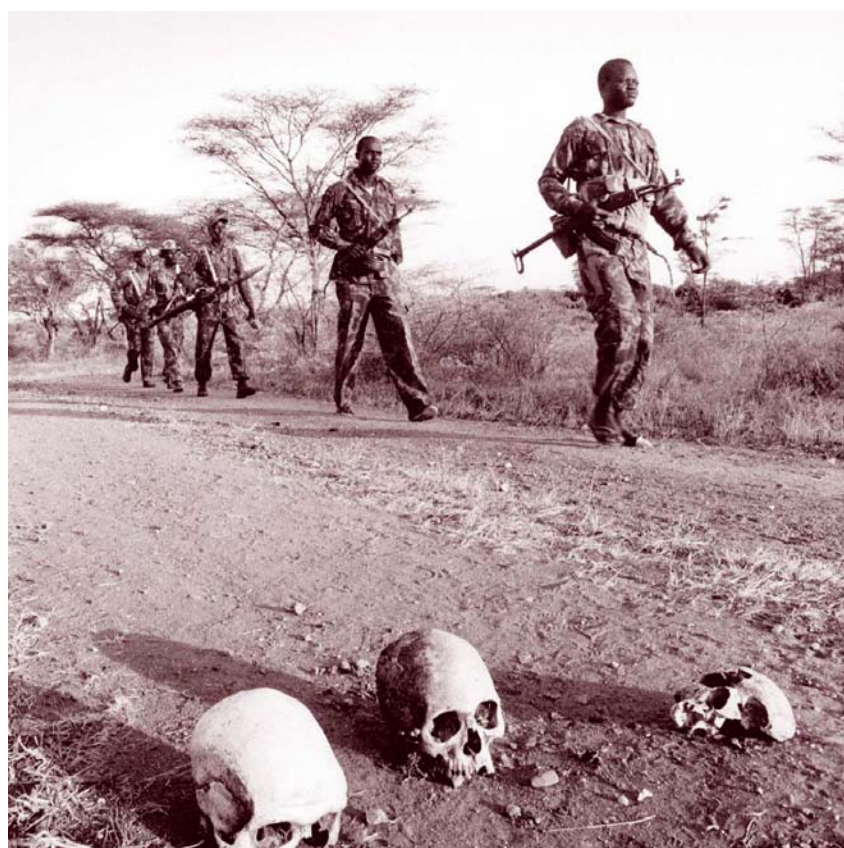


# Implementing the ECOWAS Small Arms Moratorium

A New Regionalism Approach?

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## List of Abbreviations

<b>ABC:</b>	Atomic, Biological and Chemical
<b>ACP:</b>	African, Caribbean and Pacific
<b>APRM:</b>	African Peer Review Mechanism
<b>AU:</b>	African Union
<b>CEAO:</b>	Communauté Economique d’Afrique de l’Ouest
<b>CSR:</b>	Corporate Social Responsibility
<b>DDRR:</b>	Disarmament, Demobilisation, Reintegration and Resettlement
<b>DES/PADS:</b>	Deputy Executive Secretary for Political Affairs, Defence and Security
<b>DRC:</b>	Democratic Republic of the Congo
<b>EC:</b>	European Community
<b>ECOMOG:</b>	ECOWAS Monitoring Group
<b>ECOSAP:</b>	ECOWAS Small Arms Control Programme
<b>ECOWAS:</b>	Economic Community of West African States
<b>EU:</b>	European Union
<b>EUC:</b>	End-User Certificate
<b>GNI:</b>	Gross National Income
<b>IANSAs:</b>	International Action Network on Small Arms
<b>IFI:</b>	International Financial Institution
<b>IGO:</b>	Intergovernmental Organisation
<b>INGO:</b>	International Non-Governmental Organisation
<b>IPE:</b>	International Political Economy
<b>IR:</b>	International Relations
<b>LURD:</b>	Liberians United for Reconciliation and Democracy
<b>MNC:</b>	Multi-National Cooperation
<b>NAFTA:</b>	North American Free Trade Agreement
<b>NBA:</b>	Niger Basin Authority
<b>NatCom:</b>	National Commissions
<b>NEPAD:</b>	New Partnership for Africa’s Development
<b>NGO:</b>	Non-Governmental Organisation
<b>NISAT:</b>	Norwegian Initiative on Small Arms Transfers
<b>NRA:</b>	New Regionalism Approach
<b>OAU:</b>	Organisation of African Unity
<b>PCASED:</b>	Programme for Coordination and Assistance for Security and Development
<b>PRIO:</b>	Peace Research Institute of Oslo
<b>RUF:</b>	Revolutionary United Front
<b>SADC:</b>	Southern African Development Community
<b>SALW:</b>	Small Arms and Light Weapons
<b>SATCRA:</b>	Small Arms Transparency and Control Regime in Africa
<b>TNC:</b>	Transnational Cooperation
<b>UEMOA:</b>	Union Economique et Monétaire Ouest Africaine
<b>UN:</b>	United Nations
<b>UNDP:</b>	United Nations Development Programme
<b>UNIDIR:</b>	United Nations Institute for Disarmament Research
<b>UNMIL:</b>	United Nations Mission in Liberia
<b>UNREC:</b>	United Nations Regional Centre for Peace and Disarmament in Africa
<b>WAANSA:</b>	West Africa Action Network on Small Arms



## **Preface**

I began thinking about this thesis while studying in Cape Town. Experiencing everyday life in South Africa with the constant threat of gun-related crime gave rise to my interest in the small arms problem although my initial thoughts changed greatly during the course of this project. Someone from a society like Norway's cannot fully understand what life is like for those who have to worry not only about providing a roof over their heads and putting food on the table, but also about protecting themselves and their loved ones from the huge consequences of small arms proliferation.

But African life is not only about hardships. It is also about a very special belief in the future. Never in my life have I seen such a strong belief that the future will bring mostly good. The hardship of everyday life in Africa is exceeded only by the people's lust for life.

There are several persons who deserve to be mentioned here. First I would like to thank my tutor, Karin Dokken, for guiding a sometimes disillusioned writer through the process of conducting this study. Confronting the huge task of writing a masters thesis was initially a bit scary for an ambitious young man but her belief in me was of great help especially in the initial phase. Second I am very grateful for all the help I have received from Nicholas March at PRIO. Nic initially gave me very valuable data and then very useful comments after proofreading my first draft. Third, Preben Marcussen at the Norwegian Red Cross deserves thanks for reading my first draft and showing me some new ways of thinking about the subject of my thesis when I was at the end of the study. And last but not least, thanks to Marianne Torp for proofreading the first draft and giving me a peer perspective.

Joakim Bakke

Oslo, October 2005





# 1. Introduction

## 1.1 The Problem of Armed Conflicts and Small Arms in West Africa

Civil wars in Africa over the last decades are characterised by tremendous human suffering, huge losses of civilian lives and have caused huge waves of migration across the continent. West Africa is no exception. Over the last decades, Liberia, Sierra Leone, Nigeria, Niger, Guinea-Bissau, Mali, Senegal and Côte d'Ivoire have all been ravaged by armed conflicts or civil wars. The roots of all these conflicts are a complicated issue. Adedeji has stated that the real reason for the security crisis is Africa's political crisis: "Civil wars and civil strifes are but violent reactions to the pervasive lack of democracy, the denial of human rights, the complete disregard of the sovereignty of the people, the lack of empowerment of the people, accountability and, generally, bad governance."<sup>1</sup> In order to comprehend the multitude of actors and levels in these conflicts we need to see them not only as national affairs but as regional concerns. African conflicts are rarely confined to one single country even though they are mainly civil wars. They almost indiscriminately become regionalised.<sup>2</sup>

There are no wars, within or between states, in which armed personnel represent the majority of casualties.<sup>3</sup> The civilian population suffers the greatest number of casualties. The people of West Africa have seen some of the most bloody and cruel acts of war in modern times. Heartbreaking stories from Sierra Leone of mutilations of thousands of civilians, and of child soldiers forced to kill their own families have been reported through the media and human rights organisations.

The subject of this study is one of the main issues in these conflicts, i.e. the presence of huge amounts of illicit small arms and light weapons (SALW). In order to obtain peace and stability in West Africa, the huge amounts of weapons must be dealt with. "Internal and smaller regional conflicts are often triggered and prolonged by ready access to small arms and light weapons. These weapons also fuel crime and violence, displace civilians and undermine humanitarian assistance. [...] in many regions of the world small arms and light weapons constitute a serious threat to peace,

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<sup>1</sup> Adedeji, Adebayo (1999)

<sup>2</sup> Bøås, Morten (2005b)

<sup>3</sup> Sommerfeldt, Atle (2005)

reconciliation, safety, security and sustainable development.”<sup>4</sup> Regional insecurity and warfare are not caused by the presence of small arms but, as stated by the UK’s Department of International Development, “Although SALW are rarely the root cause of conflict, crime or insecurity, their wide availability acts as a ‘multiplier of violence’, making conflict more lethal, crime more violent and people’s lives, assets and livelihoods more insecure.”<sup>5</sup>

In West Africa, the Mano River Basin (comprising Guinea, Liberia, Sierra Leone and by extension Côte d’Ivoire) has become an especially attractive marketplace for illicit weapons trade.<sup>6</sup> The region has rich resources of diamonds, rubber and timber, which are used for purchasing the weapons used in insurgencies and wars. Experts have estimated that during the civil war in Liberia, 350 million dollars worth of diamonds were spent every year to fuel the war.<sup>7</sup> But not only states inflicted with civil wars have felt the effects of the proliferation of small arms. Through smuggling and huge migrations, neighbouring states and other countries across the continent have seen an upsurge in gun-related crimes.<sup>8</sup> As a West African neighbour to several conflicts, Ghana has seen a remarkable growth in gun-related crimes over the last years. The proliferation of weapons and the outbreak of political violence are doing great damage to economic development in West Africa. Côte d’Ivoire is one country that lately has experienced severely damaging effects on economic activity caused by the outbreak of civil war. Millions of SALW in West Africa are available, affordable and easy to maintain, conceal, smuggle and use. They have prompted ordinary citizens and self-styled freedom fighters to try to solve their problems and achieve their goals by violent means. Small arms and light weapons are a major destabilising factor. Their proliferation will spark and prolong conflicts, hinder relief programmes, undermine peace initiatives and even in times of peace, create a general growth in violent crimes. Traditionally, the main focus of the media has been on weapons of mass destruction but over the last decade the discourses concerned with

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<sup>4</sup> Norwegian Ministry of Foreign Affairs (2004), p.19

<sup>5</sup> UK Department of International Development (2003), p.8. For a comprehensive presentation of the Small Arms problem and its costs, see Jackson, T., N. Marsh, T. Owen and A. Thurin (2005)

<sup>6</sup> Bah, Alhaji (2004)

<sup>7</sup> Fung, Ivor Richard and Kouyatè, Lansana (2000)

<sup>8</sup> Bah, Alhaji (2004), p.34

SALW have grown stronger. But unlike ABC weapons there are no legally binding international treaties for dealing with SALW.

## **1.2 Research Question and its Background**

### **1.2.1 The ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons**

The President of Mali presented the idea of a West African small arms moratorium<sup>9</sup> in 1993. The idea was welcomed among others by ECOWAS, OAU (Organisation of African Unity, now the African Union) and the UN. After some consultations with African organisations, international organisations, civil society and weapons manufacturing countries, the Moratorium was signed in Abuja on 31 October 1998 for a renewable period of three years. The commitment was renewed both in 2001 and in 2004.<sup>10</sup> On 10 December 1999 the member states signed a Code of Conduct for the effective implementation of this mechanism based on agreed principles, which encourage transparency in military and security matters.<sup>11</sup> The Moratorium lays a foundation for a region-wide strategy for the handling of the problems of SALW. The broad aim of the Moratorium is of course to secure the preconditions needed for socio-economic development.<sup>12</sup> It also acknowledges that too many transnational and informal actors are involved in all conflicts in the region and that a conflict in one country will, without exception influence others countries. Transnational actors are deeply involved in most aspects of the West African arms trade. The existence of informal transnational networks is one of the characteristics of the neo-patrimonial<sup>13</sup> African state. The African state is highly personalised. It is practically governed through intertwined webs and bonds of loyalty. The leaders have multiple interests and commitments which are often contradictory. The private and the public spheres are linked so closely together that they can be seen as one. The Moratorium needs to address these characteristics of both Transnationalism and the

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<sup>9</sup> The phrase "Moratorium" is defined as "a suspension of an ongoing or planned activity", [www.onlinedictionary.com](http://www.onlinedictionary.com)

<sup>10</sup> Vines, Alex (2005)

<sup>11</sup> Fung, Ivor Richard and Kouyatè, Lansana (2000)

<sup>12</sup> Francis, David J., (2001)

<sup>13</sup> Neo-patrimonialism will be further discussed in section 2.3.

African state. New Regionalism<sup>14</sup> is an attempt to connect the formal and the informal processes, it takes into account both regionalism and regionalisation and it recognises that not all these processes are leading towards increased integration. It sees regionalism as processes taking place at different levels and with a large variety of actors involved. The phenomenon of Transnationalism has been included in this theoretical framework. Transnationalism is about interactions across borders where non-state actors are involved.<sup>15</sup> This phenomenon takes place in every region of the world but its impact varies substantially. Arms trade in West Africa is conducted by a variety of transnational actors ranging from small scale transportation agents to Heads of State. The impact of transnational networks is partly decided by the structures of the state in which they exist. They have a greater impact in weak states.

The Moratorium is a framework and within this framework there are a number of associated measures that need to be implemented if the moratorium is to be a success.<sup>16</sup> Among these are establishment of National Commissions, cooperation with civil society, coordination of legislation, creation of databases, information and education of police- and customs officers regarding surveillance and control. The Moratorium is a politically binding document but not legally binding. The signing of a moratorium is not enough to stop the proliferation of SALW in West Africa. There are many loopholes in the Moratorium but no sanctions. All in all, this allows West African governments to still import weapons for tens of millions of US dollars every year. But the Moratorium is still a step in the right direction. The next step after signing was to make the Code of Conduct document for the implementation and then the process of implementation. A Plan of Action was also made. Both these documents and the actual process of implementation will be the focus of my thesis.

### **1.2.2. The Research Question**

I will investigate the Moratorium and its implementation through the lenses of the New Regionalism Approach (NRA), Transnationalism and the characteristics of the African state. It is not the aim of this study to evaluate the success or failure of the

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<sup>14</sup> New Regionalism will be presented in sections 1.2.3 and 2.2.

<sup>15</sup> A more comprehensive definition of Transnationalism will follow in section 1.2.3.

<sup>16</sup> Lodgaard, Sverre (1999)

Moratorium and its implementation process as such. The aim is to see if the implementation of the Moratorium reflects the main aspects of the theoretical framework mentioned above. This statement implies that if the Moratorium is to be a success the insight brought forward by these theoretical approaches needs to be reflected in the implementation. It needs to do so not because these frameworks should be regarded as a cookbook for the politicians but because they describe many aspects of the West African reality that must be taken into account when implementing the Moratorium. My question is:

*“To what extent does the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons, its implementation documents and its actual implementation, reflect the central aspects of New Regionalism such as Transnationalism and Neo-patrimonialism in the West African region?”*

### **1.2.3 Theoretical Approach: New Regionalism and Transnationalism**

Transnationalism is an important aspect regarding the problem of SALW. New Regionalism is a theory that focuses on Transnationalism. That is the reason why I want to see if the implementation is reflecting the most central aspects of this regionalist theory and especially Transnationalism and important aspects of the African state. In this section I will give a short presentation of New Regionalism focusing primarily on Transnationalism.<sup>17</sup>

New Regionalism starts from the proposition that in order to understand regionalism today it is essential to realise that we are dealing with a qualitatively new phenomenon that is taking place in a new context and with a new content.<sup>18</sup> Hettne and Söderbaum have defined regionalism in the New Regionalism Approach (NRA) as “a comprehensive, multifaceted and multidimensional process, implying the change of a particular region from relative heterogeneity to increased homogeneity with regard to a number of dimensions, the most important being culture, economic policies and political regimes.”<sup>19</sup> This means that NRA looks beyond state-centrism. Actors other

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<sup>17</sup> For more on New Regionalism and theories on the African state, see the next chapter.

<sup>18</sup> Söderbaum, Fredrik (2002), p.13

<sup>19</sup> Hettne, Bjørn and Söderbaum, Fredrik (1998)

than the state are deeply involved. These non-state actors can be NGOs, transnational networks (both legal and illegal) and the private sector. The informal sector is particularly important in Africa. It is estimated that between 60-70% of the actual economy takes place outside the formal economy.<sup>20</sup> But it is not always easy to distinguish between the formal and the informal in Africa or between the legitimate and the criminal. State officials do often play quite significant parts in the informal economy. A living informal economy can be viewed as a precondition for the existence of transnational networks.

