rich-Niger-Delta.
[161] Wall Street Journal, 'Nigeria's Amnesty Program Draws Criticism', 5 August 2009. Available at http://online.wsj.com/article/SB124942256930505875.html.html.
[162] Ibid
[163] *ibid*
[164] The police also seized seven locally made bombs, one rocket propelled grenade, one FNC rifle, one AK-2 rifle, one double-barrel gun, and 121 Ammunition.
[165] *Next* Newspaper, August 4, 2009

opposition politicians who are bent on using Boko Haram's acts of terror to make the ruling party appear too inept to govern the state. According to a survey conducted by a Nigerian newspaper, a "cross-section of people in Maiduguri" share the view that the group was "sponsored by highly placed politicians in the country, judging by their modus operandi."[166]

76. **The Mouvement des Forces Democtratiques de la Casamance (MFDC)** is a secessionist movement formed in 1982 on the objective of achieving independence for the Casamance region of Senegal. The group's violent means of agitation constantly put it at loggerheads with Senegalese authorities. The group has been accused of kidnapping, killing and torturing dozens of civilians, and of occasionally targeting members of other ethnic groups, such as the Mandingo, Balante, Manjak and Mancagne, whom they see as unsympathetic to their cause.[167]

77. The MFDC is suspected to be getting SALW supplies from sympathizers in Guinea Bissau and The Gambia. For instance, an attempt by the Guinea Bissau government to dismiss an army commander accused of selling arms to the MFDC precipitated a brief but intense civil war in 1998–99. The thirteen containers of arms shipped from Iran and seized in Lagos, Nigeria, in October 2010, were reported to be heading to the Casamance area through the Gambia. The governments of Senegal and the Gambia have broken diplomatic relations with Iran on account of this illegal shipment of arms.

78. As earlier indicated, the MFDC's other likely sources of funds would be proceeds from drugs and arms trafficking. There is a strong suspicion that the group is involved in cannabis production and might as well be involved in cocaine trafficking with other groups in Guinea Bissau.[168] Funds reportedly also flow in from friendly governments and the Casamance Diaspora.

Conclusion

79. The 2010 edition of Small Arms Survey estimates that 600 million arms were under the possession of civilians or non-state actors worldwide. Out of this number, about 11.4 million firearms, or 1.3 percent of weapons in circulation worldwide, were in the hands of insurgents, militias and gangs.[169] Ebo,[170] in 2003, argued that there were some estimated 7 million SALW in West Africa, out of which 77,000 were in the hands of major West African insurgent groups. Today's estimates range between 8 – 10 million small arms in circulation in the region. From the surveys on the nexus between small arms and terrorist financing analyzed in this chapter, it seems appropriate to conclude that there will be less trafficking in firearms in the West African region, at least, if terrorist financing is disrupted and defeated.

[166] Sunday Tribune, op cit.
[167] ibid
[168] GIABA, Threat Assessment of Money Laundering and Terrorist Financing in West Africa, pp.86
[169] Small Arms Survey, 2010, Cambridge University Press, 2010, p.103
[170] West Africa's specific case, Ebo (2003, 10)

Chapter 5: Legal and Institutional Measures against Illicit Trafficking in Small Arms and Light Weapons, Money Laundering & Terrorist Financing in West Africa

Regional Context

80. The role of illicit SALW trafficking and proliferation in conflicts and violence in West Africa has provoked actions by ECOWAS authorities governments in the sub-region. Specifically, there are three main types of measures aimed at preventing illicit trafficking in and proliferation of SALW in West Africa. The first measure centers on the various programs, activities and actions of ECOWAS through its agencies, bodies and committees, which focuses on developing polices against illicit SALW trade and creating awareness about the threats it poses. The second type of measures encompasses enactment and enforcement of laws and regulations against illicit SALW trade by ECOWAS Member States. The third draws from the energies of the civil society, channeling their efforts against illicit trafficking in SALW in the region. Civil society participation has mostly been in the sphere of advocacy, research and international lobbying.[171]

81. The mechanisms established by ECOWAS to combat the high volume of SALW in the region include the ECOWAS Small Arms Unit and the ECOWAS Small Arms Program (ECOSAP). The Unit is the central body for coordinating ECOWAS small arms and light weapons campaigns and for policy development and implementation. The Program, in collaboration with the United Nations Development Program (UNDP), has the primary task of strengthening the capacity of national institutions to tackle illicit trafficking in SALW.

82. At the policy level, most ECOWAS Member States have ratified the ECOWAS Convention on Small Arms and Light Weapons which came into force in September 2009.The Convention is the Code for the Implementation of the 1998 Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons, adopted in Abuja, Nigeria in October 1998. In particular, it provides the institutional procedures and operational mechanisms to be established by ECOWAS Member States towards achieving the objectives of the Moratorium.[172] The Convention is also provides minimum acceptable standards for SALW regulations in West Africa.

83. With regard to money laundering and terrorist financing, ECOWAS established the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) in 2000 with the aim of to combating the two phenomena in the sub-region. GIABA is mandated to, among other things, ensure the adoption of standards against money laundering and the financing of terrorism in accordance with acceptable international standards; facilitate the adoption and implementation by member states of measures against money laundering and terrorist financing; provide a regional forum for the discussion of matters of regional interest; organize self-evaluation and mutual evaluation to determine the efficacy of measures adopted; and coordinate and provide support to member States to establish and implement Anti-Money

[171] PANAFSTRAG, Harmonisation of Gun Control Laws in Nine ECOWAS Countries, p20
[172] PANAFSTRAG, Lessons Learned from the Experience of the Programme for Coordination and Assistance for Security and Development, Ablek Enterprises and Co, Lagos, 2006, p4

Laundering and Counter Financing of Terrorism (AML/CFT) regimes, including the establishment and maintenance of Financial Intelligence Units (FIUs).[173]

Overview of the 2006 ECOWAS Convention on Small Arms and Light Weapons

84. The 2006 ECOWAS Convention is the primary regional instrument for regulating SALW trafficking proliferation in West Africa. Its adoption was based on the firm understanding by ECOWAS Member States that the proliferation of SALW constitutes a major destabilizing factor in the sub-region.[174] In accordance with its Article 32, the Convention came into force with the deposit of 9th instrument of ratification by the Republic of Benin on September 29, 2009. The objectives of the Convention are:

- To prevent and combat the excessive and destabilizing accumulation of SALW in the region;
- To continue the efforts for the control of SALW within the region;
- To consolidate the gains of the declaration of the moratorium on the importation, exportation, and manufacture of small arms and its code of conduct;
- To promote trust between the member states through concerted and transparent action on the control of SALW within ECOWAS;
- To build institutional and operational capacities of ECOWAS Commission and the member states to curb the proliferation of SALW in the region; and
- To promote the exchange of information and cooperation among member states.[175]

85. The Convention has elaborate provisions on transfer of SALWs into and within the sub-region,[176] manufacturing of SALWs by Member States,[177] transparency and exchange of information on SALW,[178] registration of arms for peace operations,[179] dialogue with manufacturers and suppliers,[180] prevention of and the fight against corruption,[181] control of possession of SALW by civilians,[182] visitors' certificates,[183] management and security of stockpiles,[184] collection and destruction of SALW,[185] arking,[186] racing,[187] brokering,[188] harmonization of legislative provisions,[189] strengthening of border control,[190] public education and awareness programs,[191] and monitoring the implementation of the Convention.[192]