As a phenomenon, Transnationalism has been included in the theory of NRA. Risse-Kappen has defined it as “(...) regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organization”.<sup>21</sup> It is important to understand why these trans-state networks exist in West Africa. Dokken says that “the weakness of the state facilitates the growth of informal networks, and these networks are by nature trans-national.”<sup>22</sup> This is consistent with Risse-Kappen when he states that domestic structures are likely to determine the availability of channels for transnational actors into the political systems. The more the state dominates the domestic structure, the more difficult it will be for trans-state networks to penetrate it.<sup>23</sup> Bøås makes a distinction between regionalisation led by state actors, called “formal regionalisation” and regionalisation led by non-state actors, called “informal regionalisation”.<sup>24</sup> But it is also important to consider the transnationalisation led by one state actor and one non-state actor. This informal process is important because it reflects the duality of West African states. If we put too much emphasis on informal regionalisation, we might neglect the role of the state. It is important to look at how states influence both international politics of the region and how they affect the way in which informal actors operate.<sup>25</sup> It is important because variation in domestic structures accounts for differences in the policy impact of transnational actors.<sup>26</sup> Private actors run the

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<sup>20</sup> Bøås, Morten (2005a)

<sup>21</sup> Risse-Kappen, Thomas (1995), p.3

<sup>22</sup> Dokken, Karin (2004), p.5

<sup>23</sup> Risse-Kappen, Thomas (1995), p.6

<sup>24</sup> Bøås, Morten (2003), p.35

<sup>25</sup> Dokken, Karin (2004), p.6

<sup>26</sup> Risse-Kappen, Thomas (1995), p.33

informal Transnationalism though often in a concealed cooperation with state actors. Such informal transnationalism is built up in networks loosely based on a special situation or cause. They can be small networks distributing goods and services across borders with no official control or they can be regional networks connected to the global economy of drugs and weapons.<sup>27</sup>

#### **1.2.4 My Approach to the Problem: The Moratorium and New Regionalism**

Transnational networks, which constitute the system within which the main actors in the proliferation of SALW exist, are indeed an important part of the regionalisation processes in West Africa. The borders in this region have always been porous and this porousness has been further enhanced by the process of regionalisation. Porous borders make smuggling and illegal trading easier. This is one of the main challenges of regionalism. ECOWAS has taken some steps to recognise the informal sector and the informal border economy. The question is whether it is sufficient. Do ECOWAS member states take these “networks of plunder” sufficiently into account in the process of policy making and in implementing the Moratorium? Though not an exclusively African phenomenon, African leaders are known for their willingness to sign treaties followed by their unwillingness or inability to implement them. This is what Daniel Bach calls “summit-diplomacy”, i.e. empty promises intended only to display statehood and statesmanship and to impress donors. African leaders are known to tell the West whatever it wants to hear in order to obtain economic backing. But mainly it is the lack of political will that makes such treaties almost worthless. Do the governments of ECOWAS member states use regionalism as a means to stop the proliferation of small arms or do they use it to hide their personal interests or those of the regime? Are the new initiatives a sign of a newborn will to do something about the proliferation of SALW or are they just a facade of meaningless words? As I mentioned above, it is not always easy to distinguish the legitimate from the criminal and the formal from the informal in the African neo-patrimonial state. Due to the pervasiveness and nature of West African Transnationalism, the state or officers of the state are often involved in the trade in small arms. It is therefore

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<sup>27</sup> Bøås, Morten and Dokken, Karin (2002), p.15

important to take into account this double-dealing of the state. In this study I will address these subjects but I will not comprehensively analyse all of them.

## **1.3 Research Method**

### **1.3.1 Case Studies**

This is a case study of the way in which West Africa is trying to cope with the SALW problem. A case study has a distinct advantage when “a “how” or “why” question is being asked about a contemporary set of events over which the investigator has little or no control”.<sup>28</sup> According to Yin`s technical definition, “a case study is an empirical inquiry, that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between the phenomenon and the context are not clearly evident.”<sup>29</sup> As one can see from this definition, my choice of research question and the presentation of my approach, a case study is the most appropriate choice of research method and it gives me the most fruitful answer to my research question. What I will do is to look at an interesting case in light of a phenomenon, which is already described in NRA. In other words, I am using a theory to shed light on a particular case. This is a type of study, which emphasises the understanding of a single phenomenon. I am not focusing on building models or being able to empirically generalise. I am just focusing on understanding this specific case.

### **1.3.2 Methodological Considerations**

There are methodological problems connected with this kind of case study both regarding validity and reliability. Is the operational set of measures sufficient? Is it possible to use the findings to generalise? Are the findings biased?<sup>30</sup> In a case study such as this, one has to be aware of these issues.

#### **1.3.2.1. Generalisation**

First of all, I am not seeking to find any general truths when doing this study. My conclusion is meant to be applicable only to this specific case with no prospects of

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<sup>28</sup> Yin, Robert K. (1994), p.9

<sup>29</sup> *ibid.* p.13

<sup>30</sup> *Ibid.* p.34-36



empirical generalisation. There is an ongoing discussion on the value of research that formulates no grounds for empirical generalisation. Some would say that the scientific value of such a study is limited due to the lack of possibilities for empirical generalisation. But I will argue that it is possible to theoretically generalise from this study. By looking at the findings made by such studies in a broader theoretical perspective one can expect to see compliance with the theoretical tools which I have used and that will strengthen the theory as such. And if the results show that not all aspects of the empirical material are possible to analyse through the lenses of this theoretical framework that can be regarded as proof of the limitations of the theory in question. That must be seen as a valuable scientific finding although no empirical generalisation is possible.

### **1.3.2.2. Validity**

Regarding my research question there might be questions raised about the internal validity<sup>31</sup> of my findings. Although it is not directly stated in my research question, it is implied that there exists a causal relation between the success of the Moratorium and consistency with the theories used. This is not to say that NRA is a recipe from A to Z for the politicians to use in the implementation process. What I am saying is that NRA quite accurately describes African, and then also West African regionalism. Therefore, if the politicians are to give due considerations to the realities in their region, the implementation of the Moratorium will have to reflect the most important aspects of NRA and Transnationalism. The implication of this casual relation is a methodological problem, which I am aware of and will try to address by arguing that NRA is the most fitting theoretical tool for investigating regionalism in West Africa and that a regionalist project in West Africa, such as the Moratorium, must reflect the central aspects of this theory in order to succeed.

Another thing to be aware of is the fact that a case can be interpreted quite differently given the theoretical setting. “(...) our understanding of such events depends critically on more self-consciousness about what observers bring to the analysis. What each analyst sees and judges to be important is not only a function of

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<sup>31</sup> Internal validity concerns the causal interpretation of data. Is A the cause of B?

the evidence about what happened. But also of the “conceptual lenses” through which he looks at the evidence”<sup>32</sup> Concerning my case, NRA is today accepted as the dominating theory of African regionalism. The classic theories such as Neo-functionalism have proven insufficient in dealing with the African reality.<sup>33</sup> Although there are important elements in all the “old” regionalism theories, I feel that the only way of analysing the West African reality today is to do it through the lenses of NRA.

Another methodological issue is the generality of the theoretical terms. It is important that the terms are not too general. If they are too general there will be a loose and diffuse connection between theory and data.<sup>34</sup> New Regionalism was developed much in light of the African case. The West African reality is quite typical of Africa so as I see it, the connection between the theoretical terms in New Regionalism and the West African case is sufficiently close.

### **1.3.2.3. Reliability, Sources and Data Collection**

Yin mentions six main sources of evidence one can use in a case study. The two I will use are documentation and archival records. The strengths of these are that they are stable, unobtrusive, and exact and they have a broad coverage. Their weaknesses are that they may have low retrievability, authors may have been biased and access can also be a problem.<sup>35</sup> To study African affairs is a little bit different from studying for example European affairs. As Yin mentions, official documents are scarce and difficult to find. The content of those that can be found is of limited help to researchers, in part because one cannot place much trust in them. Pragmatism is commonly used in politics and especially in African politics. This has led to several situations where a state has signed documents with contradictory goals. I am not implying that African politics is in any respect irrational, Rather, African politics involves a different kind of rationality with different motives and priorities than those we know from classic Western and state-centric IR theory. Policies, protocols, charters and treaties are often sacrificed on behalf of pragmatism or they are formulated in

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<sup>32</sup> Allison, Graham (1969), p.689

<sup>33</sup> For more on this subject see Dokken, Karin (1997)

<sup>34</sup> Andersen, Svein S. (1997), p.70

<sup>35</sup> Yin, Robert K. (1994), p.80

order to reach a specific goal such as looking good for possible donors. This can be seen in light of what I above referred to as summit-diplomacy and also the many different identities of African leaders.<sup>36</sup> One can make a plausible argument for saying that the single most important motive in African politics is regime security, the survival of the ruler. And if a pragmatic and ad hoc-based approach is what is needed to secure regime security, then that is what will be done. Reports written by NGOs may also be biased although often in the opposite direction of that of public documents. Independent reports are scarce. In this thesis I will use academic sources such as books and articles, official ECOWAS documents, reports and articles from non-state actors such as NGOs but most important regarding reliability will be the independent sources. First and foremost I will use academic publications such as books and articles. As far as one can trust secondary literature, I view these as reliable sources for my study. I will also use reports made by organisations such as the UN, NISAT (Norwegian Initiative on Small Arms Transfers), Small Arms Survey and Global Witness, which I also consider to be relatively reliant. Because most official documents are of questionable reliability, I will not use them as sources. News articles can also be questionable regarding objectivity so these must be used with caution. Some of my sources are collected from the internet. This might cause problems because they might not be available for longer periods of time.

Yin also presents three principles of data collection. The first of these is to use multiple sources of evidence.<sup>37</sup> I will use two of six possible sources of evidence, relying mainly on documentation. The aim of using multiple sources is data triangulation, this in order for the case study to be more convincing and accurate. My reason for not using the four other main sources of evidence, which are direct observations, participant-observation, interviews and physical artefacts, is an evaluation of the costs compared to the anticipated gains. Doing fieldwork would have been expensive and it would, in my opinion, probably not have given me any great research advantage. It was unlikely that I could gain access to useful information from the ECOWAS Secretariat, governments, and other institutions involved in

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<sup>36</sup> The subject of changing identities will be discussed in chapter 4.

<sup>37</sup> Yin, Robert K. (1994), p. 90

implementing the Moratorium. For this reason, I will exclusively use secondary literature, which is literature written on the basis of previously collected data. I will use numerous reports written about the implementation process, by independent actors, scholars, NGOs and state and intergovernmental actors. The number of sources from various actors will hopefully ensure satisfactory triangulation and better reliability of my findings. In line with what Sørensen has argued, I do not believe that I will increase the validity of my study by using multiple sources as part of the same study but I do believe it will increase the reliability.<sup>38</sup>

The phenomenon I am going to study is multidimensional and multifaceted. It will be a challenge to be able to catch all dimensions in order to see the whole picture and scope of the problem and to see through the often unreliable public documents of African states and organisations in order to secure the validity of my findings. This is a subject where a huge variety of actors have deep interests and often one actor can have contradictory goals and hidden motives. This is not an uncommon feature in IR research but still it will make it more difficult to unravel the true facts of the situation.<sup>39</sup>

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<sup>38</sup> Sørensen, K.O.G. (2004), p.12

<sup>39</sup> A presentation of my operationalisation will follow in section 2.5

## 2. Theoretical Approach

As explained above, the theory I will use in this study is NRA with a special focus on the processes of Transnationalism. I will also use theories of the African state because the aspects imbedded in these theories, such as Neo-patrimonialism, are also inherent in NRA and the way in which Transnationalism displays itself in the region. Before presenting them I will present developments in African regionalism.

### 2.1 The Waves of Regionalism

The first wave of African regionalism commenced in the post-colonial era of the 1960s. It was characterized by Pan-Africanism which was not a consistent political program but rather a set of ideas.<sup>40</sup> The subject of African unity was from the outset a struggle between two different approaches. One wanted immediate political unification. The other favoured incremental cooperation in specific sectors leading to unification. The majority supported the latter approach.<sup>41</sup> Theoretically, Neo-functionalism was dominant. The success of the EC was a prime example in the minds of African leaders. The most influential figure in this era was Kwame Nkrumah<sup>42</sup>. In his mind, the fragile African state born of the history of colonialism was too weak, too poor and too politically vulnerable to serve the needs of the people after the heroic struggle for independence.<sup>43</sup> Another influential figure was Julius Nyerere of Tanzania. He believed that although continental unity was politically desirable, it could not be implemented at once. It had to be done in steps.<sup>44</sup> The first wave did not succeed. In the late 1980s and 1990s thoughts of regionalism found new strength. This second wave of regionalism was a response to the end of the Cold War and the transformation of the global political economy.<sup>45</sup> The general belief in the increasingly globalised world was that if Africa was not able to regionalise, the whole continent would be further marginalised. The birth of NRA was a response to this second wave of regionalism. It was also an acknowledgement of the fact that the classical

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<sup>40</sup> Bøås, Morten and Dokken, Karin (2002), p.77

<sup>41</sup> Senghor, Jeggan C. (1990)

<sup>42</sup> Nkrumah's "Africa must unite" (1963) is regarded as one of the most influential works on African regionalism in this period.

<sup>43</sup> Nyong'o, Anyang (1990), p.3

<sup>44</sup> *ibid*, p.5

<sup>45</sup> Francis, David J. (2001), p.63

integration theories such as Functionalism, Neo-functionalism, Federalism and Communication Theory were not applicable to Africa.<sup>46</sup> This is not to say that African leaders were cognisant of, and followed NRA. My point is merely to say that at the same time as African leaders commenced the second wave of regionalism, scientist such as Hettne and Söderbaum saw the need for, and presented the ideas of NRA. The classical institutionalistic integration theories were also completely unable to catch the processes of Transnationalism, which are so important in Africa. A new approach to regionalism and integration based on the preconditions of Third World countries, and especially Africa was indeed needed. NRA was a response to this.

## **2.2 New Regionalism Approach**

The global political earthquake of 1989-90 transcended the whole international system. When the bipolar world collapsed, the global community was in a state of uncertainty. There was a new world order on the way. The process of globalisation has also been a trend of the last two decades. Some may say that globalisation is an old process, which has been going on for many more decades but it is quite clear that the process has accelerated and been firmly put high on the agenda of international policy makers. And it is clear that globalisation and regionalisation are intimately connected, together shaping the new world order.<sup>47</sup> The study of IR has been dominated by state-centrism. Traditional IR theory has almost uncritically accepted the Westphalia model.<sup>48</sup> The state has been the primary unit of analysis and it has not been properly problematised. This is not to say that there has been no criticism of this notion but generally speaking, traditional IR theory has seen the state as the primary unit of analysis. It is not the objective of this study to go deeper into the notion of state-centrism in traditional IR but what is clear is that this way of analysing IR is not a

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<sup>46</sup> There are mainly two factors, which make them inconsistent with the African reality. (1) They presuppose some degree of economic and technological interdependence between the countries integrating and (2) they all favours societies with a high enough economic and technological level as well as democratic development in order to benefit from integration. None of these factors have been present in Africa. For more on this, see Dokken, Karin (1997)

<sup>47</sup> Söderbaum, Fredrik (2002), p.13

<sup>48</sup> The Westphalia model refers to the modern Western model of the state, which was marked by the Peace of Westphalia in 1648. It was the birth of the nation-state. The Westphalia state is characterised among other things by its sovereignty in the relationship with other states, centrally controlled, its monopoly on the use of violence, and securing property rights.

fruitful framework for analysing IR in Africa. By concentrating mainly on the state, traditional IR theory has not been able to explain, let alone predict, the behaviour of African political actors.<sup>49</sup>

It is in this context NRA emerged. As Grant and Söderbaum wrote, “It seems appropriate therefore to recognize the need to transcend purely state-centric notions of not only the disciplines of IR and IPE, but of regionalism as well.”<sup>50</sup> The old school claimed that regionalism in Africa was primitive and led by weak, failing or totally failed states. This picture is too simplistic. There are multiple actors in the African state and society, which are linked together in hybrid networks and coalitions, together creating a wide range of complex regionalisation processes in response to their political, economic and social needs.<sup>51</sup>

Although regionalism is not a new phenomenon, it is important to understand regionalism today as a qualitatively new phenomenon that is taking place in a new context and with a new content.<sup>52</sup> Starting with the region itself, there has been a widespread assumption that regions exist in their own right without needing to be defined, a belief in the “natural region”. But there are many types of regions. Most commonly what we refer to as regions are macro-regions, for instance Africa. Then we have sub-regions, such as West Africa. We can also talk about micro-regions, which exist both within states and across national borders. But the definition of a region should not be formulated solely on the basis of geography. Hveem states that geography is one of three ways to define a region. The other two are by the existence of networks or structures for transactions and communication and by cognitive patterns and collective identity.<sup>53</sup> Old regionalism has tended to only focus on the state-led regionalism and not see the way in which all the processes at different levels are linked and intertwined. As Hettne et al have explained:

Regionalism is a heterogeneous, comprehensive, multidimensional phenomenon, taking place in several sectors and often “pushed” (or rather constructed) by a variety

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<sup>49</sup> Malaquias, Assis (2001)

<sup>50</sup> Grant, J. Andrew & Söderbaum, Fredrik (2003), p.1

<sup>51</sup> *ibid.*

<sup>52</sup> Söderbaum, Fredrik (2002), p.13

<sup>53</sup> Hveem, Helge (2000), p.72

of actors (state, market, society). We are likely to experience regionalization at various speeds in various sectors as well as regionalization and de-regionalization occurring at the same time. In other words, integration and disintegration are closely connected and must be analysed within the same framework.<sup>54</sup>