[174] Preamble to the ECOWAS Convention on Small Arms and Light Weapons
[175] Article 2 of the ECOWAS Convention on Small Arms and Light Weapons
[176] Article 3 of the ECOWAS SALW Convention
[177] Article 7 of the ECOWAS SALW Convention
[178] Chapter IV of the ECOWAS SALW Convention
[179] Article 11 of the ECOWAS SALW Convention
[180] Article 12 of the ECOWAS SALW Convention
[181] Article 13 of the ECOWAS SALW Convention
[182] Article 14 of the ECOWAS SALW Convention
[183] Article 15 of the ECOWAS SALW Convention
[184] Article 16 of the ECOWAS SALW Convention
[185] Article 17 of the ECOWAS SALW Convention
[186] Article 18 of the ECOWAS SALW Convention
[187] Article 19 of the ECOWAS SALW Convention
[188] Article 20 of the ECOWAS SALW Convention
[189] Article 21 of the ECOWAS SALW Convention
[190] Article 22 of the ECOWAS SALW Convention
[191] Article 23 of the ECOWAS SALW Convention
[192] Article 28 of the ECOWAS SALW Convention

86. Accordingly, the individuals, companies, Member States and other entities are prohibited from transferring and manufacturing SALWs and related materials except when conditions spelled in the Article 3 of the Convention are met.[193] Articles 7 and 10 respectively prohibit the circulation of unmarked weapons in the sub-region and calls for the establishment of a sub-regional database on registration of SALWs. Articles 9 and 11 mandate Member States to establish national computerized registers and databases on SALWs including a register of SALWs for peace operations. Article 14 prohibits the possession, use, and sale of light weapons by civilians except when authorization is granted by the relevant national authorities. Articles 18 and 20 respectively; ban illicit brokering within the region and regulate the manufacturing of SALWs within the territories of Member States. Furthermore, the Convention obliges Member States to take appropriate measures to control importation of SALW by temporary visitors to the sub-region.[194] Articles 16 and 17 respectively require Member States to take necessary measures to ensure safe and effective management, storage and security of their national stocks of SALW, and to collect and/or destroy arms that are surplus to the national needs or have become obsolete, or seized, or unmarked or illicitly held or those collected in the course of the implementation of peace accords. Article 23 requires Member States to design public and community education and awareness programs at local, national and regional levels in order to involve the population in the efforts to curb the proliferations of SALW.

87. The Convention further obliges Member states to revise and update their national legislatures to ensure that the provisions of the Convention are minimum standards for SALW control in the region.[195] Member states are also to adopt legislative and other necessary measures to establish as a criminal offence any activity carried out in violation of the provisions of the Convention and any activity carried out in violation of an arms embargo imposed by the United Nations, the African Union or ECOWAS Commission.[196]

88. Thus, Member States that have ratified the Convention are expected to take necessary steps to harmonize their national firearms laws with the Convention, including incorporating all offences contained in the Convention. Implementation of this provision will make it possible for Member States to punish crimes provided in the Convention as domestic offences.

89. Most of the provisions of the Convention are of international standard and also relevant to the peculiar needs and circumstances of the sub-region in the campaign against illicit trafficking in SALW. Provisions on public education, strengthening of border control, ban on illicit brokering, ban on unmarked firearms and ammunition, tracing, management and security of stockpiles confront fundamental issues that are germane to any successful campaign against illicit firearms trafficking in the region.

90. Although the Convention's prohibition of importation of SALW by Member States except on a verified need to meet legitimate national security or law enforcement objectives may appear ambitious, such prohibition will be of immense assistance in tackling the menace of SALW proliferation in the sub-region. The total ban on importation of SALW by non-state actors unless when authorization is granted by relevant national authorities is also another bold provision in the Convention. To be sure, however, the provision on establishment of

[193] Article 3 of the ECOWAS SALW Convention
[194] Article 15 of the ECOWAS SALW Convention
[195] Article 21(1) of the ECOWAS SALW Convention
[196] Article 21(2) of the ECOWAS SALW Convention

national computerized registers and data banks on SALW may not be feasible in all Member States, particularly because of serious logistical and capacity constraints..

91. Enforcement of the Convention is likely to face some challenges. First, there are few detailed provisions and clear principles on implementations of some major provisions of the Convention. For instance, the provision on dialogue with manufacturers and suppliers is not detailed enough, so also is article 16 which obliges member States to take necessary steps to ensure safe and effective management, storage and security of their national stock of SALW.

92. The provisions on collection and destruction of SALW in article 17, strengthening of border control in article 22, and prevention of and fight against corruption in article 13 also suffer from this draw back. The Convention does not also provide adequate sanction mechanisms to ensure that member states adhere to their obligations under the Convention.

93. Second, national institutions for enforcement of the provisions of the Convention are abysmally weak. Enforcement of existing national firearms laws by the relevant security agencies and the court is very weak in most member states,[197] and it is likely to be the same with enforcement of the provisions of the Convention, unless urgent comprehensive steps are taken to overhaul the law enforcement mechanisms in the region.

94. National SALW laws are central to the fight against SALW trafficking in the region because national SALW laws are meant to regulate individuals and non-state actors who are the main actors responsible for most SALW offences. However, most national SALW laws in the region are outdated (many were enacted in the 1960s),[198] and have little in common, because of the existence of two major legal systems in the region – the civil and common law jurisdictions.[199]

95. Most national firearms laws in the region criminalize the possession, use, buying, selling, transfer, importation, manufacture, assembling and repairing of any firearms except with duly obtained authorization from appropriate legal authorities.[200] For instance, under the 1959 firearms Act of Nigeria, it is a crime punishable with a minimum of ten years imprisonment to possess or have in ones control any firearms without a license, or to import any firearms or ammunition into Nigeria by sea or by air, or export the same by sea or by air except through designated ports, or import or cause to be imported, or export or cause to be exported any firearms in Nigeria without a license.[201] It is also a crime punishable on conviction with a term of imprisonment not exceeding five years to possess or have under ones control certain types of firearms or ammunition, by way of trade or business buy, sell or transfer or expose for sale or transfer or have in possession for sale or transfer any firearms unless the person is a registered firearms dealer.[202]

96. Under the 1924 Arms and Ammunition Act of the Gambia, it is an offence to manufacture or assembly firearms locally without license, to posses and use firearms without license, and to import or export arms and ammunition without license.[203] Under the 1955

[197] PANAFSTRAG, Harmonisation of Gun Control Laws in West Africa, pp.36
[198] For instance the firearms Laws of Nigeria, Gambia, Benin, Sierra Leone, Cote d' Ivoire, and Togo were enacted during this period
[199] PANAFSTRAG, Harmonisation of Gun Control Laws in Nine ECOWAS Countries, p36
[200] Sections 3,9,17, and 22 of the 1959 Firearms Act, Chapter F28, Laws of the Federation of Nigeria,2004
[201] Section 27(1)(a) of the 1959 Firearms Act.
[202] Section 27(1)(b) of the 1959 Firearms Act.
[203] Sections 18 and 43 of the 1924 Arms and Ammunitions Act of the Gambia

Arms and Ammunition Act of Sierra` Leone, it is an offence to use, sell, import, export or manufacture firearms without permit from the appropriate authority.[204]

97. Most money laundering laws in the region prohibit the conversion or transfer of resources or property derived directly or indirectly from any crime or illegal act, with the aim of either concealing or disguising the illicit origin of the resources or property, or collaborates in concealing or disguising the genuine nature, origin, location, disposition, movement or ownership of the resources or property derived from any crime or illegal act.[205]

98. With regards to financing of terrorism, some countries have enacted equivalent domestic legislation to criminalize the offence based on the requirements of the 1999 UN Convention against the Suppression of the Terrorist Financing, which specifies that any person who by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or for the commission of an act of terrorism shall be prosecuted.