NRA as presented by Hettne and Söderbaum defines regionalism as “a comprehensive, multifaceted and multidimensional process, implying the change of a particular region from relative heterogeneity to increased homogeneity with regard to a number of dimensions, the most important being culture, economic policies and political regimes.”<sup>55</sup> Because of different actors and all of the processes they are dealing with, New Regionalism is often referred to as “new regionalisms”. All the processes are overlapping and often contradictory. West African regionalism involves individuals trading across borders, small-scale smuggling, ambitious intergovernmental projects, international criminal networks, and not least, huge migrations. And these processes can be contradictory. Not all processes of regionalisation lead to more comprehensive integration. Some regionalisation processes are working against it. NRA has also been referred to as “regionalism from below”. This is because NRA involves more spontaneous and informal processes, which often emerge from below rather than as products of decisions from above. NRA is an attempt to connect the formal and the informal processes. What this definition also implies is that the process is taking place at three levels: at the global level, the inter-regional level and the intra-regional level. That regionalism takes place at different levels is important to remember. What is also important to understand is the difference between regionalism and regionalisation. Marchand et al. say that regionalism “concerns the ideas, identities and ideologies related to a regional project”.<sup>56</sup> In other words, it is the urge by the actors to re-organise along regional lines in a given issue area.<sup>57</sup> Regionalisation is defined as “the process by which state and non-state actors seek to enhance their economic, political, cultural, social and security interaction with societal forces within a region through

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<sup>54</sup> Hettne, Bjørn, Inotai, Andreas and Sunkel, Osvaldo (1999)

<sup>55</sup> Hettne, Bjørn and Söderbaum, Fredrik (1998)

<sup>56</sup> Lee, Margaret (2003), p.8

<sup>57</sup> Grant, J. Andrew & Söderbaum, Fredrik (2003), p.7



formal or informal structures.”<sup>58</sup> The critical thing here is that regionalisation is not necessarily caused by regionalism. It may be caused by regionalism but it may also occur regardless of whether there is a regionalist project and ideology present. It can even be unintentional.<sup>59</sup> But still, NRA takes both these processes into account. NRA seeks to establish regional coherence and a regional identity. This is what Hettne refers to as “the pursuit of regionness”. This is a process in which one can reach different levels of regionness. A region is always changing.<sup>60</sup> As stated above, there are no natural regions. Regions are constructed, deconstructed and reconstructed in the process of global transformation. This might be intentional or it might be unintentional.<sup>61</sup> The level of regionness thus defines the position of a particular region in terms of regional coherence and identity. Hettne speaks of five levels of regionness reaching from the regional space, e.g. the geographical area, to a regional institutionalised polity where the region is an “acting subject with a distinct identity, actor capability, legitimacy, and structure of decision-making.”<sup>62</sup> Together these levels form a sort of “natural history” of regionalisation.<sup>63</sup>

### **2.3 The African State**

In order to understand New Regionalism in Africa it is important to understand the way in which the African state works and its differences from the Western bureaucratic state model. The African state has a stable and static surface while at the same time hosting an entire sub-system where formal and informal transnational processes lead to continued change. It is of immense importance to understand that the African state cannot be treated and analysed as a uniform rational actor in foreign and international politics.<sup>64</sup> There are several reasons for this. The typical African state is weak. Clapham states that there are mainly three ways in which African states fail to live up to the ideal. These are: (1) lack of governmental legitimacy, (2) lack of territorial legitimacy and (3) inability to exercise effective control over the territory

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<sup>58</sup> Lee, Margaret (2003), p.8

<sup>59</sup> Grant, J. Andrew & Söderbaum, Fredrik (2003), p.7

<sup>60</sup> Hettne, Bjørn (1993) p. 211

<sup>61</sup> Söderbaum (2002), p.13

<sup>62</sup> Hettne, Bjørn (1994)

<sup>63</sup> Hettne, Bjørn (2002), p.3

<sup>64</sup> Bøås & Dokken, (2002), p.38

allocated to it.<sup>65</sup> The main source of governmental legitimacy has been acceptance of the government by the international community. This fact can be seen in relation with Jackson's term "Quasi-statehood". Quasi-states are states recognised as sovereign and independent units by other states and have thereby acquired juridical sovereignty but they cannot meet the demands of "empirical" statehood, which requires the capacity to exercise effective power within their territory and be able to defend themselves against external attacks.<sup>66</sup> It would also require the ability to function as a state in fulfilling the economic, social and security needs of the population. In short, the state lacks the institutional capacities normally ascribed to a sovereign state.<sup>67</sup> These states have what has been termed "negative sovereignty". The negative sovereignty regime led to a system where external states to a certain degree decided who the government was. In the extreme, those who controlled the most important buildings in the capital were given this external governmental legitimacy ("Letterbox sovereignty").<sup>68</sup> An example is Zaire/DRC after the Cold War. The state's control effectively ended some few hundred kilometres outside Kinshasa. The state was neither the sole, nor the central harbinger of power.<sup>69</sup> Some insurgent groups have often behaved as much as a state as the state itself and this phenomenon has only grown stronger. Some extractive corporations have also performed functions normally fulfilled by the state, such as the development of infrastructure. Quasi-statehood can also be related to Reno's term, "the shadow state".<sup>70</sup> He says that the shadow state is the real state, where decisions are made while the theatre state is just an imitation of the Western model of the state with no real power.

The West African state is also characterised as Neo-patrimonial. It is not a patrimonial state but it is patrimonialised.<sup>71</sup> Patrimonialism was first presented by Max Weber and developed further by Medard. The defining feature of Patrimonialism is the absence of a distinction between the public and the private spheres.<sup>72</sup> In the African

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<sup>65</sup> Clapham, Christopher (1996)

<sup>66</sup> Jackson, Robert H. (1990)

<sup>67</sup> *ibid.*

<sup>68</sup> Clapham, Christopher (1996), p.20

<sup>69</sup> Dunn, Kevin C., (2001), p.52

<sup>70</sup> Reno, William (1998)

<sup>71</sup> Medard, Jean Francois (1996), p.78

<sup>72</sup> *ibid.*, p.80

state the distinction is there, it is just not often internalised or respected. Political power is personalised instead of having the abstract character of legal-rational domination such as the ideal-type of the modern Western state. The formal structure of the state is bureaucratic but in reality it is more like an empty shell. Medard says that the very essence of Patrimonialism consists in the idea that the whole government authority and the economic rights which correspond to it, tend to be treated as privately appropriated economic advantages and that government powers and their associated advantages are treated as private rights.<sup>73</sup> The logic of Patrimonialism is the personalisation of power, which means that there is no distinction between the office and the officeholder. There is a lack of differentiation between what is political and what is economic and access to the state becomes the main way of acquiring wealth.<sup>74</sup> One of the implications of Neo-patrimonialism is what Medard refers to as the “criminalization of the state”. This happens when the leaders extract too much through the patrimonialised system and thereby destroy the very economic basis of the state.<sup>75</sup> There are several examples of this happening in Africa. Mobutu’s Zaire is one; Uganda under Idi Amin is another. When this happens there is nothing more to extract and the people will have to seek alternative sources of income, often by illegal means.

Another work, which focuses on the African state and its poor degree of institutionalisation, is the work of Chabal and Daloz. They state that the African state was never properly institutionalised because it was never significantly emancipated from society. They say that the key to a modern state is the successful establishment of a truly independent bureaucracy. This would mean the end of Patrimonialism. The approach presented rests on the paradigm of political instrumentalisation of disorder, i.e. the profit to be found in the weak institutionalisation of political practices. This means that it has never been in the interest of the political elites in Africa to institutionalise the state apparatus. In this sense, the view that Africa is working towards a more institutionalised state is wrong.<sup>76</sup> This approach, which focuses on the lack of institutionalisation and the still flourishing personalised power, then directs

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<sup>73</sup> *ibid.*

<sup>74</sup> *ibid.*, pp. 86-87

<sup>75</sup> *ibid.*, pp. 95-96

<sup>76</sup> Chabal, Patrick & Daloz, Jean-Pascal (1999)

attention towards the political elites in the African state. They have been remarkably durable. Even through the process of democratisation, in terms of new arrangements for elections and the move from one-party rule to multi-partyism, they have often stayed at the top. This can largely be attributed to the focus on and importance of patronage in the African society. Even though a new leadership bringing in new ideas and political reforms is desirable, people tend to stick to their old patrons, who they know can provide them with their everyday basic needs. Ideology has been of secondary importance in Africa. The primary focus of the elites has been to acquire the patrimonial means needed to keep their clients reasonably happy and by doing so, upholding a patrimonialised system and personalised power. People do not vote because they support the ideas of a particular leader or party, but because they must placate the demands of their existing or putative patron.<sup>77</sup> The conclusion which can be drawn from this is that political change has not changed the role of the elites or the nature of the leadership.<sup>78</sup>

All these different views on the African state are not contradictory. They are a typology of states. They differ in some aspects but mostly they are complimentary.

## **2.4 Transnationalism**

Transnationalism is one of the main aspects of NRA and the transnational processes are very influential in the West African reality. As mentioned in the previous chapter, Risse-Kappen defines Transnationalism as “(...) regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organization”.<sup>79</sup> What is important to notice about this definition is that it takes into account the possibility of state participation in Transnationalism.<sup>80</sup> Often Transnationalism is regarded as processes not formally controlled and thereby implying that states are not taking part in it. This is not the case in West Africa. Risse-Kappen’s definition includes the state

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<sup>77</sup> *ibid.*

<sup>78</sup> Other important works on the African state are Bayart, Jean-François (1993): “The State in Africa: The Politics of the Belly”, London: Longman and Bayart, Jean-François, Ellis, Stephen & Hibou, Bèatrice (1999): “The Criminalisation of the State in Africa”, Oxford, Bloomington & Indianapolis: James Currey & Indiana University Press

<sup>79</sup> Risse-Kappen, Thomas (1995), p.3

<sup>80</sup> Dokken, Karin (2004), p.4

and is therefore very relevant for my study. As one can see from this definition, Transnationalism can be both formal and informal. My focus, however, will primarily be on the informal part of Transnationalism.

Nobody denies the existence of transnational relations. They are present in all regions of the world. But they impact on state and society differently and they proceed in a different manner depending on the region/country. Risse-Kappen argues that the impact of transnational actors on state policies is affected by two variables. The first is differences in state structures, meaning both the normative and the organisational arrangements, which form state and society and link them together.<sup>81</sup> As Dokken states, transnational networks exist in West Africa because their existence is facilitated by the weakness of the state,<sup>82</sup> i.e. the weaker and more fragmented the state is, the more impact transnational actors will have on state policies. If transnational actors are to affect state policies, they must overcome two obstacles. (1) They must gain access to the political system and (2) they must generate or contribute to “winning” policy coalitions.<sup>83</sup> In the African context it is quite obvious to see how this can happen. The African state is dominated by a wide range of patron-client relationships and equally wide range of bonds of loyalty. Also, corruption flourishes and the state is generally poorly organised. In this context, overcoming those two hurdles mentioned above is a feasible task because it facilitates the existence of an informal economy. Thus, gaining access to the political system is a function of the state structure.

The second variable is the degree of international institutionalisation. Some issue-areas are regulated by bilateral arrangements, some by multilateral regimes, and some by international organisations. State autonomy and governmental control over policies are affected by the degree to which the state is embedded in international structures. The more these issue-areas are regulated by international norms, the more permeable state boundaries should become for transnational activities.<sup>84</sup> The reason for this is that highly regulated and cooperative structures of international governance tend to legitimise transnational activities and increase their access to national policies. But

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<sup>81</sup>Risse-Kappen, Thomas (1995), p.6

<sup>82</sup>Dokken, Karin (2004), p.5

<sup>83</sup>Risse-Kappen, Thomas (1995), p.25

<sup>84</sup>ibid. p.7

while differences in domestic structures affect state autonomy from below, variations in international institutions affect the state from above.<sup>85</sup>

Risse-Kappen also divides transnational actors into two groups. One group consist of those motivated by economic gains. In this group are found TNCs, MNCs and also the more informal and often illegal transnational networks important to the proliferation of small arms. The other group consists of those whose goal is to promote ideological ideas and knowledge. In this group are found a whole range of NGOs and INGOs.<sup>86</sup> Ideally one should not find the state, as a transnational actor, in the first group. Unfortunately, the reality in West Africa is not ideal. Many state officials are often motivated by personal gain.

As in the rest of the world, transnational actors play an important part in West Africa. Krasner has argued that transnational actors can only exist in a system in which there are multiple centres of political authority. Only if official state actors conducted all interactions across borders, would there be no transnational actors.<sup>87</sup> It is not an uncommon situation in Africa to find that people direct their political loyalty as much towards insurgent groups as they do towards the state. Insurgents can possess as much political legitimacy among the people as the state. The state is often just in control of the areas around the urban centres.<sup>88</sup> This is related to what Clapham has stated about the degrees of statehood. What he suggests is that statehood should be regarded as a relative concept. Rather than distinguishing sharply between state and non-state entities, he suggests that we should regard different entities as meeting the criteria for statehood to a greater or lesser degree.<sup>89</sup> Krasner's point can also be seen as coherent with Realism in the way that he is saying that transnational actors will only exist in a system of anarchy, and in Realism, anarchy is the main feature of the international system . So, Krasner's point applies both to the national and to the international level in Africa.

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<sup>85</sup> *ibid.* P.29

<sup>86</sup> *ibid.* p.8

<sup>87</sup> Krasner, Stephen D. (1995), p.258

<sup>88</sup> A government can possess legitimacy even though it is not in control of its territory, for instance, exile governments during times of war. But this has rarely been the case in Africa.

<sup>89</sup> Clapham, Christopher (1988)

Nowhere else in the world is the informal cross border economy as big as in Africa. Non-states actors dominate several aspects of cross border economies in Africa.<sup>90</sup> Transnational networks can be both formal and informal. It is important not to focus only on the informal ones because one risks losing sight of the importance of the states. Although there are several important non-state actors in Transnationalism, the state is clearly significant and its relevance must not be underestimated even though the African state is weak.<sup>91</sup> The case of West Africa shows that states may take part in the informal transnational networks as well as in the formal networks.

Transnational relations can be viewed in terms of relational power in the way that the behaviour of the participants and the outcome of their actions are a function of the capabilities of the different actors, both the public and the private actors. The state's role in this varies. The state will be indifferent to some kinds of transnational flows, oppose some, and encourage others. Transnationalism may frustrate or promote state objectives. It may be influenced, promoted or opposed by states. But states can never block all transnational flows.<sup>92</sup> The goal should rather be to regulate them.

To outline a precise definition of the way transnational actors organise is difficult due to at least three facts. First, transnational actors are not a coherent group but rather a whole set of distinctly different types of actors. For one thing, the transnational actors can be distinguished according to their degree of institutionalisation. The most institutionalised transnational relation is INGOs and MNCs.<sup>93</sup> Informal networks or alliances based only on informal understandings are the least institutionalised. Second, the way they organise varies because they must adjust to the environment in which they operate, i.e. the different state structures.<sup>94</sup> Third, different transnational actors each possess unique kinds of resources and unique goals, which also will affect the way in which they organise.

In this study I will look at the process of implementation of the Moratorium through the lenses of these theoretical tools. I will direct attention towards the ways in which the implementation process reflects or fails to reflect the insights of these

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<sup>90</sup> Bøås, Morten (2005a)

<sup>91</sup> Dokken, Karin (2004), p.6

<sup>92</sup> Krasner, Stephen D. (1995), p.258

<sup>93</sup> Risse-Kappen (1995), p.10

<sup>94</sup> Ibid.

theoretical perspectives. If the theory is not relevant in all the different aspects, that will be an interesting finding because it can then be viewed as a limitation of NRA and Transnationalism and might therefore bring new insight to the further development of NRA.

## **2.5. Operationalisation**

In order for me to be able to answer my research question, a workable operationalisation is needed. What exactly am I going to search for? An operational definition is needed because it will define what operations I will need to complete in order to answer my research question accurately.<sup>95</sup> Any analysis requires coherence between the theoretical and operational definitions. To decide whether the implementation process falls under the central theoretical terms, I measure the theoretical definition by looking at how both the formal and the informal processes, so central in NRA, are included in the implementation process. I will look at how neo-patrimonial aspects in the states are addressed, e.g. changing identities and roles of statesmen, corruption, the lack of a divide between the public and the private spheres and personalised power. Are illegal trading networks given due attention? Are the double-dealings of states and state actors properly addressed as a problem? Are ordinary people included in the process? Has ECOWAS adopted a top-down approach? Has regionalism from below been given appropriate attention? Are the formal state-led processes the main focus or are more spontaneous and informal processes included? Are the member states of ECOWAS addressing the distrust that exists between them and limits the possibility for transparency and cooperation? All these questions are related to the most important aspects of the theories I will use, and they will help me answer my research question.

The actors must be included in the operationalisation as well. To define *what* I am searching for, I must also define *who* I am searching for. Therefore, it is necessary to define the transnational actors involved in the regionalisation processes and in the proliferation of SALW in West Africa. By doing so, and including this in my operationalisation, I will have a working platform to study West African

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<sup>95</sup> Hellevik, Ottar (2002), p.51



Transnationalism and to see whether the implementation process of the Moratorium is reflecting these processes.

The first group of transnational actors are the states. As the definition of Transnationalism implies, one of the actors in these interactions may very well be a state, and in the West African case, this is clearly so. But Western states, especially those that are important weapons manufacturers, are also important state actors. For the purpose of my thesis, I will direct my main focus at the Wassenaar Arrangement, which was involved in the making of the Moratorium.<sup>96</sup> The next group of transnational actors are the informal (and mainly illegal) networks which are involved in weapons trade and weapons smuggling. Many private businessmen are deeply involved in these networks. The third group consists of formal non-state actors, mainly weapons manufacturers. However, this group also includes a variety of NGOs and INGOs. Finally, civil society is a group that also has an important role to play in the implementation process. Maybe the most important civil society organisation in Africa is the Church. Women's organisations are also an influential force within civil society.

These are the issues and actors I will analyse in order to answer my research question. The next chapter will present the West African region, ECOWAS and the Moratorium.

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<sup>96</sup> The Wassenaar Arrangement is the first multilateral arrangement controlling weapons exports. It was established in 1996 and comprises 34 states, including big weapons manufacturers like the United States, United Kingdom, Germany, France, Spain and Russia. Its main goal is to contribute to regional and international security and stability by promoting transparency and greater responsibility in the weapons trade. (The Wassenaar Arrangement web page, <http://www.wassenaar.org/welcomepage.html>)



### **3. West Africa, ECOWAS and the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons**

#### **3.1 Features of the Region**

Before going into ECOWAS and its characteristics as a regional organisation, I will briefly go through the characteristics of the West Africa because ECOWAS, as all regional organisations, is a reflection of its region's characteristics and needs.

West Africa consists of 16 sovereign countries with a total population of 240 million.<sup>97</sup> The 16 countries are comprised of three linguistic groups: Francophone (9 countries), Anglophone (5 countries) and Lusophone (2 countries). These divides are more than mere linguistic. Especially the divide between the Francophone and the Anglophone countries is still quite visible. But the distinction between them is decreasing. West Africa consists mostly of small states but still very different in size. The distribution of natural resources is also uneven. Great economic potential and huge population has made Nigeria the closest to a regional hegemon, implying that its potential has never been fulfilled. When also considering the cultural, religious and political differences it is fair to say that the region of West Africa is not homogenous although the heterogeneity is decreasing.

Economically West Africa is reliant on export of agricultural products and the extractions of natural resources. In 2002 the average GDP growth rate was 3.8%. Average Per capita GDP was \$US 304.<sup>98</sup> Politically West African states have developed centralised and personalised power structures, one-party rule and military dictatorships. The security structure of the West African states is devoted to the preservation of the regime and the undermining of those who oppose it.<sup>99</sup> The governments in West Africa have not been very stable and there were actually 41 successful military coups between 1963 and 1999.<sup>100</sup> Despite this, some regimes have shown a remarkable endurance such as the 38 years of rule by Gnassingbe Eyadema in Togo. West African states have been somewhat democratised during the late 1980s

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<sup>97</sup> Different sources have different figures due to the poor state of official records in the region. This figure is from the World Bank database of 2003.

<sup>98</sup> World Bank web page (2005)

<sup>99</sup> Khobe, Mitikishe Maxwell (2000)

<sup>100</sup> Francis, David J., (2001)

and the 1990s but still, good governance is far from being a feature of the region. Socially the region is characterised by a wide disparity in distribution of wealth and income among the population and between the urban centres and rural areas. The population is dominated by young people with no education or other skills they can use to function effectively in a modern society. A semi-permanent state of social exclusion is common among large groups of the population.<sup>101</sup>

All of these features have contributed to the making of West Africa into a hotbed of political, economic and social agitation. This has resulted in the growth of insurgent and revolutionary movements supported largely by economically marginalised youths and power motivated members of the elite.

As a region, West Africa is interesting because it, according to Kacowicz, since decolonisation has been a zone of “negative peace”. The term “negative peace” refers to a region characterised by relative international peace and domestic war. He further argues that “this condition of negative peace is quite remarkable, given the multiethnic and multinational character of the member states and the persistence of numerous territorial disputes. Moreover, this lack of international wars starkly contrasts with widespread domestic violence, military coups, and virulent civil wars (...)”<sup>102</sup>

### **3.2 The Birth of the Economic Community of West African States**

There were several motives behind the formation of ECOWAS. I will briefly go through the most important ones. First of all, the member states saw the formation of a regional economic community as a strategy for national and regional development. In order to overcome the problem of small size and foreseeing the possibility of an internal market of over 200 million consumers, they wanted to create economies of scale and to promote their comparative advantages.<sup>103</sup> ECOWAS was conceived as a means towards economic integration and development intended to lead to the eventual establishment of an economic union in West Africa. In addition, the Anglophone countries saw ECOWAS as a means to hinder the extensive French influence. But ECOWAS was not a homogenous wish of all West African states. Nigeria was the

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<sup>101</sup> Bøås, Morten & Dokken, Karin (2002), p.139

<sup>102</sup> Kacowicz, Arie M. (1998), p.125

<sup>103</sup> Francis, David J. (2001)

strongest force behind the process with support from the other Anglophone countries. Francophone West Africa did not as strongly see the need for a regional arrangement mainly because they had the Francophone cooperation. They also saw the possibility of Nigerian hegemony, which they strongly opposed. In short, the political divide between the Francophone and the Anglophone states, the clash of national interests and geopolitics was a big obstacle for the creation of ECOWAS.<sup>104</sup> But after some years of unsuccessful negotiations and proposals, the ECOWAS Treaty was signed in Lagos, Nigeria on 28th May 1975.

ECOWAS was aimed mainly at economic cooperation. Stated in the Treaty is the main objective of the community: “It shall be the aim of the community to promote cooperation and development in all fields of economic activity (...)”<sup>105</sup> One important thing to notice about the Treaty is that it did not lay the foundation for a supranational body within the ECOWAS framework.

### **3.3 Restructuring ECOWAS**

The status of ECOWAS integration after 15 years was not encouraging. The activities of ECOWAS were largely overshadowed by security concerns. The lack of success in ECOWAS’ aims can be attributed to the lack of commitment by national governments made obvious by their reluctance to implement policies at the national level, their failure to provide the agreed financial resources and the absence of national links with the Secretariat. But there were many more, as I will shortly come to. It seemed as though most member states preferred to solve their own economic problems instead of using ECOWAS and approach the problems regionally.<sup>106</sup> In the early 1990s, ECOWAS realised the need for transforming the organisation. This need was the result of minimal progress in economic and other areas of cooperation, a new global situation after the Cold War and a growing consensus that the security crisis needed to be dealt with before economic development could succeed. As Adedeji stated in 1990, “It will have to be taken radical changes before the organisation will

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<sup>104</sup> Ibid.

<sup>105</sup> The ECOWAS Treaty of 1975

<sup>106</sup> The NEPAD web page (2004)

move from words to deeds (...) and from promises to performance.”<sup>107</sup> In light of my focus in this study, the most important aspect of the restructuring was the shift of focus from economic integration to security cooperation. The revised treaty and the formation of ECOMOG have made ECOWAS into a security organisation, not only an economic integration scheme.

### **3.3.1 Problem Areas in ECOWAS Cooperation**

The most important problem of building regional integration within ECOWAS has not been within the treaty provisions themselves but their implementation. The major problem has been member states’ failure to fully and faithfully implement the protocols and decisions of the organisation.<sup>108</sup> This is important to bear in mind when studying cooperation in West Africa. One of the main reasons for the lack of political will<sup>109</sup> to implement ECOWAS decisions is the tension between the Anglophone and the Francophone countries which has existed ever since independence. This tension between the two major blocs in West Africa is increased by the language barrier. Very few people master both languages. A general lack of trust also exists. But this is not only between the Anglophone and the Francophone. It is also within these two blocs.<sup>110</sup> The states have been very reluctant in revealing their security and foreign policies.<sup>111</sup> Another important factor is all the overlapping intergovernmental organisations (IGOs) in the region. At the beginning of the 1990s there were about 30 IGOs in West Africa.<sup>112</sup> These are not only overlapping but sometimes also counteracting each other. The most important and extensive cooperative organ besides ECOWAS is the cooperation between the Francophone states and France in the CFA Franc Zone,<sup>113</sup> which was founded as early as 1944. The Francophone cooperation has evolved to also comprise an economic community called CEAO (Communauté Economique d’Afrique de l’Ouest) and since 1994, an economic and monetary union called UEMOA (Union Economique et Monétaire Ouest Africaine). The CFA franc

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<sup>107</sup> West Africa, 28 May – 3 June 1990

<sup>108</sup> Ojo, Olatunde B.J. (1999)

<sup>109</sup> The term “Political will” will be discussed in section 4.4.6.

<sup>110</sup> Distrust will be further discussed in section 4.4.5.

<sup>111</sup> Dokken, Karin (1994)

<sup>112</sup> *ibid.*

<sup>113</sup> For an elaborated presentation of the CFA Franc Zone see Lelart, Michel (1999)

was for 40 years connected to the French Franc. Now it is connected to the Euro. The problem is that it is not convertible with other regional currencies. Actually no currency in West Africa is convertible with all other regional currencies. This is clearly an obstacle for trade.

The poor state of infrastructure and communication systems is yet another problem area regarding ECOWAS cooperation. It severely hinders any form of intra-regional trade.<sup>114</sup> The infrastructural problems are not just a problem regarding trade but also regarding administration of ECOWAS. The technical standard and the level of organisational skills have been limited. The working conditions have been very hard for the secretariat when trying to organise such a huge regional scheme.<sup>115</sup>

The last reason for the slow progress in economic integration that I will mention is the powerful position of the transnational actors. If an economic union was created in West Africa, these networks would stand to loose considerably. Through the patrimonialised system, these actors have access to state actors. They are then capable of slowing the process down. The actors behind the transnational networks have a strong interest in keeping a good relationship between the countries of the region but they are strongly opposed to the implementation of regional strategies aimed at the liberalisation of customs and tariff barriers, a strategy which would inflict great economic losses upon them. A prime example of this was the death of the Senegambian Confederation, which was founded in 1982 and ended in 1989.<sup>116</sup>

### **3.3.2 The Revised Treaty**

A revised treaty was signed in Cotonou, Benin in July 1993. This treaty was designed to accelerate economic integration and to increase political cooperation. The revised treaty of 1993 designated the achievement of a common market and a single currency as economic objectives. In the political sphere it envisaged the establishment of a West African parliament, which would be able to take binding decisions without the need for ratification. The establishment of an economic and social council and an ECOWAS court of justice were also envisaged. The revised treaty sought to create

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<sup>114</sup> Dokken, Karin (1994)

<sup>115</sup> Ibid.

<sup>116</sup> Bach, Daniel C. (1999)

interest and pressure groups supportive of ECOWAS. It also took measures to end the frictions between ECOWAS and UEMOA.<sup>117</sup> The treaty also formally assigned the Community with the responsibility for preventing and settling regional conflicts. In dealing with the financial situation the revised treaty envisaged ECOWAS to receive revenue from a community tax, based on the total value of imports from member states. Member states were requested to ratify the protocol, in order to enable its application with effect from 1st January 1997. However, by the summit of December 1999, some member states had still not ratified the protocol.

The lack of financial resources is a major constraint on the organisation. It makes it almost impossible to accomplish any goals without foreign support and such support often comes with conditionalities. The ECOWAS budget for 2000 amounted to only US\$ 10.3 million, which still was a 26% increase from 1999.<sup>118</sup> The revised treaty has adopted some measures to deal with the problem of member states not contributing as much as they are supposed to but little real progress has been accomplished.

The transformation of ECOWAS is important because the making of the Moratorium was a direct result of this new way of thinking of regional cooperation in West Africa. In other words, the transformation brought some NRA ideas and thoughts about Transnationalism into ECOWAS for the first time.

### **3.4 The Problem of Small Arms and Light Weapons in West Africa**

Small arms and light weapons have been defined as “all crew-portable weapons and direct-fire weapons of a calibre less than 50mm and with a capacity against light armour and low flying aircrafts, including transport and fighter aircrafts”.<sup>119</sup>

During the 1970s, military spending in Africa rose by more than 70% compared to the previous decade.<sup>120</sup> The origin of these weapons was to a large extent the former Soviet Union, USA and their allies. Many of the weapons were sold or distributed to African countries as support to proxy wars in Africa during the Cold War era. For

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<sup>117</sup> Ojo, Olatunde B.J. (1999)

<sup>118</sup> *ibid.*

<sup>119</sup> “The Making of a Moratorium on Light Weapons (2000), p.22

<sup>120</sup> *ibid.*



instance, the weapons used by the Somali rebels against US troops in 1992 were for the most part supplied by the US government during previous years. While the West spent vast sums of money on nuclear weapons and other weapons of mass destruction, Africa concentrated their military purchases on light weapons. These stockpiles of arms have later emerged as a major threat to security and development of the whole continent. But sadly, the distribution of arms from Western powers to Africa did not end along with the Cold War. There are proof of both governments (especially USA and France) and transnational companies supporting warring factions with both guns and money in several African conflicts during the 1990s.<sup>121</sup>

Small arms do play a legitimate role in our society today as means of defence and security. However, their proliferation, meaning their excessive and destabilising accumulation and their widespread misuse has made them a serious source of concern.<sup>122</sup> There are over 1100 companies from 98 countries producing SALW today and it is estimated that there are about 640 million small arms in circulation globally.<sup>123</sup> Their easy use and transportation and their durability clearly results in their proliferation and long lasting use. West Africa is one of the areas of the world, which have felt the impact of small arms the strongest. The UN emphasised this in 2003:

“(…) the proliferation of small arms and light weapons and the phenomenon of mercenaries pose complex challenges to West Africa, involving security, humanitarian and development dimensions. The upsurge in intra-state conflicts and violence have created a staggering demand for small arms, and have contributed to the continued proliferation of bandits, rebel groups, mercenaries, uncontrolled police and militia in the entire sub-region.”<sup>124</sup>

The widespread proliferation of SALW in West Africa has significantly contributed to the lethality and prolongation of armed conflicts in this region.<sup>125</sup> Of the 16 countries in West Africa, only one (Cape Verde) has managed to sustain a lasting and continued development from colonial rule to the present more or less democratic

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<sup>121</sup> Human Rights Watch (2003)

<sup>122</sup> Nichols, Ryan (2003)

<sup>123</sup> Small Arms Survey (2003)

<sup>124</sup> United Nations Security Council (2003)

<sup>125</sup> Concept paper for ECOWAS/UNDP conference (2004)

governance situation without any outbreak of political violence. The estimates on how many lives have been lost in armed conflicts in the region during the last decade vary from 500.000 to 2 million.<sup>126</sup> There can be no doubt about the links between the proliferation of SALW on the one hand and violence, armed conflict and non-conflict related armed criminal activity on the other. SALW are not the cause of conflicts but their proliferation has seriously exacerbated and sustained insecurities and tensions. Estimates on the amount of illegal weapons in circulation in West Africa vary considerably. Some say 7-10 million weapons<sup>127</sup>, others estimates 10-20 million.<sup>128</sup> Nobody knows for certain. But either way, they do constitute a major factor in armed conflicts and the general security crisis in the region. Some of the consequences of their proliferation are destruction of lives, gross human rights violations, facilitation of bad governance, a general state of fear, insecurity, instability and the privatisation of security. The latter then further exacerbates the sub-regional SALW scourge.<sup>129</sup>

Some West African leaders realised what a major concern the proliferation of SALW constituted in the region. They also realised that a regional approach to the incessant security problems was needed. In dealing with regional security, SALW has become an area of focus. The events leading up to the signing a Moratorium commenced in 1993.<sup>130</sup>

### **3.5 Background for- and Making of the Moratorium**

Although most conflicts in West Africa have been intra-state conflicts, they cannot be viewed only in light of domestic issues. Important aspects are regional ethnic groups, regional armed groupings, cross border trade, historical ties across borders, management of natural resources and smuggling of both natural resources and weapons. Buzan has defined this regional security complex as a group of states so closely connected that security considerations of one regime cannot be seen isolated

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<sup>126</sup> The Executive Secretary of ECOWAS stated 500.000 dead in 2003, while The Guardian (2000) estimates 2 million. "ECOWAS Workshop on Small Arms Opens in Abuja", 30 August,

<sup>127</sup> Small Arms Survey (2003)

<sup>128</sup> March, Nicholas (2005)

<sup>129</sup> NISAT (2003)

<sup>130</sup> For a complete chronology of events leading to the signing of the Moratorium, see Lodgaard (1999)

from the security considerations of the other regimes.<sup>131</sup> Through the revised treaty and a general change of thought, ECOWAS has begun to take this important aspect into account in their policy formulations. The Moratorium can be viewed in light of this.

The initiative leading to the Moratorium came from President Konare of Mali in 1993. The UN acted upon the initiative and established an advisory Mission, which during 1994-95 visited seven African countries. The conclusion was that the dissemination of SALW was a prerequisite for future development. In November 1996, UNDP and UNIDIR convened a conference in Bamako on Conflict Prevention, Disarmament and Development in West Africa. Delegates from 12 West African countries participated along with ECOWAS delegates. The idea of a moratorium drew particular interest. During 1997, the respective governments of the West African states, the OAU and also the Wassenaar Arrangement were informed and briefed. They all took to the idea. Two other subsequent conferences, one in Yamoussoukro in March 1998 and the other in Oslo in April confirmed the commitment by ECOWAS member states to curbing the proliferation of SALW through declaring a moratorium. The proposed Moratorium was debated and approved along with a draft of the Code of Conduct in Banjul in July 1998.<sup>132</sup> The Moratorium was declared in Abuja on 31 October 1998 by all ECOWAS member states and Mauritania (which is not a member of ECOWAS).<sup>133</sup> It came into force the next day, on 1 November, for a renewable period of three years. The signing of the Code of Conduct was delayed but it was signed on 10 December 1998 in Lomè.<sup>134</sup> The Moratorium laid the foundation for a region-wide strategy on arms proliferation in particular and disarmament in general.<sup>135</sup>

### **3.6 Implementing the Moratorium**

The implementation of the Moratorium is the responsibility of the individual member state. But ECOWAS has a responsibility regarding coordination, guidance, monitoring and raising resources. Connected to the Moratorium, there are two

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<sup>131</sup> Buzan, Barry (1991)

<sup>132</sup> The Making of a Moratorium on Light Weapons (2000)

<sup>133</sup> Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa (1998)

<sup>134</sup> The Making of a Moratorium on Light Weapons (2000)

<sup>135</sup> Bah, Alhaji (2004)

important documents relating to the process of implementation. These are The Code of Conduct and The Plan of Action. I will briefly go through the main objectives in these two documents, starting with the Code of Conduct.