99. An act of terrorism is defined in Article 2 (1) (b) of the Suppression of Terrorist Financing Convention and within the list of terrorism treaties listed in the annex to this convention as: *"any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act."*

100. Thus, offences provided in the ECOWAS SALW Convention (as domesticated, where necessary) and under the various national firearms laws of member states of ECOWAS, prohibiting illegal use, possession, buying, selling, importation, exportation, manufacturing, repairing and assembling of firearms are considered predicate offences to money laundering in countries where they are criminalized in the national AML laws.[206]

ECOWAS Convention on SALW - Novelties

The ECOWAS Convention on SALW included certain "proactive" provisions which were improvements on previous international conventions of this nature.

1. Weapons transfers are clearly and broadly defined in the ECOWAS Convention on SALW, the first time it is defined in an international instrument. Transfers covered ***any*** movement of arms, as opposed to movement of arms as export, the usual provision in similar international conventions.
2. In preceding international conventions, arms tracing focused on weapons seized in illegal situations, whereas in the ECOWAS Convention, a tracing operation may start from the beginning of the weapons transfer, as long as deviation in marking is suspected.
3. Also for the first time in international instruments, the ECOWAS Convention on SALW brought non-state actors to the fore-front by banning arms transfers to them.
4. Another notable novelty in the ECOWAS Convention is the provision on necessary

[204] See sections 20, 21 and 25 of the 1955 Arms and Ammunitions Act of Sierra Leone
[205] See for instance, Section 14 (1)(a) and(b) of the Money Laundering Prohibition Act of Nigeria
[206] See for instance, the Money Laundering (Prohibition) Act 2011 of Nigeria, which punishes such crimes with prison term of not less than two years and not more than three years

components and spare parts of SALW which are made subject to controls.

5. The provision on compulsory registry of arms for peace-keeping operations (Article 11), which enhances arms-tracing, is an ECOWAS novelty. Before the adoption of the Convention, there was no inventory of weapons held by soldiers in peace-keeping operations in the region, and that became a source of weapons proliferation.

These novelties point to the will of ECOWAS heads of government to go beyond the norm in tackling headlong the problems of SALW proliferation in the region. The question is: how well has the region done in achieving this goal since the Convention was adopted in June 14, 2006?

ECOWAS Convention on SALW - Challenges

1. The first challenge was lack of capacity: the region, as at 2006 when the Convention was adopted, was in short supply of skilled personnel required for the effective and efficient implementation of the Convention across the region. Five years after its adoption, capacity-building remains an on-going challenge.
2. Tied to this issue of capacity are the technological inadequacies of the region which have adversely hindered the smooth implementation of the arms databases (both national and regional) proposed by the Convention. Yet, only such information networking system can adequately respond to arms trafficking and money-laundering challenges posed by cross-border and intra-state smugglers. The data pyramid envisaged by the Convention needs to be put in place, and urgently too.
3. Then, there are the negative effects of the commercial interests of some external stake-holders, principally arms-manufacturing states who had opposed ECOWAS' proactive measures during debates in the United Nations. Thus, the provision of the Convention on dialogue with manufacturers and suppliers has so far yielded no significant result.
4. Effective control of the region's porous national borders remains a continuous challenge. And unless this is tackled by member states, "free" movement of arms will continue as an under-current of ECOWAS policy of free movement of persons and goods.
5. The challenge of economic and political stability in each member state is related to the challenge of SALW proliferation in the region. Beyond all these mechanisms, legal and otherwise, is the crying need for truly democratic and institutional revival across the region. This will make the democratic process inclusive rather than exclusive, foster national unity, decrease armed rebellion, and gradually deliver peace and prosperity to West Africa.

Country Context

101. This section of the study examines national laws and regulations on SALW trafficking and proliferation, money laundering, and terrorist financing. It also examines the institutional mechanisms for combating SALW trafficking and proliferations and ML /TF in each ECOWAS Member State.

Benin

102. Benin's main law regulating illicit dealings in SALW dates back to 1961 Decree No: 61/39/PR/MI/AM. Although the law regulates the use of firearms, ammunition and related equipment by individuals, it does not regulate arms held by the Defense forces and the police. The Decree regulates the transfer, importation, exportation and sales of firearms in the country by non-state actors. It does not, however, contain specific provisions on local manufacturing of SALWs.

103. The main administrative agencies for controlling illicit trafficking in SALW in Benin are the National Police, the Ministry of the Interior, and the National Commission for Small Arms and Light Weapons.

104. Nonetheless, gaps in existing laws and serious logistical and capacity challenges continue to constrain Benin's fight against illicit SALW trade. For instance, the lack of provisions in the aforementioned Decree on SALW manufacturing has resulted in the manufacturing of large volumes of local firearms.

105. To tackle the growing problem of money laundering in Benin, the government enacted a Money Laundering Law in 2006, in accordance with its obligations under the uniform law of the West African Economic and Monetary Union (WAEMU), I'Union Economique et Monetaire Ouest Africaine (UEMOA)..[207] Benin has ratified a series of regional and international conventions related to anti-money laundering, including the 1988 UN Convention against Illicit Trafficking in Narcotics Drugs and Psychotropic Substances, the 2000 UN Convention against Transnational Organized Crime, and the 2003 UN Convention against Corruption.

106. The Directorate of Monetary and Financial Affairs in the National Directorate for Treasury and Public Account in the Ministry of Finance is the central organ for regulating money laundering/terrorist financing in the Republic of Benin.

Burkina Faso

107. Decree No: 2001-268 of 2001 is Burkina Faso's main legal instrument for combating illicit trade in SALWs. The law, among other things, regulates the granting of permits for the use, possession, sale, manufacturing, importation and exportation of SALWs in the country. Another important law is Decree No 2001-005 which regulates the import of weapons by the security and law enforcement agencies. Nonetheless, the legal system for controlling SALW

[207] GIABA (2008), pp. 20

proliferation in Burkina Faso is generally weak, not least because the aforementioned Decrees lack standard provision for regulating arms trafficking in the country.

108. The regulation of SALW manufacturing and trade is overseen by the Ministries of Security, Defense , and Territorial Administration. The Ministry of Security is responsible for issuance of different categories of licenses while the Ministry of Defense is responsible for all issues relating to war weapons. The Ministry of Territorial Administration, through the Mayors or Prefects, is responsible for issuing licenses to possess weapons.[208]

109. With regard to money laundering, there are increasing incidents of predicate offences, namely official corruption, drug trafficking and human trafficking.[209] . The 2006 AML Law No 026-2006/AN, 2006 Decree No. 2006-649/PRES pursuant to WAEMU Guideline No 07/2002/CM/UEMOA of September 2002 are Burkina Faso's primary legal instruments for combating money laundering..[210]The main agency responsible for implementing the money laundering decree is the Ministry of Security.

110. Burkina Faso is not directly exposed to the threats of terrorism but its vast land borders could be used for gaining access to many countries in the region by terrorist groups.[211] The country on December 17, 2009 adopted the law against the financing of terrorism upon adoption of UEMOA Directive No: 04/2007/CMUEMOA,[212] and has signed the 1999 United Nations Convention for the Suppression of Terrorist Financing.

Cape Verde

111. The main legal enactments for the control of SALW in Cape Verde are: Resolution No 5120 of 1956, Decree No: 373123 of 1960, Law No: 313/IV/92, as amended by Law No: 70/IV/92, and the Penal Code. Resolution No 5120 regulates the importation, sale, possession, storage and use of firearms and their ammunition, gun powders, explosives and fireworks while Decree No: 373123 deals with issues relating to classification of arms. Law No: 313/IV/92, as amended by Law No: 70/IV/92 provides for regulation of the use and possession of arms by certain categories of citizens while the Penal Code contains provisions on small arms regulation and sanction.[213] The laws do not, however, provide for regulations of local manufacturing, collection and destruction of firearms, marking and brokering.

112. The National Police, the National Commission on SAL W, the Department of Internal Administration and the State Security Services are the institutions responsible for overseeing the regulation of SALW-related activities.

113. The lack of provisions for the regulation of local manufacturing, collection and destruction of firearms, marking and brokering, combined with serious capacity constraints, particularly within the National Commission on SALW, is hampering Cape Verde's fight against illicit SALW trade.

[208] PANAFSTRAG, Harmonisation of Gun Control Laws in Nine ECOWAS Countries,p83
[209] GIABA (2009). Annual Report. Dakar: GIABA, pp.39-40
[210] GIABA (2009), pp. 40
[211] *ibid*
[212] GIABA(2009),pp.41
[213] PANAFSTRAG, Harmonisation of Gun Control Laws in Nine ECOWAS Countries, p142

114. In any case, having recognized its vulnerability to money laundering because of its small size and geographical location, Cape has enacted measures to deal with the menace.[214] The first law on anti-money laundering with specific reference to laundering of proceedings of illicit drug money was enacted in 1993. This was followed by the 2002 Act No: 17/VI/2002, the first legislation that deals directly with anti-money laundering. The Act was modified with the enactment of Law No: 38/VII/2009 in 2009. Additionally, Cape Verde has ratified the 2000 UN Convention against Transnational Organized Crime, the 1988 UN Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, and the 2003 UN Convention against Corruption. Nonetheless, it is yet to enact a CFT legislation.

115. The major institutions for managing the country's AML/CTF regimes are the Financial Intelligence Unit established in 2008 and the Central Bank.

Cote d'Ivoire

116. In Cote d'Ivoire, the 1998 Decree No: 98-749, 1999 Decree No: 99-183, and the 2009 Decree No: 2009-154 are the primary laws for regulating SALWs. Decree No: 98-749 provides for sanctions while Decree No: 2009-154 established the National Commission on SALW. Decree No: 99-183 regulates various categories of SALWs, establishes a mechanism for granting various types of licenses, and regulates local manufacturing of firearms. It also distinguishes three categories of activities, namely, local manufacturing of firearms and ammunition; importation, transportation, marketing, storage; and acquisition, possession, and carrying of firearms.

117. There are considerable weaknesses in the laws in that they do not clearly identify which weapons are meant to be used in military conflicts. Although the definition of '*war weapons'* in the Decree No: 99-183 is wide enough to accommodate all types of firearms (except those in category eight, defined as 'unusable firearms'), Article 22 also prohibits the use of firearms and ammunition contained in categories 1-3. Additionally, SALW laws provide no provisions on marking, visitors' certificate, central register of firearms and brokering.

118. The Ministry of National Defense, the Police, and the National Commission on Small Arms and Light Weapons are the main state institution responsible for regulating SALW proliferation in the country.

119. Cote d'Ivoire is vulnerable to money laundering because of its political situation, which has weakened government control in some parts of its territory. The country is a member of UEMOA and is therefore governed by the UEMOA treaty which it ratified by virtue of Law No: 94-06 of June 22, 1994. The agencies responsible for governing the AML/CFT regimes are the CENTIF (FIU) and the AML/CFT Committee. It has ratified the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

[214] For full treatment on Cape Verde's vulnerability to money laundering, see GIABA(2009), ,pp. 47

The Gambia

120. The 1924 Arms and Ammunition Act, the Arms and Ammunition Regulation of 1926 (as amended in 1966), and the 1994 Gambia Armed Forces Regulation for Discipline are the Gambia's primary laws against illicit trafficking in and proliferation of SALW. The 1994 Regulation specifically deals with the use of SALW by members of the Gambian Armed Forces (GAF).

121. The 1924 Act contains provisions for granting various types of permits, including permits to possess, sell, export, import, and transfer. The Act prohibits the local manufacturing of firearms, and regulates national stockpiles of arms and ammunition. The 1994 Regulation specifically deals with the use of SALW by members of the Gambian Armed Forces (GAF).

122. The 1924 Act is ineffective in that largely obsolete and does not contain standard provisions for regulating illicit trafficking in SALW. In particular, it provides no provisions for regulating the marking, tracing, brokering of SALWs, as well as prerequisites for the grant of different categories of licenses.

123. The Department of State for the Interior,; the Gambian Police Force, and the National Commission for SALW, are state institutions responsible for all issues related to illicit trafficking in SALW. The Department of State for the Interior and the Gambian Police Force are responsible for enforcing the 1924 Act. The latter is responsible for granting all categories of licenses.

124. In response to the growing threat of money laundering and terrorist financing, the Gambia enacted the 2002 Anti-Terrorism Act, the 2003 Money Laundering Act and 2003 Drug Control Act, and also adopted the 2005 Revised Regulations for the operations of Exchange Bureaux.[215] Prior to this, the Gambia also enacted the 1994 Economic Crimes (Special Offences) Decree. Furthermore, the Gambia has ratified the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, and the 2000 UN Convention against Transnational Organized Crimes.