### **3.6.1 The Code of Conduct**

Approved at the level of ECOWAS Heads of State, the Code of Conduct contains all the practical actions seen as necessary for the implementation of the Moratorium as well as concrete measures to be taken in order to reach the objectives laid out in the Moratorium.<sup>136</sup> It consists of 17 articles. The most important of these are:

- Institutional Arrangements such as National Commissions (NatComs) (4) and the ECOWAS Executive Secretary (5)
- Administrative Mechanisms such as Information Exchange (6), Harmonisation of legislature (7) and Exemptions (9)
- Operational Aspects such as Intra- and Inter-state Cooperation (11), Enhancing Border Controls (12) and Collection and Destruction of Surplus Weapons (13)
- Promotion and Expansion measures such as Public Relations and Outreach (14), Resource Mobilisation (15), Dialogue with Suppliers and Producers (16) and Expansion of the Moratorium (17)<sup>137</sup>

### **3.6.2 The Plan of Action**

Recognising the limited capacity of ECOWAS to fulfil the task of implementing the Moratorium, the Programme for Co-ordination and Assistance for Security and Development (PCASED) was established by UNDP in March 1999 for an initial period of five years as an institutional arrangement meant to assist in the implementation process.<sup>138</sup> It was, among other things, meant to temporarily replace and assist the National Commissions (NatComs), which was going to be established. There has been a mistaken general impression that PCASED is an implementing agency. However, PCASED was created to lend support to the implementation. The

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<sup>136</sup> Ogunbanwo, Sola (2002), p.10

<sup>137</sup> The Making of a Moratorium on Light Weapons (2000), p.50-53. Article number in parenthesis

<sup>138</sup> *ibid.* p.68

primary responsibility for implementing the Moratorium rested upon the NatComs.<sup>139</sup> The establishment of NatComs has proceeded at a very slow pace. Many of them exist only on paper and therefore, the main responsibility for the implementation has been placed with PCASED even though that was not intended. The document presenting the guidelines for PCASED was the Plan of Action. It has nine priority areas:

- Establishing a culture of peace;
- Training programmes for military, security and police forces;
- Enhancing weapons controls at border posts;
- Establishment of a database and regional arms register;
- Collection and destruction of surplus and unauthorized weapons;
- Facilitating dialogue with producer/suppliers;
- Review and harmonization of national legislation and administrative Procedures;
- Mobilizing resources for PCASED objectives and activities;
- Enlarging membership of the Moratorium<sup>140</sup>

In March and June 2004 ECOWAS assessed and evaluated the record and progress of PCASED. The initial five-year period was over and one needed to decide on an approach for the future. The result was that UNDP proposed the establishment of an ECOWAS Small Arms Control Programme (ECOSAP). The hope is that ECOSAP shall provide technical and financial support to the NatComs and strengthen the capacity for implementation in the ECOWAS secretariat.<sup>141</sup> Although PCASED is now officially transformed into ECOSAP, I will direct a lot of attention towards the Plan of Action and the work of PCASED because it has in practice, for five years been one of the two major arrangements concerning the implementation. It will therefore provide empirical background for evaluating the implementation according to my research question.

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<sup>139</sup> ECOWAS (2003)

<sup>140</sup> The making of a Moratorium on Light Weapons (2000), p.56

<sup>141</sup> Vines, Alex (2005)



#### 4. Analysing the Implementation

Above I have shown that New Regionalism is the leading theoretical approach to regionalism today in general and also regarding West African regionalism. To sum up, I will go through the various aspects of the definition of regionalism by NRA presented by Hettne and Söderbaum and tie these aspects to West Africa.

Looking at the definition, it initially states that regionalism is a comprehensive, multifaceted and multidimensional process. Although most of the initial goals of ECOWAS regionalism have not been reached<sup>142</sup>, regionalism and regionalisation have had an enormous impact on the region. The porous borders and the intertwined links between different groups of people and countries make the regional aspect an important one in West Africa. Some of the processes of regionalism and regionalisation are parts of more comprehensive and ideological plans, such as ECOWAS or NBA (Niger Basin Authority). Some are the result of people trying to enrich themselves by taking advantage of the present situation through smuggling or cross-border trading. Other processes are just the result of people trying to do their best to survive in a harsh environment of poverty and deprivation. This shows that regionalism and regionalisation in West Africa are, as the definition of Hettne and Söderbaum states, truly multidimensional and multifaceted.

Next the definition states that the process implies the change of a region from relative heterogeneity to increased homogeneity. The West African region is heterogeneous.<sup>143</sup> But it is getting more homogenous. The close ties of francophonie are loosening up and cooperation in general is more comprehensive now than it used to be. A process of democratisation has commenced and both economic and political cooperation are given attention. It is fair to say that West Africa is not homogenous but it is moving in the direction of increased homogeneity. Looking at the African context, Daniel Bach states that “regionalisation in Africa proceeds essentially (...) from the expansive dynamics of trans-state networks which, depending on time and circumstances, can be associated with survival or accumulation, greed or bonds of

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<sup>142</sup> Bøås, Morten & Dokken, Karin (2002), p.95

<sup>143</sup> See section 3.1 for features of the West African region.

solidarity.”<sup>144</sup> Relating to West Africa, the transnational networks are dominated by key figures in the region. Because of their importance, not only in the conduct of the transnational networks, but also in the political and economic spheres, these individuals deserve some attention. In order to understand the conduct of the networks, we need to understand the role of the persons who dominate them. The key figures can be political entrepreneurs or they may be warlords. Political entrepreneurs are men who are in a political powerful position, through which they have accumulated economic power and are using both power bases in order to be a dominant actor in transnational networks. Many of them have been Heads of State for long periods of time, such as Felix Houphouët-Boigny of Côte d’Ivoire, Gnassingbe Eyadema of Togo or Blaise Campaore of Burkina Faso. This link between politics, economic power and Transnationalism is a common feature in the African Neo-patrimonial state.<sup>145</sup> A definition of the term “warlord” states that the expression refers to “a leader of an armed band, possibly numbering up to several thousand fighters, who can hold territory locally and, at the same time, act financially and politically in the international system without interference from the state in which he is based”<sup>146</sup> They are backed by their military capacity and have either established own transnational networks or joined already established ones as a way of accumulating resources for financing their military endeavours or just for personal enrichment. Many warlords have tried to move up to become statesmen. Most have learnt that this transition is not an easy one, as the cases of Charles Taylor and Laurent Kabila have shown. The number of political leaders perceived as warlords has led to the expression warlordism<sup>147</sup> being used to describe the political conduct of these individuals.

As defined above, there are other transnational actors than state officials and warlords. NGOs and INGOs are also important actors. Transnationalism does not refer only to illegal networks smuggling weapons and drugs or informal border trading. This is only the informal part of Transnationalism. Bøås and Dokken have defined this as being network-based, situation-based and case-based cooperation. Formal

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<sup>144</sup> Bach, Daniel (2004), p.15

<sup>145</sup> Medard, Jean Francois (1996)

<sup>146</sup> Mackinlay, John (2000)

<sup>147</sup> For a comprehensive discussion of this phenomenon, see Giustozzi, Antonio (2003)



Transnationalism is defined as being led by non-state or state actors and also being institutionalised and hierarchical.<sup>148</sup> Transnationalism is about all regular interactions where other actors than states are involved exclusively, or in cooperation with states.

As mentioned earlier, what my research question implies is that if the Moratorium and its implementation is to be a success, the transnational relations so evidently influencing most aspects of the West African region, must be given due attention in the implementation. And this is an important point. This study will not seek to find a successful recipe for the implementation of the Moratorium. NRA is certainly not such a recipe. But I argue that the Moratorium must reflect some of the insights of the theories presented here because these theoretical frameworks describe characteristics inherent in the West African state and they need to be considered and given due attention. The legitimacy of such a claim is to be found in what I have outlined so far, through the presentation of NRA and the West African region. The African state is weak and therefore, it will easily be influenced by transnational actors such as private businessmen, warlords, or even individuals within the state itself.

Before going into the main analysis I will direct attention to the different motives regarding stopping the proliferation of SALW. West African countries can be divided into three groups by their political situation. First we have the politically stable countries such as Cape Verde or Ghana. They see SALW in relation to violent crimes and most significantly, domestically speaking, they want to stop the proliferation as a part of stopping crime. The second group is post-conflict countries, which see the elimination of small arms as a key to avoiding renewed political violence.<sup>149</sup> The third group consist of countries currently in conflict. They see SALW as a prolonging and fuelling factor in a conflict they hope to end. But they also see SALW as an important means to win the war. This is important to remember because the different role SALW play in West African societies and the different consequences of their proliferation will influence the motives, the will and the actions taken by each and every government. While a post-conflict country may focus on disarmament, a politically stable country may focus on policing.<sup>150</sup> Even though this is a problem for the whole region and

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<sup>148</sup> Bøås, Morten & Dokken, Karin (2002), p.95

<sup>149</sup> Nichols, Ryan (2003), p.37

<sup>150</sup> *ibid.*

region-wide strategies are needed, the impacts on the different countries will vary and so also the goals and the actions taken to obtain them. One needs to supplement the regional focus with a national focus.<sup>151</sup>

#### **4.1. The Demand for Arms in West Africa**

Before going into the core of the analysis I wish to properly establish both the demand for, and the supply of arms to West Africa. There is clearly a quite extensive demand for arms in West Africa. At present Africa is militarising. Where military budgets in almost all other regions are declining, they are getting larger in Africa.<sup>152</sup> The demand is divided between governments, insurgent groupings and individuals. Most weapons in Africa are actually in the hands of individuals. And much of what appears to drive this demand amongst individuals and rebel groups from a grievance perspective, is the frustration and desperation of citizens who are suffering under an inept, inattentive and often undemocratic state.<sup>153</sup> Or as Louise have suggested: “Where states are unable to provide a secure environment for their citizens or meet the prerequisite demands of basic human needs, the proliferation of weaponry is both a principle consequence of, and a key contributor, to weak and ineffective governance.”<sup>154</sup> But not all the demand for weapons can be explained from grievance. Greed is also a factor in this equation. Unlike the motives driven by grievance, the self-interested motives fuelling much of the demand extend beyond individual rebels and insurgent groups, and include governments as well.<sup>155</sup>

After nearly 7 years it still seems clear that the states who signed the Moratorium do break the outlined terms of the agreement and they do take advantage of certain loopholes. And these loopholes are interesting. In the Code of Conduct there are outlined some exemption criteria. These criteria are mainly meant for national security, peacekeeping operations and for hunting and sporting purposes.<sup>156</sup> Although one is supposed to request permission from the Executive Secretariat, the loopholes

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<sup>151</sup> In section 4.3 I will present an example of this, regarding the establishment of a national commission in Cape Verde.

<sup>152</sup> Tronvoll, Kjetil (2005)

<sup>153</sup> Nichols, Ryan (2003), p.27

<sup>154</sup> Louise, C., (1995), p.20

<sup>155</sup> Nichols, Ryan (2003), p.30

<sup>156</sup> The Making of a Moratorium on Light Weapons (2000)

have been widely misused. Member states, without seeking approval from ECOWAS, still import weapons when they feel the need to do so. In the cases where exemptions have been granted (which in 2001 applied to 10 cases) it has been for legitimate defence and security purposes.<sup>157</sup> The major problem is all the other cases of importation. For instance, from 1999-2001 Ghana officially imported sporting and hunting shotguns for over US\$ 5.8 mill.<sup>158</sup> Although there might be some game hunting going on in Ghana, or farmers acquiring shotguns for protection of their livestock and crops, it is doubtful whether all those shotguns have been used exclusively for “hunting and sporting purposes” or “national security”. Due to the price of imported guns compared to locally produced guns<sup>159</sup> it is likely that not many ordinary people can afford to buy imported guns of this kind knowing that artisan produced guns are significantly cheaper and in many cases, easier to obtain. And this is not an isolated incident. There are many others as well. In the same period, Guinea imported shotgun cartridges for US\$ 4.7 million.<sup>160</sup> These numbers are only the official import. Just looking at the official statistics one can actually see that all 16 countries, which signed the Moratorium, has imported weapons after the declaration was signed.<sup>161</sup> I am not implying that all these weapons necessarily end up as illegal weapons flowing around Africa and fuelling conflicts, but there is definitely a significant chance that some of them, at some point in time, will.

#### **4.2. The Supply of Arms to West Africa**

In order for West African countries to buy weapons, there must be somebody selling them. Therefore, the suppliers deserve some attention here. There are two kinds of arms trade: legal and illegal trade. The illegal trade is often portrayed as the root of the small arms crisis, but this is not necessarily completely correct. The reason being that most illegal small arms started up as legal. They can be stolen, captured, or come

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<sup>157</sup> Ogunbanwo, Sola (2002)

<sup>158</sup> NISAT database of small arms transfers, [www.nisat.org](http://www.nisat.org)

<sup>159</sup> Artisan production will be discussed in section 4.4.3.

<sup>160</sup> NISAT database of small arms transfers, [www.nisat.org](http://www.nisat.org)

<sup>161</sup> *ibid.*

from governments disposing of surplus arms.<sup>162</sup> For this reason it is of importance to not only focus on the illegal trading but also on the legal part.

The only significant arms producing country in Sub-Saharan Africa is South Africa. The total percentage of global weapons producers found in Sub-Saharan Africa is only 3%.<sup>163</sup> Therefore, most of the attention given to suppliers must be directed towards actors outside Africa, and for the most part towards countries in the developed world. But also countries such as China and some Middle Eastern countries contribute to the supply of small arms. I am not saying that weapons are not produced all over Africa. Countries such as Nigeria do manufacture weapons but the scale of production is small compared to the Western world. Some countries deserve special attention regarding the supply of arms to West Africa. France is one such country. In 1999-2001 France officially exported weapons to West Africa for the total amount of over US\$ 8.3 million. And there were no sign of significantly decreasing numbers during that period. Spain had an even higher figure. They exported for almost US\$ 10.2 million in the same period. They actually increased their export by 78% from 2000 to 2001.<sup>164</sup> The availability of arms for official import into West Africa should now be properly established. Although these figures might not bring about much optimism, there are some cases showing a different development. United Kingdom decreased their export to West Africa from US\$ 6.1 million in 1993 to only US\$ 2300 in 2001.<sup>165</sup>

As mentioned above, all West African countries have during the years of the Moratorium officially bought weapons. The top four suppliers to West Africa; USA, Britain, France and Spain,<sup>166</sup> are all members of the Wassenaar Arrangement.<sup>167</sup> The Wassenaar Arrangement was consulted in the making of the Moratorium and has openly supported it from its beginning to the present, practically meaning that all the member states of Wassenaar support the Moratorium. All arms transfers from these countries have been approved by the respective governments. In other words, there are obvious dualities in the actions of these powerful nations. In December 2002 the 33

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<sup>162</sup> Nichols, Ryan (2003), p.32

<sup>163</sup> *ibid.* p.32

<sup>164</sup> NISAT database of small arms transfers, [www.nisat.org](http://www.nisat.org)

<sup>165</sup> *ibid.*

<sup>166</sup> Marsh, Nicholas (2005)

<sup>167</sup> These four countries top the list of official imports. They are not necessarily on top of a list including unofficial imports.

member states of Wassenaar approved a document setting out non-binding guidelines for exporting SALW. In this document, the arrangement calls upon the members to subject small arms to national export controls. One of the measures that the member states are encouraged to take when considering a possible export is to consider the importing country's compliance record with arms control and non-proliferation agreements. Other considerations include whether the potential buyer can afford the weaponry, whether it has a legitimate need for such arms, and its record concerning human rights. Further, exports should be avoided if Wassenaar member states believe a risk exists that the weapons could end up in the hands of terrorists or organized crime. The member states should also not approve exports if the arms could prolong or aggravate an ongoing conflict or if they could be diverted to another country.<sup>168</sup> It is safe to say that not all the members of the Wassenaar Arrangement have taken these encouragements into account when exporting SALW to West Africa.

Up until now I have established that there is both a demand for and a supply of arms in West Africa. Next I will analyse the implementation process through the theoretical lenses of NRA and its central aspects such as Transnationalism and theories of the African state previously presented. In doing so I will first look at the areas where the implementation process does reflect the central aspects of New Regionalism such as Transnationalism and Neo-patrimonialism. Then I will present areas where it does not. Thirdly, I will look at whether the theories are sufficient or not. Are there aspects of the implementation process which is not possible to relate to these theories?

### **4.3. A Match between Theory and Implementation**

In the implementation documents of the Moratorium there are mainly two areas where the central aspects of NRA are reflected. These are (1) the effort made in relation to (it might not be primarily aimed at this but can potentially have an effect on) establishing a culture of peace and (2) the measures taken to address the weakness of the state in West Africa. I will now go deeper into these two aspects.

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<sup>168</sup> Boese, Wade (2003)

### 4.3.1. A Culture of Peace as a Goal of Formal Regionalism

There are mainly four ways of stopping illegal arms trade, you can either remove the traders' will to trade, you can take measures to remove their possibility to trade, you can stop them by taking away their ability to trade or you can take measures to remove the demand for arms.

The first priority area of PCASED addresses the traders will to trade and the demand for arms. That is establishing a culture of peace. PCASED states that "[...] appropriate programmes must be put in place to counter the growing culture of violence."<sup>169</sup> Their plan for doing so is by education and enlightenment.<sup>170</sup> This will take time and even then it is such a difficult task that it will demand a will and commitment, which doubtfully is present today. But the establishment of a culture of peace is in line with the goal of formal regionalism, namely socio-economic development which again is preconditioned by regional peace and security.<sup>171</sup> NRA attempts to describe both formal and informal regionalisation and connect them. But when discussing the goal of regionalism one has to separate the two. It would be wrong to say that a culture of peace is the goal of NRA because the informal part of regionalism does not have this uniform goal. Formal regionalism, however, do state that regional schemes will hopefully lead to peaceful relations between the integrating parties and also socio-economic development.

Other aspects of establishing a culture of peace includes for instance democratisation, conflict prevention and conflict resolution, which would seriously reduce the demand for arms. These are also areas where ECOWAS is involved for instance with ECOMOG but also through AU and NEPAD<sup>172</sup> and their plans and projects concerning democratisation. One example is the African Peer Review Mechanism (APRM)<sup>173</sup>. ECOMOG was founded as a more or less ad hoc force meant

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<sup>169</sup> The Making of a Moratorium on Light Weapons (2000), p.56

<sup>170</sup> *ibid.* p.56

<sup>171</sup> Dokken, Karin (1997), p157

<sup>172</sup> <sup>172</sup> For additional information on the AU and NEPAD, see African Union webpage: <http://www.african-union.org/home/Welcome.htm>

<sup>173</sup> The African Peer Review Mechanism (APRM) is an instrument voluntarily acceded to by Member States of the African Union as an African self-monitoring mechanism. Its mandate is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate

to stop the civil war in Liberia but has since then been institutionalised as the Peacekeeping force of ECOWAS.<sup>174</sup> The APRM has basically been hampered by lack of commitment<sup>175</sup> and a review board where at least 6 out of 7 members have past links to non-democratic regimes and/or corruption charges.<sup>176</sup> None of these other aspects of establishing a culture of peace are mentioned in any document related to the Moratorium. The Plan of Action is exclusively focusing on education and enlightenment as means to establishing a culture of peace. I will not go further into a discussion on these initiatives here besides mentioning their importance concerning establishing a culture of peace in West Africa and on the African continent. In this part of the implementation the goal is coherent with the formal part of NRA and formal regionalism in general although the means for achieving that goal might not be.

#### **4.3.2. Weak States Facilitates the Existence of Transnational Networks**

The area where the implementation of the Moratorium is most coherent with the theories is institution building. Even though the Moratorium is aiming at institution building it is important to remember that in their effort, ECOWAS has a tendency to presuppose a degree of transparency that does not exist. And transparency is needed if the institution building is going to succeed at a regional level. The lack of transparency is an issue that needs to be addressed because as long as there is not enough transparency in the West African region, the states will remain weak with a low degree of institutionalisation. This is not to say that transparency alone will fix the problem of state weakness but it is one factor that needs to be solved.<sup>177</sup>

As mentioned above, Dokken states that “the weakness of the state facilitates the growth of informal networks, and these networks are by nature trans-national.”<sup>178</sup> Consistent with this, Bach argues that African regionalisation has proceeded mainly from interactions initiated by non-state actors faced with decaying states, unable or

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Governance. The APRM is the mutually agreed instrument for self-monitoring by the participating member governments. (AU 2002)

<sup>174</sup> For more on ECOMOG, see Khobe, Mitikishe Maxwell (2000)

<sup>175</sup> Only 23 countries has signed so far (NEPAD, 2005)

<sup>176</sup> Akokpari, John (2004)

<sup>177</sup> Transparency in arms trade will be further discussed in section 4.4.5

<sup>178</sup> Dokken, Karin (2004), p.5

unwilling to assert their sovereignty.<sup>179</sup> One feature of a weak state is a flourishing informal economy. And common people do not participate in the informal economy out of choice. They do so because they have to in order to survive the everyday struggle to cover basic needs. As Bach stated, “farmers participate in the second economy out of desperation rather than choice.”<sup>180</sup> The informal economy can be an attractive place for farmers to sell their crops, it can create an earning opportunity for women forced to earn money because their husband’s salaries are not enough to live on or when salaries in the public sector remain unpaid.<sup>181</sup> In other words, when the state proves unable to fulfil its duties in relation to its population and do not provide them with their basic needs, people will resort to any other opportunity available to them. And the informal economy is such an opportunity, either it be in small scale dealing of commodities or in more serious dealings in arms or other illegal merchandise. Desperate people deprived of basic needs are easy targets for transnational networks in need of “foot soldiers”.

It is a common belief that Africa is moving in the direction of increased formalisation and institutionalisation, but as Chabal & Daloz argues, it is more likely that Africa is moving towards increased informalisation.<sup>182</sup> The African state is weak. Following the argumentation of Chabal and Daloz, the way to emerge out of this weakness and into a modern state is the emancipation of the institutions from society and then the constitution of autonomous political institutions. This will mean the end of patrimonialism.<sup>183</sup> The private and the public spheres are then separated.

There are several steps taken to build stronger institutions emancipated from society in West Africa.. Whether it is enough is another issue. Four out of nine PCASED priority areas can be related to institution building and strengthening of the state. Those are: (1) training security forces; (2) enhancing weapons controls at border posts; (3) the establishment of arms registers and; (4) reviewing and harmonising national legislation and administrative procedures.<sup>184</sup> These issues are also given

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<sup>179</sup> Bach, Daniel (1999), p.12

<sup>180</sup> *ibid.* p.10

<sup>181</sup> *ibid.*

<sup>182</sup> Chabal, Patrick & Daloz, Jean-Pascal (1999)

<sup>183</sup> *ibid.* p.5

<sup>184</sup> The Making of a Moratorium on Light Weapons (2000), pp.57-58



attention in the Code of Conduct under the presentation of Institutional Arrangements and Administrative Mechanisms.<sup>185</sup> The first two of these four initiatives are directed at the illegal trade and smuggling and are aiming at decreasing the possibility of illegal cross-border arms trade. These are also directed at one of the most important groups of transnational actors in weapons trade, namely the illegal networks conducting large-scale arms trafficking. The problem is that most African borders are not demarcated on the ground, there are only a few border posts and many borders exist only as frontiers, not as “real” borders.<sup>186</sup> Illegal traders have many other options than to pass over those few border posts. Even if security forces are better trained and arms controls at border posts are enhanced, it will only stop a part of the smuggling. It might make it a bit more difficult for the smugglers, but it will definitely not stop them.

In reference to the arguments of Chabal and Daloz, this must still be recognised as a step in the right direction towards building stronger institutions. These institutions can then possibly be emancipated from society and not be influenced by the private sphere to the same extent as they are today. Corruption in both police and security forces is not uncommon and building a stronger and better force, together with other measures, might help to decrease this problem. But this must be done while also specifically addressing the culture of corruption because if not, a stronger force will only be more able to be corrupt. Stronger institutions are necessary in order to fully succeed in implementing the Moratorium. The problem with the institution building process is that it has continued at a very slow pace.<sup>187</sup> There might also be a discrepancy between the stated goal and what is realistically obtainable and really wanted by those who are supposed to implement it. Due to very limited resources, both regarding finances and personnel, controlling tremendously long borders in an often inhospitable environment might not be a realistic goal for West African states today.

An issue not specifically mentioned in the Plan of Action, is the fact that a lot of weapons flow into West Africa from the sea.<sup>188</sup> The majority of West African ports do not have a system for registering ships coming in and therefore no way of controlling

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<sup>185</sup> *ibid.* pp.50-51

<sup>186</sup> Tronvoll, Kjetil (2005), Loisel, Sébastien (2004)

<sup>187</sup> Vines, Alex (2005)

<sup>188</sup> Global Witness (2003)

the shipments.<sup>189</sup> Also, there is no coast guard present to control those unloading at sea. It is not a difficult task along the West African coast to transport shipments close to shore, unload into smaller boats and then bring the goods to shore and transport it to their final destinations without being questioned by any official authority.

Progress on the last two of the four initiatives mentioned has proceeded slowly. Establishing an arms register is costly. Financing the project and finding an appropriate approach is problematic.<sup>190</sup> Reviewing the legislation commenced in 2001 but it has been a problem to convince member states to adapt their national legislation to the proposed regional law.<sup>191</sup> The definition of NRA which I have used describes a development leading from general heterogeneity to increased homogeneity. Harmonisation of legislation is exactly such a step towards increased homogeneity across the region. For PCASED's credit, they have taken the issue of legislation seriously. In a document of 2003 they state that:

“Many West African states are governed by laws that were elaborated during the colonial era, and operate under legal regimes that no longer reflect adequately the security situation and socio-political environment of these countries. Furthermore, what may exist by way of laws and regulations, do not often take into account light weapons possession and use by civilians, or small arms ammunition import and export. Consequently, the difference between legal and illegal transfers of small arms and light weapons is often hard to establish in the sub-region.”<sup>192</sup>

The factor preventing reviewing and harmonisation of legislation is first and foremost political will. There might be several motives for this lack of political will. One likely reason is the overall reluctance shown by almost all African states to surrender any kind of sovereignty to a higher authority. Being told to review and implement laws on behalf of ECOWAS might be perceived by some West African leaders as a “violation” of their national sovereignty although no supranational authority or the establishment of such is involved. One can also not overlook the fact

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<sup>189</sup> *ibid.*

<sup>190</sup> Ogunbanwo, Sola (2002)

<sup>191</sup> *ibid.*

<sup>192</sup> PCASED (2003), p.2

that the lack of administrative and economic resources needed for such a review might be an additionally important factor slowing the process down.

In addition to the four measures mentioned in the Plan of Action, the Code of Conduct presents the establishment of another institutional arrangement, the NatComs.<sup>193</sup> They are made up of representatives of the relevant authorities and civil society.<sup>194</sup> Including civil society in policy formation is an area where African states have fallen behind but it is also an area, which has been given quite a lot of attention lately. The number of NGOs in Africa is growing. One reason for this is that foreign aid is increasingly being channelled through NGOs instead of being given directly to governments.<sup>195</sup> The problem regarding the NatComs was that their establishment proceeded very slowly. By 2001 only 9 of the 16 countries had established NatComs.<sup>196</sup> But by January 2005 all states except Liberia and Côte d'Ivoire had fulfilled this task.<sup>197</sup> One country reluctant to establish a NatCom was Cape Verde. They preferred to use an already existing committee of security matters.<sup>198</sup> The reason for this may be related to the fact that they do not have any significant small arms proliferation compared to the rest of West Africa. As mentioned, the situation of the single country will influence its political will and the steps taken even though this is mainly a regional project. The reluctance shown by Cape Verde in this area illustrates that point. However, many of the commissions established are suffering from weak capacity and lack of funds and political support. The tasks fulfilled by PCASED was supposed to be transferred to the NatComs as soon as these were established but instead, the member states have used PCASED as an excuse for not forming NatComs. And even if established they are not capable of fulfilling the tasks they have been supposed to fulfil due to lack of resources and political support. The latest development in this area is that PCASED has been taken out of action as its five year period came to an end in 2004 and the successor, ECOSAP, has been established as a

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<sup>193</sup> The Making of a Moratorium on Light Weapons, p.50

<sup>194</sup> The Code of Conduct for the Implementation of the Moratorium

<sup>195</sup> Chabal, Patrick & Daloz, Jean-Pascal (1999), p.22. The role of civil society will be further discussed in section 4.4.4.1.

<sup>196</sup> Ogunbanwo, Sola (2002)

<sup>197</sup> Vines, Alex (2005)

<sup>198</sup> Ogunbanwo, Sola (2002)

result of an UNDP proposal.<sup>199</sup> The hope of the UNDP is that ECOSAP will provide the technical and financial support to the NatComs and strengthen the capacity for implementation in the ECOWAS secretariat, which PCASED has not managed.<sup>200</sup> I will not direct any more focus towards ECOSAP due to the fact that it is too early to cast any judgement over this arrangement.

#### **4.4. Areas where the Implementation does not reflect the Central Aspects of NRA**

In the following I will focus on four areas where I believe that the process of implementation does not properly reflect central aspects of NRA. These four are: (1) the operations of transnational networks; (2) the handling of end-user certificates; (3) artisan production and; (4) the top-down strategies adopted by ECOWAS.

##### **4.4.1. The Operations of Transnational Networks**

There are several areas with a discrepancy between the insights presented by NRA and the way in which the Moratorium is implemented. This especially relates to addressing the operations of the transnational networks. If the arms flow into West Africa is to be stopped, measures must be taken against the transnational networks conducting the illegal trade. As the Small Arms Survey points out, “embargoed governments and insurgent movements are so numerous that they create a market for illicit weapons possibly rivalling the scale of legal demand.”<sup>201</sup> West African governments are not only a part of the demand side but also the supply side. Although all governments certainly will deny being involved, they do contribute to the supply of SALW. Greene states about governments in general that “it is an open secret that many governments are deeply implicated in much of the illicit arms trade, either by facilitating covert supply to proxies and allies or by turning a “blind eye” to the diversion into the black market of legal arms transfers from or through their territory.”<sup>202</sup> The ECOWAS Moratorium has had very limited effect on the criminal

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<sup>199</sup> Vines, Alex (2005)

<sup>200</sup> *ibid.*

<sup>201</sup> Small Arms Survey (2003), p117

<sup>202</sup> Greene, Owen (2000), p.151

transnational arms networks currently operating and thriving in West Africa.<sup>203</sup> There are different actors involved in these groups. At the top you have a small group of individuals leading the transnational networks. These are people with extensive resources and with many contacts and intermediaries. They can be statesmen, businessmen and/or warlords.<sup>204</sup> Charles Taylor is one West African example. The RUF leader, Foday Sankoh, is another. Different ECOMOG generals and leading officers have also been heavily accused of supplying weapons to whoever willing to pay the asking price. Common to all of them are their resources and their place high up in the hierarchical web of patron-client relationships, which gives them influence over large masses of people and political processes all over the region. These men cooperate with the arms brokers. The majority of weapons coming illegally into West Africa come through the dealings of Eastern European arms agents. They have gained access to for instance surplus arms from the former Soviet Union, stolen weapons, arms bought from corrupt governments or actually also legal arms from legitimate producers.<sup>205</sup> It is important to notice that arms brokering is in itself not an illegal act in most states. As IANSA has stated:

“Arms brokering may be understood as activities such as negotiating, arranging or otherwise facilitating the transfers of weapons that are neither necessarily in the ownership of the broker, nor necessarily originate in the country from which the broker operates. Such brokering activities are a legitimate and often integral part of the international arms trade. However, there is a significant lack of regulation on brokering activities which makes it very difficult to distinguish between legitimate and illicit activities. Moreover, unscrupulous brokers have ruthlessly exploited the current lack of controls to facilitate arms transfers to regions of instability and governments and rebel groups under international arms embargoes.”<sup>206</sup>

These agents operating in the illegal market that need to be stopped. But by 2000, only six countries in the world had taken official measures targeted at controlling arms

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<sup>203</sup> Aning, Kwesi (2003)

<sup>204</sup> The terms “warlord” and “warlordism” have been explained previously.

<sup>205</sup> The International Action Network on Small Arms (IANSA) (2005)

<sup>206</sup> *ibid.*

brokers.<sup>207</sup> The last major group is the transportation agents, some transporting goods through air, some over land and some at sea. These people are not necessarily people who are dealing exclusively in arms trade, but rather agents who are willing to do business with whoever willing to pay for it. Transporting arms is good business for them. Some do it for the good profits while others do it more out of necessity as a general survival strategy. There are a significant number of Russian pilots who left the former Soviet Union with old Russian built aircrafts now operating small air transportation businesses across Africa transporting everything from food to arms.

A wide range of different actors loosely organised is typical of transnational trafficking networks. And this makes it an enormous challenge for ECOWAS member states to try to unravel, control and stop them, even if they truly had wanted to. But still, it would be possible for ECOWAS and the West African states to launch actions aimed at limiting their dealings. At present, there are no such actions mentioned in the implementation process of the Moratorium. The only measure taken is better policing and customs and border controls. Of course, that can help but it is not enough to have a serious impact on the trade conducted by these networks. One way of approaching the problem is to look at the way in which these networks finance the trade and then take measures to block their finances. As an example we can look to Liberia. Liberia's timber industry is the main building block for their extensive arms trafficking. The illicit arms trade in Liberia would be severely limited without the funds and logistics from the timber industry.<sup>208</sup> The illegal trading networks in Liberia consist of four main transnational actors: the Liberian government, the timber industry, the international buyers (of timber and also of diamonds) and the arms suppliers. The heydays of this trade were under the regime of Charles Taylor, the same person who willingly signed the Moratorium in October 1998. Concerning diamonds, all trade was illegal due to international embargoes but concerning timber the trade was both legal and illegal. In 2002, Liberia officially sold timber for US\$152 million.<sup>209</sup> But this is most likely not the whole amount of the trade since there has been found evidence of

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<sup>207</sup> Wood, Brian & Peleman, Johan (2000)

<sup>208</sup> *ibid.*

<sup>209</sup> World trade atlas statistics (2002)

illegal trade in timber from Liberia to for instance China.<sup>210</sup> Payments from timber and diamonds to Charles Taylor happened frequently, money which he then used to buy weapons exclusively on the illicit market, because there was an arms embargo on Liberia. Often he bought the weapons from contacts in Eastern Europe and imported them through a third country such as Libya and/or Nigeria.<sup>211</sup>

The state in Liberia is among the weakest and most fragmented in Africa. It has been characterised as a failed state and also been said to have become a de facto UNMIL trusteeship.<sup>212</sup> As previously mentioned, such a situation will facilitate the existence of transnational networks. Risse-Kappen has also divided transnational actors into two groups according to motives. One economically and one ideologically/politically motivated. The case of Charles Taylor is a clear example of an economically motivated transnational actor although he has portrayed himself as mainly ideologically motivated. The previously mentioned argument by Krasner saying that transnational actors will only exist in a system in which there are multiple centres of political authority<sup>213</sup> also applies here. The political authority of Liberia is severely divided between different political actors and warlords.