125. The responsible agencies for the implementation of these laws and regulations are the Department of Finance and Economic Affairs, the Central Bank of Gambia, the Department of State for the Interior and Justice, and the National Drug Law Enforcement Agency.[216]

Ghana

126. The 1960 Criminal Offences Act (Act 29), the 1962 Arms and Ammunition Act (Act 118), and the 1972 Arms and Ammunition Act Decree (NRCD9), the 1994 Locksmiths Act (Act 488), and the 1996 Arms and Ammunitions Act (Amendment) are Ghana's primary legal instruments against illicit SALW trade. Section 16 of the 1962 spells out provisions for regulating the use and possession of arms and ammunitions and prohibits local manufacturing of small arms. Section 17 permits local blacksmiths to repair imported arms damaged in Ghana. Section 3 of the 1972 Act prohibits the sale, disposal or dispossession of arms and ammunition by any person except with the consent of the Inspector-General of Police. The

[215] GIABA (2008), pp.27
[216] *Ibid*

Arms and Ammunition Regulations 1962 (L.I. 200) provides for the implementation of NRCD 9 and deals with ports of entry and authorized personnel, modes of export and import, licensing, public warehouses, landing, conveyance, storage, safety, confiscation, delivery and withdrawal from public warehouse, permits to purchase ammunition or gunpowder, licenses to bear SALW, qualification for issue of licenses, and disposal of SALW on forfeiture. Meanwhile, Section 179B of Act 29 criminalizes the importation of explosives, firearms or ammunition while Section 192 of makes the unlawful possession of any firearms a first degree felony

127. The numerous laws and regulations on SALW, which are scattered in different enactments, make it difficult to locate an applicable law at a particular time. Moreover, most of these laws are also outdated.

128. The Police and the National Commission on SALW are the major administrative governmental agencies responsible for the control of illicit circulation of SALW.

129. Ghana has responded to the growing threat posed by money laundering and terrorist financing by enacting the 2008 Anti-Money Laundering Act (Act 749) and the 2008 Anti-Terrorism Act (Act762). While the former provides a framework for the prevention and control of money laundering, the latter seeks to combat terrorism, to suppress and detect acts of terrorism, and to prevent the territory, resources and financial services of the country from being used to commit terrorist acts.[217] This was preceded by the enactment of the 1993 Narcotic Drug (Control, Enforcement and Sanctions) Act aimed at responding to a drug trafficking as a major predicate offence of money laundering. Additionally, Ghana has ratified the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, the 2000 UN Convention against Transnational Organized Crime, and the 2003 UN Convention against Corruption.

130. The Bank of Ghana (BoG), the Financial Intelligence Unit (FIU), the Economic and Organized Crime Office (EOCO), the Narcotics Control Board (NACOB) and the Ghana Police Service (GPS) are the main governmental agencies responsible for regulating money laundering.

Guinea

131. The 1996 Act on SALW is Guinea's primary legal text for the control of small arms and light weapons. The Act spells out provisions for regulating the importation and exportation of firearms, controlling local manufacturing, and marking as well as brokering. The legal system for controlling SALW proliferation is generally weak, as the existing laws lack standard provisions for regulating arms trafficking and proliferation in the country.

132. The Ministries of Defense, Security and Territorial Administration, and the National Commission on SALW are the state institutions responsible for control of illicit trafficking in and proliferation of SALWs in Guinea. The Ministry of Defense is responsible for issuance of permit for weapons of war, while the Ministries of Territory Administration and Security are jointly responsible for issuing permits for possessing and using hunting weapons. The National Commission is responsible for general issues relating to SALW control.

[217] GIABA (2009), pp.76

133. The major problem with these administrative agencies is that they lack the capacity to effectively control illicit trafficking of SALW.

134. With regard to money laundering, Guinea has adopted the 2007 Anti-Money Laundering Law. The country is, however, yet to enacted legislation against terrorist financing.. Nonetheless, it has ratified the 1998 UN Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances and the 2000 UN Convention against Transnational Organized Crimes.

135. The central agency for managing its AML/CTF regimes is the Economic and Financial Policy Authority.[218]

Guinea Bissau

136. The main laws for combating SALW trafficking in Guinea Bissau are article 206 of the Guinea Bissau Penal Code, article 51 of Official Bulletin No: 37.3123 of 1960; Law No: 4 of February 27, 1988, published in official report, No: 9/1998; and DC Law No: 5/2000. There is also a bill on firearms, ammunition, explosives and related material control and regulations. The responsible governmental organs are the Police, the National Commission on Small Arms and Light Weapons, the Ministry of National Defense, and the Ministry of Internal Affairs.

137. The major problems with legal and administrative regimes for controlling SALW in Guinea Bissau are the ineffective laws and the weak institutions for enforcing the laws. The multiplicity of laws could create confusion on where to locate the appropriate law and sanction.

138. Guinea Bissau is also considered vulnerable to money laundering because of its drug trafficking problems, geographical location, political instability and economic situation. The country is a member of UEMOA, and has ratified the July 19, 2004 UEMOA uniform law on money laundering. It has also ratified the 2000 UN Convention against Transnational Organized Crime and the 1998 UN Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. Guinea Bissau does not have any legislation on CTF.

Liberia

139. The Firearms Trafficking Act and Chapter 11 of the National Defense Law enacted in 1956 are Liberia's main legislative instruments for regulating SALW activities. The 2006 National Firearms Control Bill, although yet to be passed into law, has provisions for marking and tracing, brokering, licensing of arms transfer, importation and exportation of arms, and manufacturing and repairing of arms locally.

140. The Police and Liberian National Commission on Small Arms and Light Weapons are the central organs responsible for combating SALW in Liberia. The major problems with legal and administrative regimes for controlling SALW are the ineffective laws and the weak institutions for enforcing the laws.

[218] 2009 GIABA Annual Report, p83

141. With regard to the fight against money laundering, Liberia enacted the 2002 Anti-Money Laundering Act to deal with the growing menace. The country is, however, yet to enact legislation against terrorism and terrorist financing.. Liberia has ratified the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, the 2000 UN Convention against Transnational Organized Crimes, and the 2003 UN Convention against Corruption.

142. The Central Bank of Liberia, the Financial Intelligence Unit (FIU), and the Liberian Policy Committee against Money Laundering, established in 2005, are the primary institutions responses for implementing AML measures in the country.[219] The FIU in particular provides skeletal services.[220]

Mali

143. In Mali, the 2001 Law No: 01-075, the 2004 Law No: 04 -50, the 2005 Decree No: 05 441/P RM, the 2007 Law No: 04-050, and the 2008 Decree No: 08-681/P-RM are the primary legislative and legal instruments for regulating SALW-related activities. The 2004 law spells out provisions for regulating transactions in arms and ammunitions. The 2008 Decree established the country's National Commission on SALW.

144. The National Commission on SALW and the Police are the main state institutions responsible for controlling illicit trafficking in SALW. The major problem with the administrative mechanisms for the control of illicit circulation of SALW, like in most countries of the region, is the weak enforcement mechanisms of the agencies responsible for SALW control.

145. With regard to money laundering, Mali continues to experience major incidents of official corruption, drug trafficking,[221] arms trafficking, and cigarette smuggling.[222] Also, there have been cases of terrorism related activities, such as abduction and violence linked to the reported presence of a Maghreb branch of al- Qaeda in the northern part of Mali. In response, the country, in compliance with WAEMU Guidelines on AML, enacted a national legislation on AML in 2006, in line with WAEMU Guidelines on AML. Important institutions, such as the Financial Intelligence Unit and the Planning and Statistics Unit have been established. Furthermore, Article 8 of the 2008 Act No 025/PRM criminalizes terrorist financing. To be sure, however, the Act does not treat terrorist financing a predicate offence to money laundering.[223] Mali has also ratified the 2003 UN Convention against Corruption, the 1999 UN Convention for the Suppression of Terrorist Financing, the 2000 UN Convention Transnational Organized Crimes, and the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

Niger

146. The 1963 Decree No: 63-074/mi and the2003 Law No: 2003-18b are Niger's main legal instruments for regulating SALW-related activities. The former regulates the transfer of

[219] GIABA (2008), pp.33
[220] GIABA (2009), pp.95
[221] Ibid, pp.98
[222] Survey conducted in Mali, September-December 2011
[223] GIABA 2009 Annual Report, pp.99

arms and weapons while the latter grants amnesty to the people who voluntarily surrendered their weapons.

147. The legal system for controlling SALW proliferation is generally weak, as the existing laws lack standard provisions for regulating arms trafficking and proliferation. The main administrative organs for managing small arms proliferation are the Ministry of the Interior, the Police and the National Commission on Small Arms and Light Weapons.

148. Niger is one of the West African countries that may be prone to money laundering and terrorist financing. With two rebel groups operating in the northern and eastern parts of the country and a vast land mass, there have been reports of organized criminal groups dealing in hard drugs, cigarettes smuggling and arms trafficking. Corruption, armed robbery and human trafficking are other major predicate crimes.[224]

149. To deal with the problems of ML/TF, the country has enacted a national law on AML, which is Act No: 2004-41 of September 14, 2004 pursuant to UEMOA Directives No: 07/2002/CM/UEMOA; and ratified the 2000 UN Convention against Transnational Organized crimes, the 1999 UN Convention on the Suppression of the Terrorists Financing, the 2003 UN Convention against Corruption, and 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. The main administrative organs for managing the ML/CTF regimes are the Financial Intelligence Unit established in 2006, the Central Bank and the Police.

Nigeria

150. The 1959 Firearms Act is Nigeria's principal law for combating illicit trafficking in SALW. The law regulates the possession and dealings in firearms and ammunition including muzzle-loading firearms, and matters ancillary thereto. It further prohibits the possession and use of any firearms by any person in Nigeria (except members of the armed forces or police) unless such persons are granted licenses to possess and use the firearm.[225] It also prohibits importation, exportation, and dealing in firearms in Nigeria except with a license granted by appropriate authorities.[226] The Act also criminalizes the manufacture or repair of firearms without prior authorization from the appropriate state agency.[227]

151. Additionally, Nigeria is also a signatory to: he ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials, and the Protocol against the illicit manufacturing of and Trafficking in Firearms, their Ammunition, supplementary to the United Nations Convention against Transnational Organized Crime.

152. The Nigerian Police Force (NPF) is the primary state institution responsible for overseeing the implementation of measures against illicit trade in SALW. It also issues various categories of licenses authorized under the Firearms Act and prosecutes its violators. The National Commission on SLW plays secondary roles in controlling illicit trafficking and proliferation of SALW.

153. Nigeria political and security challenges, manifested by political violence, terrorist attacks, urban criminality, oil bunkering, ethnic conflicts, community conflicts and religious

[224] GIABA (2009), pp.105b
[225] Sections 3 and 9 of the Act
[226] Section 10 of the Act
[227] Sections 17 and 18 of the Act

conflicts, underpins an excessive demand for SALW by various individuals and groups. This situation, combined with considerable logistical and capacity constrains as well as weaknesses in existing legal and institutional mechanisms, are hampering Nigeria's fight against illicit trade in SALW.

154. With regard to money laundering and terrorist financing, Nigeria has enacted the 2004 Money Laundering (Prohibition) Act, the 2004 the Economic and Financial Crimes Commission (Establishment) Act, and the 2006 Advanced Free Fraud and Other Fraud Related Offences Act. The 2004 Act was Money Laundering (Prohibition) Act, however, was repealed by a much more comprehensive 2011 Money Laundering (Prohibition) Act. It expanded the scope of the supervisory and regulatory authorities so as to address the challenges faced in the implementation of the anti-money laundering regime in Nigeria.[269] These laws were preceded by the 1989 National Drug Law Enforcement Agency Act, which established the National Drug Law Enforcement Agency as part of efforts to address drug trafficking as a predicate offence of money laundering. Moreover, Central Bank of Nigeria issued a an anti-money laundering manual to guide banks and financial institutions in fighting against money laundering

155. Nigeria is also a signatory to the 2000 United Nations Convention against Transnational Organized Crime; Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition; the 1999 International Convention for the Suppression of Terrorist Financing; and the African Convention against Terrorism. In 2011, the Nigerian National Assembly enacted the Terrorism (Prevention) Act, which provides for the effective implementation of the 1999 Convention as well as the Convention on the Prevention and Combating of Terrorism

156. Nigeria's AML/CFT efforts are overseen and implemented by the Nigeria Police Force (NPF), the Economic and Financial Crime Commission (EFCC), the Nigerian Financial Intelligence Unit (NFIU), National Drug Law Enforcement Agency (NDLEA), National Insurance Commission, Securities and Exchange Commission, the Federal Ministry of Justice, the State Security Service, National Intelligence Agency, the Central Bank of Nigeria and the Independent Corrupt Practices & other related Offences Commission.

Senegal

157. The 1966 Law No. 66, the 1965 Law No. 65-60, the 1996 Decree No. 66-888, and the 1986 Decree on guns are Senegal's primary legal texts regulating SALW-related activities. .

158. The National Commission on SALW and the Police are the main administrative institutions for controlling illicit trafficking in SALW. The major problems with the legal and the administrative regimes for controlling SALW are the ineffective laws and the weak institutions for enforcing them.

159. Senegal's economy is cash-based which makes it vulnerable to money laundering.[228] It is also a common laundering destination for drug traffickers from neighboring countries.[229] Corruption, arms trafficking, cyber crimes and drug trafficking are the major sources of dirty money laundered in that country.[230]

[228] GIABA (2008), pp. 34
[229] GIABA, Threat Assessment of Money Laundering and Terrorism Financing in West Africa, pp. 20
[230] GIABA (2009), pp. 126-127

160. Senegal enacted an AML Law in 2004 and in 2009. Act No 2009-16 of March 16, 2009 was promulgated, integrating into the national law, UEMOA Guideline No: 04/2007/CM/UEMOA of July 4, 2007 on terrorist financing in UEMOA member States. The country has ratified the 2000 UN Convention against Organized Crimes, the 2003 UN Convention against Corruption, and the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

161. Senegal enacted an AML Law in 2004 and in 2009. Act No 2009-16 of March 16, 2009 was promulgated, integrating into the national law, UEMOA Guideline No: 04/2007/CM/UEMOA of July 4, 2007 on terrorist financing in UEMOA member States. The country has ratified the 2000 UN Convention against Organized Crimes, the 2003 UN Convention against Corruption, and the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

Sierra Leone

162. The 1955 Arms and Ammunition Act is Sierra Leone primary legislation for combating illicit SALW trafficking and proliferation in Sierra. Nonetheless, an Arms and Ammunition Bill is being considered by Parliament.