It is of course not an easy task to block the finances of the trading networks but there are some measures, which can be taken. The Swiss banks, for instance, have been a popular hiding place for enormous sums of money stolen by corrupt African rulers. These banks have been, and still are, quite reluctant to cooperate in recovering these funds in order to transfer them back to their rightful owners. Some accounts have been emptied and the money transferred back to the country they were stolen from. But by all likely estimations, this is but a small percentage of the total amount of funds stolen from the state or profited from illegal trade and then hidden away in foreign banks. More focus and severe actions taken against corruption is another measure, which can be taken. Corruption is vividly present all the way to the top of the government in most African countries and it gives corrupt rulers the funds for illegal arms purchases. Corruption is a part of Neo-patrimonialism through the mixing of the

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<sup>210</sup> Global Witness (2003)

<sup>211</sup> *ibid.*

<sup>212</sup> The failed Liberian state sunk to a level of complete incapacity to function as state in most areas and has therefore been characterised by some to have become a de facto UNMIL trusteeship. (Bøås, Morten 2005a)

<sup>213</sup> Krasner, Stephen D. (1995), p.258

private and the public spheres. In the implementation documents there are no measures focusing on the traders' ability to trade. It is commonly known that the natural resources of the region is widely used to buy arms but the only step taken to stop this is international embargoes, which has obviously not succeeded. Embargoes rather build up incentives for the growth of illicit trading. Transnational networks are not only involved in bringing goods such as arms into West Africa. They are as much involved in bringing important natural resources out of the region. And the money is used, among other things, to buy arms. As many other aspects of Transnationalism regarding arms trade, the issue of finances is completely ignored in the Moratorium.

The main concern of many African rulers is regime security. The preservation of the regime is often the leading motive behind both domestic and foreign policy.<sup>214</sup> Although it might not be the case regarding Charles Taylor, I do not doubt that most West African Heads of State who signed the Moratorium sincerely felt, and still feels, that stopping the arms proliferation in West Africa would be a tremendous achievement on the road to peace and development in the region, which they all want for their respective countries. But this goal is too often sacrificed on the alter of self preservation. West African politics can be contradictory, but it is in no way irrational in its own context. When two or more interests or commitments contradict each other, history has shown that most African leaders will choose the path most in line with regime security, almost regardless of the consequences for the people or the country as a whole. The notion of regime security is actually one of the most important contributions of non-positivist realism to the study of African politics.<sup>215</sup> Of course, one can find this trend outside Africa as well, but it is more dominant and more comprehensive in the African environment than most other places. This can also clearly be linked up to several theories about the African state. As Chabal and Daloz have stated; ideology has been of secondary importance for African rulers. The logic of politics has commonly been driven by the need to acquire the patrimonial means of one's political legitimacy.<sup>216</sup>

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<sup>214</sup> Kahl, Colin H. (1998), Clark, John F. (2001)

<sup>215</sup> For an elaborated discussion on this subject, see Clark, John F. (2001)

<sup>216</sup> Chabal, Patrick & Daloz, Jean-Pascal (1999), p.37



Regarding the case of arms purchases such as the ones committed by Charles Taylor, one could ask why ECOWAS has done so little to stop it. They must have known what was, and probably still is, going on, not only in Liberia but many other places in the region as well. In this case you had the Liberian state as a transnational actor not only deeply involved, but actually controlling and pushing a transnational network illegally importing weapons into West Africa. Weapons that have probably been used at least in the armed conflicts in Sierra Leone and Côte d'Ivoire and probably now on their way to make their contribution in the next armed conflict in West Africa. For instance, guns used in both Liberia and Sierra Leone have lately been used in armed uprisings in Nigeria.<sup>217</sup> The illegal arms trading into Liberia was a typical example of Neo-patrimonialism. Charles Taylor used his position, his contacts and his government to fulfil his personal goals. State funds and state offices were widely used for this purpose. This example shows the duality and the contradictions of the West African state and of the West African political leader generally presented in theories on the African state as well as in NRA. The same president both signed the Moratorium and at the same time being one of its main perpetrators.

Another question is whether ECOWAS has ever had the resources to do something about this. ECOWAS is not a strong organisation either institutionally, or financially. There have been, and still are serious problem areas in the organisation, as I discussed in the previous chapter. ECOWAS is not a supranational body, thus not holding any authority over member states. This leads to one of the main critiques directed at the Moratorium, that it is not a convention and thereby not legally binding and thereby not giving ECOWAS any options to put force behind the demands for cooperation from the member states. But even if it was a convention, the question is what kind of sanctions could and should be incorporated into such a convention. This is a question I will come back to at the end of this study.

Liberia under Charles Taylor is not the only one who has violated the Moratorium. Another country, which has vividly involved itself in arms trafficking and in the Liberian conflict, is Guinea. A number of sources, among them Human Rights Watch, have argued that the Guinean Ministry of Defence has used a private

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<sup>217</sup> Vines, Alex (2005)

Guinean mining and trading company, Katex Mine, as a broker for military procurement. These weapons are said to have ended up in the hands of LURD (Liberians United for Reconciliation and Democracy). Several flights, chartered by the Guinean Ministry of Defence, went from Teheran to Conakry in Guinea by a Ukrainian airline company in 2002 and 2003. For instance, seven cargo flights from Iran arrived between the 5<sup>th</sup> and 17<sup>th</sup> of March 2003<sup>218</sup>. The waybills of these flights stated that they included various cargoes including over 1000 pieces of “technical equipment” and 2500 pieces of “detergent”. These flights preceded by a few weeks a major LURD offensive.<sup>219</sup> And this is only one of many examples of possible Guinean military aid to LURD. Of course, this has not been 100% proven but between the circumstantial evidences such as the suspicious nature of these flights, LURD officials admitting to have received aid from Guinea, US officials stating to have prove of the same and Iranian weapons found inside Liberia<sup>220</sup>, one can only draw one conclusion. Another interesting aspect of this is the fact that Guinea is, and has been for quite some time, a recipient of US military aid. Although knowing what was going on, the US did not stop the military aid to Guinea. According to US officials, they instead adopted the tactics of so-called quiet diplomacy. Some have then argued that, not only did the US ignore the actions of Guinea under the disguise of quiet diplomacy, but they also silently supported it as a way of getting Charles Taylor out of Monrovia.<sup>221</sup> Again, this is an example of the contradictions in state actions, and not only on the side of Guinea, but also the US. As I mentioned above, Grant and Söderbaum have argued that there are multiple actors in both the African state and in society, which are linked together in hybrid networks and coalitions, together creating a whole range of complex regionalism processes. And the fact that they do so is a response to their political, economic and social needs.<sup>222</sup> The Guinean state acted in the way they did exactly as a response to their needs without much consideration of its commitments regarding the Moratorium. And in this case, the US did the same. This trend which is so common in the African state is important to understand because one has to realise that what is

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<sup>218</sup> Human Rights Watch (2003)

<sup>219</sup> *ibid.*

<sup>220</sup> *ibid.*

<sup>221</sup> *ibid.*

<sup>222</sup> Grant, J. Andrew & Söderbaum, Fredrik (2003), p.1

happening in Africa is not the absence of politics, as some have argued, but it is rather politics practised in a complex way that might seem irrational to the ways of explaining political actions in traditional IR theory.<sup>223</sup> There are obviously many motives behind this cooperation between LURD and the Guinean government but as a transnational actor in West Africa, LURD has accomplished what Risse-Kappen has stated to be the precondition for transnational actors in order to affect state policies. As mentioned above, that is to overcome two obstacles. They must gain access to the political system and they must generate or contribute to “winning” policy coalitions.<sup>224</sup> LURD has gained access to the Guinean state and they have brought something to the table, which was seen as valuable to the Guinean government. And then, one more transnational relation was established, not based on any sort of ideology but as a loosely connected ad hoc partnership born out of the recognition that cooperation could help them accomplish common goals.

#### **4.4.2. End-User Certificates (EUCs)**

Above I presented some examples of attempts under the implementation of the Moratorium of state strengthening and institution building. This will according to theory limit the possibilities for informal transnational networks. There has been made some progress in this area. But one institution building measure which has not been given much attention in the implementation process is the control over arms flows that the state can obtain by building a stronger and more comprehensive system of end-user certificates.<sup>225</sup> The misuse of such certificates has been flourishing. As for the previously mentioned example from Guinea, while the Guinean Ministry of Defence maintained that Katex was the government agent for the import of agricultural supplies for the army’s rice plantations, Human Rights Watch obtained an EUC issued by the Ministry of Defence for Katex Mine to obtain weapons.<sup>226</sup>

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<sup>223</sup> Dunn, Kevin C. (2001), p.62

<sup>224</sup> Risse-Kappen, Thomas (1995), p.25

<sup>225</sup> An EUC is a document issued by the authorities and it contains information such as a description of the goods being exported, a description of the end-use of the goods, information about final destination country, exporter’s details, end-user information, information on parties involved in the transaction and certification by the government. If you do not have an EUC, the supplier will not be given an arms export licence. (OSCE 2004)

<sup>226</sup> Human Rights Watch (2003)

EUCs, if not misused, are clearly an important issue in stopping the arms proliferation. They are supposed to guarantee the final destination of weapons but “in effect they are just weapons shopping lists on official letterhead”.<sup>227</sup> EUCs have become merchandise that the issuing authority can provide for other countries under weapons embargoes such as Liberia, or for rebels, insurgents or warlords. It has been proven by the UN that in the summer of 2002, eight different EUCs, all from ECOWAS member states, were used to import over 210 tons of arms into Liberia.<sup>228</sup> From where these certificates came is not known, but they must have come directly from some state officials in several ECOWAS countries or they have been forged. This importation was of course in violation not only of the Moratorium but also the arms embargo on Liberia. And there are many more such examples of EUCs being misused.

When persons within the government bring such certificates onto the black market, it is a perfect example of the corruption vividly present in the neo-patrimonial system in Africa. This is not to say that corruption necessarily is an inherent part of a neo-patrimonial state but most cases show that it is present in such states. Chabal and Daloz describe it as a means through which patrimonialism is practised.<sup>229</sup> When corruption is becoming that common, it is also gaining a sort of legitimacy in the minds of people. Then the moral threshold for taking part in these illegal acts is becoming even lower. But one cannot overlook the fact that many act in corrupt manners more out of desperation than out of greed. Salaries from employers, especially the government, tend to remain unpaid. People in the lower ranks of the system which are desperate to support their families cannot afford the moral stance against “unofficial payments”. They will take the opportunities they see for supporting their family. But not all misused EUCs come from unfaithful servants in the state system. There is currently no reliable international system to check the originality of these documents.<sup>230</sup> This means that the likelihood of false documents being in circulation, in addition to the illegitimate documents, is definitely present.

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<sup>227</sup> Vines present a list of examples of end-user certificates being misused in attempts to procure weapons since 2000. Due to this widespread practice and undermining of the EUC system Vines uses the term “weapons shopping lists on official letterhead” about EUCs. (Vines, Alex 2005)

<sup>228</sup> Ogunbanwo, Sola (2002)

<sup>229</sup> Chabal, Patrick & Daloz, Jean-Pascal (1999)

<sup>230</sup> *ibid.*

On the matter concerning the suppliers, there is a grey area in the process of granting exemptions from the Moratorium. The suppliers do not have to seek permission from ECOWAS in order to sell weapons to West African countries. This is an obvious flaw. As mentioned, ECOWAS do issue some exemptions when arms purchases are proved to be legitimate but those who have been given such permission do not have to show the documents when purchasing the weapons.<sup>231</sup> This is also a flaw which may lead to illegitimate purchases being disguised by the buyers as legitimate. One can only speculate to what the reasons for these obvious flaws might be because it would not demand much coordination or funds to correct them. It might though, be fair to say that it is quite convenient for Western arms manufacturers to be made completely non-responsible if and when they supply weapons to West African states in a way that violates the Moratorium and the recommended considerations issued by the Wassenaar Arrangement. And this system is also convenient for those transnational actors on the demand side who have access to political power. The weapons manufacturers are a powerful actor both in business and in politics. There are huge sums of money to be made on weapons production and weapons sales. The interests vested in this business are huge and those who stand to lose if the exports were to be cut, are doing what they can to avoid such losses. It is then clear that the producers and exporters are an important transnational actor in the arms proliferation of West Africa. And with their resources they are able to influence state policies and by doing so, ensuring continued export to West Africa.<sup>232</sup>

#### **4.4.3. Production from Below: Artisan Production**

When working on the Moratorium it is important to realise that not all arms in West Africa have come from outside the region. Production within the region is also a part of the Moratorium and local production is clearly a part of the arms proliferation problem. Sowatey has estimated that about 100,000 guns are produced annually in Ghana alone.<sup>233</sup> Most of them are made by local blacksmiths or other competent

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<sup>231</sup> Ogunbanwo, Sola (2002)

<sup>232</sup> This can be linked to the current discussion on Corporate Social Responsibility (CSR). For more on this issue, see [www.mallenbaker.net/csr](http://www.mallenbaker.net/csr) or Ruud, Audun (2002)

<sup>233</sup> Sowatey, Emmanuel Addo (2005)

people in the region trying to make the best possible living for themselves and their families in a harsh environment. Others are saying that artisan production of arms is largely insignificant due to the fact that the vast majority of the weapons in West Africa are imported.<sup>234</sup> But I will still include artisan production because the Moratorium declaration specifically says that it is a Moratorium on importation, exportation and *manufacture*. Therefore, I believe that all aspects of the Moratorium, including production, needs to be dealt with, not only the importation and exportation part of the problem. Although these weapons might not be a huge and important factor in most West African armed conflicts, they are without a doubt being used extensively in gun-related crimes, which significantly contributes to the general situation of insecurity inflicted upon ordinary people in the region. And if and when the importation of arms will decrease, the demand for locally produced arms will grow.

Artisan production of guns is not a new phenomenon in West Africa. Using the Ghanaian case as an example, Opong argues that an iron specialist in former times produced weapons such as knives and spears and later guns and bullets for chiefs among certain ethnic groups.<sup>235</sup> Under colonial rule, local gun production was banned. In order to protect themselves, the colonisers did not want the colonised to be armed in any way. This ban was carried over into the post-colonial period. But the tradition and skills of artisan production did not disappear.<sup>236</sup> The reasons for this are both cultural and economic. Long traditions and the status of owning a gun, are important to a large part of the rural population especially. Locally produced guns are much cheaper than imported ones. It is also good business for the artisan because the demand for guns is much higher than the demand for other iron works such as agricultural tools. Some locally produced guns in Ghana are also being illegally exported through transnational trade to neighbouring countries. There have been occasions where some manufacturers have been invited by groups with hidden identity in Côte d'Ivoire to produce guns in that country. Knowing then the present situation of uncertainty in Côte d'Ivoire, one can easily imagine what these guns are planned to be used for.<sup>237</sup>

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<sup>234</sup> Fung, Ivor Richard (2002)

<sup>235</sup> Opong, Christine (1973)

<sup>236</sup> Sowatey, Emmanuel Addo (2005)

<sup>237</sup> *ibid.*

Artisan production in Ghana has increased over the last decade. Rising living costs and rising demands tempt more people into acquiring these skills and to produce as much as possible and also produce more sophisticated guns. These guns are at an increasing rate ending up in the hands of criminal networks and are now being used more frequently in violent conflicts all over West Africa. But still, there is no mentioning of artisan production in the implementation of the Moratorium. The United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) has started an initiative called Small Arms Transparency and Control Regime in Africa (SATCRA).<sup>238</sup> In this document, dealing with problems related to artisan production is mentioned. Their plan for dealing with the issue consists of assisting states in conducting a survey and establishing an inventory of local SALW producers. It would be natural for ECOWAS to get involved in this and to integrate it into the implementation of the Moratorium. But this has not happened, at least not yet.

Sowatey argues that there are two mutually reinforcing options for dealing with artisan production of arms: the legalisation of gun production as a way of marking and tracing; and diverting the gun making skills of the producers to the production of peaceful tools that the artisans already have the capacity to produce.<sup>239</sup>

As in most aspects of ECOWAS cooperation, a top-down approach has been adopted. Regarding the Moratorium, the lowest level of production is ignored. NRA focuses on regionalism from below because it attempts to involve the spontaneous and informal processes, which often emerge from below and are not a product of decisions made on the top. The implementation process has not directed any focus towards the processes of arms production from below. This leads me over to my next point, the top-down approach adopted by ECOWAS in their information strategies.