163. Meanwhile, the country's police and National Commission on SALW are the primary state institutions responsible for controlling SALW trafficking and proliferation.

164. With regard to money laundering, the largely informal nature of the country's economy makes it vulnerable to an influx of criminal money. The financial sectors is equally informal in nature, with only 20 percent of the population having access to formal financial services.[231] In response to the growing threat of money laundering, Sierra Leone enacted an AML Law in 2005. It has also ratified the 2003 UN Convention against Corruption, and the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. The country, however, is yet to enact legislation against terrorist financing.

Togo

165. Togo has a multiplicity of laws dealing with SALW, with some dating back to the pre-independent period. In particular, the 1912 Decree No. 12-04, 1922 Decree No. 22-448,1947 Decree No. 47-2258, 1958 Decree No. 58-77, and the 1959 Law No. 59-8 were promulgated in the pre-independence period. The post-independence laws are the 1960 Decree No. 60-36, 1962 Decree No. 62-2, 1993 Decree No. 93-060/PR and the 1995 Decree No. 95-011/PR.

166. The Ministry of Interior, the Police and the National Commission on Small Arms and Light Weapons are the main agencies responsible for SALW management.

167. The main sources of proceeds for money laundering are official corruption, drug trafficking and smuggling. Togo is a member of UEMOA and has therefore ratified and adopted the uniform law on money laundering. It has also ratified the 2003 UN Convention against corruption, the 1999 UN Convention for the Suppression of the Financing of

[231] GIABA (2008), pp. 41

Terrorism, the 2000 UN Convention against Transnational Organized Crime, and the 1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.

Conclusion

168. All the member states have different levels and degrees of illicit trafficking in SALW and have accordingly, at different times, enacted national laws and/or regulations on firearms control (*See Chart 5.1 below*). These laws and regulations form the foundation for the anti-SALW trafficking and proliferation campaigns of member States at national levels. Most of these laws are outdated in that they were enacted during the pre-independence period (Gambian firearms law, for instance, was enacted in 1924), or the immediate post-independence period. Thus, they lack the current legal provisions necessary to combat SALW proliferation in present times. The central agencies for managing SALW proliferation in most member states are the Police, the National Commission on SALW, the Ministry of Defense, and the Ministry of Interior/Security.

Chart 5.1: SALW and AML/CTF National Laws and Conventions Ratified by GIABA Member States

Country	National Laws on SALWs	SALW Conventions/Protocols Ratified	National Laws on AML/CTF	AML/CTF Conventions/Protocols Ratified
Benin	*Decree No: 61/39/PR/MI/AM of February 7, 1961	*2006 ECOWAS Convention on SALW *2001 UN Protocol against Illicit Trafficking in Firearms *1991 Convention on the Marking of Plastic Explosives	*Law No 2006-14 of^{t} October 31, 2006 *Law No 97-025 of July 18 1997 *Decree No: 2006-752 of December, 2006 establishing an FIU	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2000 UN Convention against Transnational Organized Crimes. * 2003 UN Convention against Corruption
Burkina Faso	*Decree No: 2001-268 of 8 June,2001	*2006 ECOWAS Convention on SALW * 2001 UN Protocol against Illicit Trafficking in Firearms	*National Law 026/2006 of November 28, 2006 *Decree N0 92-387/PRES/ MAT of December 31,1992	* 2000 UN Convention against Transnational Organized Crimes. * 2003 UN Convention against Corruption
Cape Verde	*Res. No: 5120 of Dec. 9 1956 *Law No: 313/IV/92, as amended by Law No: 70/IV/92 *Decree No: 373123 of Jan. 30,1960	*2001 United Nations Protocol against Illicit Trafficking in Firearms	*2002 AML Law	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2000 UN Convention against Transnational Organized Crimes. * 2003 UN Convention against Corruption
Cote d'Ivoire	*Firearms Decree of Dec 23,1998 *Decree On Regulation of Weapons of Feb 24, 1999	-	* 2004 AML Law	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances.
Gambia	*1924 Arms and Ammunition Act	-	*2003 Money Laundering	*1988 UN Convention against Illicit Trafficking in Narcotic

Country	National Laws on SALWs	SALW Conventions/Protocols Ratified	National Laws on AML/CTF	AML/CTF Conventions/Protocols Ratified
			Act. *2002 Anti Terrorism Act	Drugs and Psychotropic Substances. * 2000 UN Convention against Transnational Organized Crimes.
Ghana	*1972 Arms and Ammunition Act, (NRCD9). *Section 179(b) of the 1960 Criminal Offences Act(Act 29)	*2006 ECOWAS Convention on SALW	* 2008 AML Act(Act 749)	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2003 UN Convention against Corruption
Guinea	*Law L/96008 of July 22, 1996	*2001 United Nations Protocol against Illicit Trafficking in Firearms	*2007 AML Act	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2000 UN Convention against Transnational Organized Crimes.
Guinea Bissau	*Article 206 of the Guinea Bissau Penal Code * Article 51` of Official Bulletin No 37.3123 of 1960 *Law number 4 of February 27,1988	-	*2006 AML Law	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2000 UN Convention against Organized Crimes. * 2003 UN Convention against Corruption
Liberia	*1956 Firearms Traffic Act, Chapter 11 of the National Defense Law	*2006 ECOWAS Convention on SALW *2001 United Nations Protocol against Illicit Trafficking in Firearms	*2002 Money Laundering Act	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2000 UN Convention against Transnational Organized Crimes. * 2003 UN Convention against Corruption
Mali	* Decree No: 96-304 / PRM of	*2006 ECOWAS	*2006 AML Law	*1988 UN Convention against Illicit Trafficking in Narcotic

Country	National Laws on SALWs	SALW Conventions/Protocols Ratified	National Laws on AML/CTF	AML/CTF Conventions/Protocols Ratified
	November 14, 1996	Convention on SALW *2001 United Nations Protocol against Illicit Trafficking in Firearms	* Law No: 025 / PRM of July 23, 2008 on Suppression of Terrorism * Decree No: 08 / P-RM of November 11, 2008	Drugs and Psychotropic Substances. * 2000 UN Convention against Organized Crimes. *1999 Convention for the suppression of Terrorist Financing. * 2003 UN Convention against Corruption
Niger	*Law No:2003-18b of April 19, 2003 *Decree No:63-074/mi of April 23, 1963	*2006 ECOWAS Convention on SALW	*****2004 AML Law	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2000 UN Convention against Transnational Organized Crimes. * 2003 UN Convention against Corruption
Nigeria	*1959 Firearms Act	*2006 ECOWAS Convention on SALW *2001 United Nations Protocol against Illicit Trafficking in Firearms	*2004 Money Laundering(Prohibition) Act *The 2004 Economic and Financial Crimes Commission(Establishment) Act *2006 Advanced Free Fraud and Other Fraud Related Offences Act	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2000 UN Convention against Organized Crimes. *1999 Convention for the suppression of Terrorist Financing. * 2003 UN Convention against Corruption
Senegal	*Law No: 66 of January 18, 1966. * Decree No 66-888 of November 17, 1966 *Decree of April 1986 *Law No: 65-60 of July 21, 1965.	*2006 ECOWAS Convention on SALW	*2004 AML Law	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2000 UN Convention against Organized Crimes. * 2003 UN Convention against Corruption.

Country	National Laws on SALWs	SALW Conventions/Protocols Ratified	National Laws on AML/CTF	AML/CTF Conventions/Protocols Ratified
Sierra Leone	*1955 Arms and Ammunitions Act	*2006 ECOWAS Convention on SALW	*2005 Anti Money Laundering Act	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. * 2003 UN Convention against Corruption.
Togo	*Decree No: 12-04 of May 25, 1912 *Decree No 22-448 of August 18, 1922 * Decree No 47-2258 of November 26, 1947 * Decree No: 58-77 of October 20, 1958 *Law No: 59-8 of January 06, 1959 * Decree No; 60-36 of March 04, 1960 * Decree No: 62-2 of January 08, 1962 *Decree No: 93-060/PR of May 19,1993 *Decree No: 95-011/PR of April 19, 1995	*2006 ECOWAS Convention on SALW	*2007 AML Law	*1988 UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances *2003 UN Convention against corruption, *2000 UN Convention against Transnational Organized Crime.

Sources: GIABA, 2008 and 2009 Annual Reports; PANAFSTRAG (2006). Harmonization of Gun Control Laws in Nine ECOWAS Countries. Lagos: Malthouse Press Ltd

Chapter 6: Findings, Conclusions, and Recommendation

Findings and Conclusions

- Illicit trafficking in SALW into West Africa and within the countries in the region is extensive. Firearms of varied categories are illicitly imported into the sub-region, depending on the needs of the users. The common ones are AK47, pump actions guns, pistols of different types, revolvers and Kalashnikov rifles. Local gun manufacturing industries in the region produce pistols, short, long and double barrel guns.

- Apart from "craft weapons," which are produced within the region, SALW are smuggled into West Africa across various land and sea borders, as well as through airports.

- The illicit SALW trafficking business involved a wide range of actors, including unregistered arms dealers, politically exposed persons, security agents, and leaders of armed groups, local manufacturers, foreign governments and international syndicates.

- Illicit trafficking and proliferation of SALW in the West Africa is underpinned by chronic violence and criminality.

- There is a direct connection between illicit trade in SALW and other forms of organized crime including trafficking and exploitation of the sub-region's mineral and agricultural resources.

- There are linkages between illicit SALW trafficking and money laundering in the sub-region. Illicit trafficking in SALW is oiled by the informal nature of the West African economy, which makes it easy for actors in this illicit trade to move arms and cash around without passing through the formal financial system. Funds used for buying arms come from illicit activities such as coffee, cocoa, diamond and cigarette smuggling, oil theft, kidnapping and stolen public funds. These funds are easily diverted and used to fund illicit arms trade. Unregistered brokers, for purely commercial reasons, also easily move cash in and out of the formal and informal systems to fund illicit arms trade.

- Proceeds generated from illicit trade in SALW are lodged in local and international banks used to purchase high quality goods, invested in the real estate fast moving retail businesses, and among others.

- Banks and financial institutions in the region lack robust AML/CFT systems, thereby enabling illicit arms dealers and other criminals to easily launder the proceeds they receive from their businesses.

- The legal and institutional measures against illicit SALW trafficking are weak. In particular, despite being signatories to the ECOWAS Convention on SALW, national firearms laws are mostly outdated and have weak provisions for regulating SALW. The legal and institutional measures against money laundering and terrorist financing are equally weak. This has resulted in minimal investigation and prosecution of ML/TF cases.

Recommendations

169. The Intergovernmental Action Group against Money Laundering in West Africa (GIABA) should:

- ❖ Bring to the notice of relevant international organizations and forums the urgent need to enforce the WASSENAAR Arrangement on small arms with respect to Eastern European countries, as the non- or hap-hazard enforcement of the agreement contributes immensely to illicit SALW inflow into the West African region.
- ❖ Work with the ECOWAS Commission and Member States in building the capacity of security and law enforcement agencies to effectively patrol land and maritime border posts and detect the smuggling of SALWs across borders in the sub-region.
- ❖ Assist implementation of the Kimberly Process by assisting ECOWAS Member States to develop systems of tracking and identifying stolen oil, smuggled cocoa, smuggled cotton and other products and minerals that are used to fund illicit importation of SALW.
    - Assist Member States, in tracing proceeds from oil bunkering, stolen minerals and cash crops, and in developing region-wide anti-money laundering financial intelligence and STR reporting systems.
    - Organize periodic training for judicial and law-enforcement officers of Member States on AML/CFT standards.
- ❖ Urge the ECOWAS Commission to take the following proactive measures:
    (a) Introduce and expand the payee frontier program and project for combating wild-spread smuggling of SALW across all borders in the region.
    (b) Assist Member States to secure their land, air and maritime borders.
    (c) Ensure the urgent implementation of the ECOWAS Convention on SALW by developing the guidelines for its implementation.
    (d) Encourage member states of ECOWAS to harmonize their national firearms laws with the Convention, and encourage more member states to ratify the Convention.
    (e) Initiate the amendment of the Convention on SALW to include a provision that prohibits the conversion or transfer of resources or property (money, goods, commodities, etc) derived directly or indirectly from criminal acts prohibited by the Convention, with the aim of either concealing or disguising the illicit origin of the resources or property, the genuine nature, location, disposition, movement or ownership of the resources or property derived from any criminal act prohibited by the Convention.
    (f) Develop short-, medium- and long-term strategies for tackling what the survey identified as conflicts and criminal activities that drive the demand for SALW in West Africa, such as political and inter-communal violence, militant activities, urban criminality, civil wars, rebel activities, kidnapping, drug trafficking, religious conflicts, land conflicts, pastoralists conflicts, smuggling and cattle rustling.

- Work with the ECOWAS Commission to:
  - (a) Encourage all Member States to enact and implement national laws against ML/TF.
  - (b) Initiate regional and national partnership to encourage exchange of information and intelligence between national and regional agencies responsible for SALW control and ML/CTF, especially in the area of developing related database to help in region-wide illicit fund tracking and asset seizures.
  - (c) Take its public enlightenment programs to all parts of the sub-region to enlighten the people and strategic actors on the dangers of SALW trafficking and money laundering to the economies of ECOWAS Member States.
- Intensify collaboration with civil society groups in the sub-region by:
  - (a) Enlisting them to work with ECOWAS Commission and GIABA and other relevant international, regional and national agencies to create awareness on the dangers of SALW proliferation, ML and TF in the sub-region.
  - (b) Mobilizing the civil society and building their capacity to carry out studies on strategic aspects of SALW proliferation, money laundering and terrorist financing, such as the nature and scope of the informal economy of West Africa, peoples' perception of ML in West Africa, terrorism in West Africa, the level and routes of smuggling of SALW in West Africa, and the nexus between corruption at the borders and smuggling in the sub-region.

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