#### **4.4.4. Regionalism from Below Related to ECOWAS Top-Down Information Strategies**

Both the Plan of Action and the Code of Conduct mentions information, PR and promotion as areas of priority. The main rationale for this is to mobilise resources and

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<sup>238</sup> UNREC (2005)

<sup>239</sup> Ibid.

enlarge the membership of the Moratorium. The fact that these motives are forming the basis for the information strategies is reflected in the way in which information has been spread. ECOWAS has directed their main focus outwards towards possible donors in the Western world, towards possible partners such as IGOs or NGOs and towards other regional or continental organisations in Africa. This is by all means an understandable strategy due to the Moratorium's complete dependency on external aid and support. The problem with this strategy is that it is almost exclusively directed outwards. No major information campaign has been directed at the people of West Africa. A report of the Experts' Meeting and Civil Society Meeting in March 1999 stated that although it was then five months since the Moratorium was signed, few people other than specialists were aware of its existence.<sup>240</sup> It has been estimated that 79% of all small arms in Sub-Saharan Africa are in the hands of civilians, while only 2% are in the hands of insurgents (the remaining 19% are estimated to be in the hands of different state institutions such as police and military).<sup>241</sup> In light of this it seems evident to me that it would be immensely important to educate and enlighten the population on both the consequences of the problem and the plans for a solution.

As a strategy of survival, of enlargement of membership or of building a stronger arrangement, the ECOWAS information strategy is probably the right strategy but as a part of the implementation strategy it is absolutely not complete. The ECOWAS Moratorium has, as many other initiatives over the last decade, been portrayed as an African initiative to solve an African problem. The only problem is that most Africans have not been told about it. The top-down approach adopted here is not unusual in the African context. As Clapham has stated, "(...) the imposition of control from the top rather than the mobilisation of support from below became the predominant relationship between African rulers and their subjects."<sup>242</sup> ECOWAS is known for its liking of adopting top-down strategies. NRA is a regionalist theory, which focuses on the multiplicity of processes involved in regionalisation. The processes stretch from state-led projects to individual and informal cross-borders trade. NRA attempts to connect the formal and the informal processes, to connect

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<sup>240</sup> UNIDIR (1999)

<sup>241</sup> Gambia Daily News (2005), 10 January, Small Arms Survey (2003)

<sup>242</sup> Clapham, Christopher (1996), p.56



regionalism from the top and regionalism from below. What I am saying here is that NRA is a theory, which has adopted a bottom-up profile to compliment the top-down approach usually adopted in traditional regionalist theory. But this insight is not reflected in the strategies adopted by ECOWAS concerning the implementation of the Moratorium.

#### **4.4.4.1. Civil Society as an Actor in West African Regionalism**

NRA focuses on the diversity of actors in regionalisation. Civil society<sup>243</sup> is an important actor in this, which I also defined in first chapter as one of the transnational actors I would direct my focus towards in this study. There is a multiplicity of organisations dealing with small arms in West Africa. I will briefly mention some of the most important civil society organisations involved. The International Action Network on Small Arms (IANSA)<sup>244</sup> is an important organisation which has been cooperating with Amnesty International. They have also formed a sub-organisation called the West Africa Action Network on Small Arms (WAANSA).<sup>245</sup> Global Witness<sup>246</sup> and Human Rights Watch<sup>247</sup> are two other examples. An example of an NGO only focusing on African issues is Safer Africa.<sup>248</sup> One civil society actor that has been quite actively involved in the Moratorium is NISAT<sup>249</sup>, which is a project under PRIO and is supported by the Norwegian government. The last NGO I will mention here is Small Arms Survey<sup>250</sup> which is situated in Geneva and is one of the most comprehensive sources of information related to small arms. But NGOs are not the only group of civil society actors involved. The Church is one of the most influential civil society elements in Africa. Its position in society in general is very strong and different actors within the Church have been involved in solving the SALW

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<sup>243</sup> Civil society refers to the set of institutions, organisations and behaviour situated between the state, the business world, and the family. Specifically, this includes voluntary and non-profit organisations of many different kinds, philanthropic institutions, social and political movements, other forms of social participation and engagement and the values and cultural patterns associated with them. (London School of Economics, 2003)

<sup>244</sup> [www.iansa.org](http://www.iansa.org)

<sup>245</sup> <http://www.iansa.org/regions/wafrica/waansa.htm>

<sup>246</sup> [www.globalwitness.org](http://www.globalwitness.org)

<sup>247</sup> [www.hrw.org](http://www.hrw.org)

<sup>248</sup> [www.safer africa.org](http://www.safer africa.org)

<sup>249</sup> [www.nisat.org](http://www.nisat.org)

<sup>250</sup> [www.smallarmssurvey.org](http://www.smallarmssurvey.org)

problem. We should also not forget the influence of women organisations in Africa. They are certainly a force to be recognised.

Civil society organisations have not been participating much in the actual implementation process. They have been consulted before the signing of the different documents and they have also been consulted when discussing a possible restructuring of the Moratorium but that is about it when it comes to civil society participation. They are also present in the NatComs but as mentioned above, many of those NatComs established are suffering from weak capacity and lack of funds and political support. When civil society organisations have been consulted they have given an overall very positive critique. This raises two questions. Why has civil society not been more involved? And why have they been so positive of a project, which has almost no proven results to show so far? Many things have been said about the place and importance of civil society in Africa. First of all, a working civil society holds many functions. Among these are being a buffer or a broker between state and society, being representative of various interests or an agent of change. Chabal and Daloz has been quite critical of African civil society and have concluded that there is no functional civil society in Africa at all.<sup>251</sup> The main argument of Chabal & Daloz is that the African society is divided vertically. Therefore there are no social networks distinct from the state and capable of transcending communal or religious ties. In response, others have pointed to the impact of civil society in the overthrowing of Daniel Arap Moi in Kenya and other important acts of resistance movements. Civil society in Africa do not hold the influence that the number of NGOs should imply but there are important societal forces capable of influencing society and governmental policy on the continent. So, the reason for the lack of a more influential civil society participation in the Moratorium must again, first and foremost, be ascribed to the top-down approach, which ECOWAS has been known to adopt.

Regarding my second question, the reason for their enthusiasm today when knowing the poor record of accomplishment might be explained by their initial enthusiasm and support and therefore their unwillingness to admit being proved

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<sup>251</sup> Chabal, Patrick & Daloz, Jean-Pascal (1999)

wrong.<sup>252</sup> It can also be explained by a sort of realistic recognition that the Moratorium is not perfect but it is the best there is presently. The fact still remains that civil society has not taken, or has not been allowed to take, a part in the process as important as would be natural in a NRA approach. I am not saying that civil society is not concerned with the problem of SALW but it seems that they operate outside the institutional arrangements envisioned in the Moratorium. They are more or less frequently consulted but they are not properly drawn into the actual implementation process. One example of an area where they could give immense contributions through for instance awareness campaigns is the first priority area of PCASED, establishing a culture of peace. This is mentioned in the Plan of Action: “Member States, the ECOWAS Executive Secretariat (...) will seek the active collaboration of inter-governmental organisations, UNESCO, civil society organisations, and women’s organisations.”<sup>253</sup> This goal has not been fulfilled to a satisfactory level. Civil society campaigns would also help educate the population on both the consequences of and the actions taken to stop arms proliferation in West Africa.

#### **4.4.5. Distrust**

It is commonly recognised that trust among the integrating countries is a precondition for a regionalist project to succeed. Trust among nations inside a region is intimately connected to the level of regional identity. This level of regional coherence and regional identity is what Hettne has refers to as the pursuit of regionness.<sup>254</sup> In this sense, confidence among the West African countries would be strengthened by steps taken to build up a stronger regional identity. Today this regional identity is severely hampered by for instance the divide between the Anglophone and the Francophone countries, not only regarding language but also culture inherited from the colonial era, trading, and hegemonic aspirations. As Khobe has stated: “Healthy competition for development among states is what every seriously minded person desires, but deep-rooted suspicion and rivalry between the ruling classes of the various member states have created a fertile ground for outside interest to undermine the elites of these

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<sup>252</sup> March, Nicholas (2005)

<sup>253</sup> The Making of a Moratorium on Light Weapons, p.57

<sup>254</sup> Hettne, Bjørn (1993). This was discussed in section 2.2.

countries”.<sup>255</sup> It would be safe to say that West Africa is today far from reaching the fifth and highest level of regionness defined by Hettne to be a regional institutionalised polity where the region is an “acting subject with a distinct identity, actor capability, legitimacy, and structure of decision-making.”<sup>256</sup>

One measure which would address the distrust is transparency. The Code of Conduct tries to facilitate transparency by increasing information exchange in the area of arms ordering. ECOWAS is then supposed to use this information given to them by the member states and make an arms register as a confidence building measure.<sup>257</sup> Again, a noble objective but it is an objective which have proceeded at a very slow pace and even if ECOWAS made such an arms register it would be almost entirely in vein as long as everybody knows that most states do not follow the directions given in the Moratorium and both officially and unofficially import more weapons than are legitimised by the agreement and reported to ECOWAS. As long as the states are contradicting themselves by operating in the manner of for instance Charles Taylor or the government of Guinea, no confidence will ever be present among the West African countries. The lack of confidence is not an irrational act of paranoia. It is rather a well-founded fear of interference in domestic politics by neighbouring states like we have seen in the cases of Sierra Leone and Côte d’Ivoire or in the different hegemonic acts of interference by Nigeria. When the government of Guinea is supplying LURD with weapons it is because LURD is offering possibilities for the Guinean government to obtain certain domestic and/or foreign policy objectives.<sup>258</sup> For the Guinean government the objectives are perceived as so important that they are given preference over the political commitments laid down in the Moratorium. Transparency in official arms import will not deal with this issue of distrust as long as governments are importing huge amounts of weapons through illegal transnational networks. Distrust is a feature of the region, which severely restricts the possibilities for cooperation because it makes transparency and information sharing almost impossible. The UN Small Arms Panel has addressed this issue.

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<sup>255</sup> Khobe, Mitikishe Maxwell (2000)

<sup>256</sup> Hettne, Bjørn (1994)

<sup>257</sup> The Code of Conduct for the Implementation of the Moratorium

<sup>258</sup> This can be related to motive force and perception discussed below in section 4.4.6.

“Accumulation of weapons by means of illicit trafficking is facilitated by a lack of coordination and cooperation among the states involved. In the case of both the re-circulation and supply of weapons from outside the region or sub-region, efforts to diminish the negative effects of such weapons are hampered by states that will not or cannot cooperate in such basic functions as sharing information regarding illicit trafficking in weapons and coordinating the cross-border seizure and collection of weapons.”<sup>259</sup>

The fact that West African countries differ in their willingness to handle the problem of SALW proliferation is a critical issue, whether the reasons for the lack of will is financial, political or ideological.<sup>260</sup> It is also a result of the different countries being affected by SALW in various degrees.<sup>261</sup> The distrust confirms their contradictory motives and that there is no real transparency in West African weapons affairs. And the respective governments know this. The lack of attention given to this issue by ECOWAS is then a recognition of the fact that no state is willing to publicly admit to the lack of transparency and address it as a problem which needs to be solved. The informal conduct of neo-patrimonial governments is not an issue.

Up until now, I have not presented many successful aspects of the implementation process. But regarding disarmament there has actually been made progress. The Code of Conduct requires member states to collect and destroy surplus weapons. Countries such as Mali, Liberia, Sierra Leone, Togo and Niger have all complied with this, at least to a certain extent<sup>262</sup> Vines states that ten out of the 16 member states have made progress in destroying surplus or seized illegal weapons since 1998.<sup>263</sup> The destruction of anti-personnel mines is an area where significant work has been done and support has been given mainly by the Canadian government.<sup>264</sup> Although credit should be given for the work on disarmament, it is not to say that the member states have reached a satisfactory level of disarmament. Many of the weapons used in prior armed conflicts are now used in current conflicts. And

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<sup>259</sup> United Nations General Assembly (1997), p.18

<sup>260</sup> Nichols, Ryan (2003), p.41

<sup>261</sup> This was discussed at the beginning of this chapter

<sup>262</sup> Ogunbanwo, Sola (2002)

<sup>263</sup> Vines, Alex (2005)

<sup>264</sup> Ogunbanwo, Sola (2002)

distrust makes it harder for the NatComs to collect and destroy weapons. Insurgent groups do not feel safe enough to hand over their weapons, people feel the need to be armed for self defence reasons and the leaders feel the need to maintain a heavily armed military and security force in case of uprisings or external interference in domestic issues. Distrust is not only a feature of the relationship between the states. It is also a feature of the relationship between the rulers and their subjects, between the government and the opposition and also often between the regime and the army. The history of independent Africa has shown that the total lack of a transparent society has led to proliferation of distrust in all aspects of society. Taking measures towards building a strong regional identity would decrease the distrust and by doing that, increase the possibilities for a higher level of transparency, openness and confidence which the Moratorium presupposes.

#### **4.4.6. Motive Force**

Up until now I have mentioned the lack of political will several times. In the following I will relate political will to aspects inherent in the African state but also look at the phenomenon through the lenses of other theoretical frameworks such as Realism and Constructivism.

When stating that the lack of political will is a problem, I do not mean that there is no political will present. What I am saying is that there is not enough political will. This leads me to the distinction between political interest and motive force. There is definitely a political interest in solving the problem of SALW in West Africa, but there is not enough motive force. Motive force is defined as “the compelling factors of high politics character that bring a process of integration forward”<sup>265</sup> Pushing such an extensive process as the implementation of the Moratorium requires a stronger force than mere political interest. It requires the presence of motive force. The member states needs to see the solution to the SALW problem as a compulsion, not as an interest. As bystanders, we might claim the solution to be one of compelling necessity. But even if we are right in such a claim, the objective truth is not what matters here.

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<sup>265</sup> Dokken, Karin (1997), p.179

What decides the faith of the process is how those involved with the Moratorium perceive the threat of SALW proliferation.<sup>266</sup>

Bøås and Dokken argues that in order for Africa to achieve successful regional integration, they need to begin with areas where they are mutually dependant on each other.<sup>267</sup> Regional security is such an area. Human security is another. The proliferation of SALW is definitely a threat to both. But even so, there is clearly not enough motive force present in the region. This illustrates the importance of perception. West African leaders do not, at this point in time, perceive the solution to the small arms problem as one of compelling necessity. Other and conflicting goals are being prioritised because they are perceived as more compelling by the leaders.

It is possible though, that the political elite see the solution to the SALW problem as the most important goal for the country as a whole. But that does not mean that it will be prioritised. Being a political leader, a Head of State, concerned with what is best for his country is only one of the identities held by a West African leader. The conflicting goals are often connected to other identities, such as the identity of a business man, of a caretaker for his local community or the identity of being the leader of a regime threatened by insurgents or rebels.

The importance of perception and different identities can be linked up to so-called “constructivism”. A constructivist approach to the problem of motive force would highlight that it is the collective identity and meaning which will constitute the structure organising our actions. And the structure holds no logic by itself. The logic is created by the states and other actors. States, as humans, holds a certain number of identities.<sup>268</sup> These identities are applied in different circumstances. And it is these identities that lead and control their actions.<sup>269</sup> West African leaders have several roles to play in their society. They are statesmen, businessmen and they are also on top of a complex network of patron-client relationships usually involving their entire local community and/or region. This situation is a result of the neo-patrimonial way in

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<sup>266</sup> *ibid.*

<sup>267</sup> Bøås, Morten & Dokken, Karin (2002), p.120

<sup>268</sup> States can be seen as the unit of analysis in Constructivism even though constructivists often use other actors than states as their unit of analysis. The main difference between Realism and Constructivism is not the choice of unit of analysis but rather that constructivism sees the actors and the structure as mutually constituting.

<sup>269</sup> Wendt, Alexander (1994 &1999)

which the states are run. State affairs have become personalised. When West African political leaders do not perceive the solution to the SALW problem as one of compulsion, it is because their socially constructed context tells them that it is not as important as other goals. And these goals are often related to regime security. That leads me over to Realism. In a realist school of thought this lack of political will to cooperate in regional schemes, especially when it involves surrendering any kind of sovereignty, can be explained by their role as “defensive positionalists” meaning that their ultimate goal is not the maximum amount of welfare but rather to protect their regime and their position in the West African international community.

What I have tried to illustrate here is that neither the realist, the constructivist nor the neo-patrimonial explanation are absolute truths, but it is possible to make plausible arguments out of them when using these different theoretical lenses. The fact is that there is no motive force present to push the process forward as fast as would be desirable. But how we explain that fact will depend on which theoretical lenses we are using.

#### **4.5. Is NRA Sufficient?**

It seems clear that the implementation of the Moratorium does not reflect the insight of NRA to a satisfactory level. But there are also important aspects of the implementation process not possible to view through the theoretical lenses of NRA.

##### **4.5.1. Institutional Arrangements**

In earlier theories of regionalism the institutions were given a lot of attention. Even though NRA is a theory that attempts to connect the formal and the informal parts of regionalism and regionalisation it does not offer a proper approach to analysing the institutional arrangements of West African regionalism. Any regionalist project needs well-functioning institutional arrangements with the proper organisation, resources and capacities.

At the top of the Moratorium institutionally we find the ECOWAS Executive Secretary and his Executive Secretariat. The Executive Secretary and his secretariat are in charge of over-viewing the day to day implementation of the Moratorium. The



Code of Conduct states that the structures, staff and procedures shall be placed within the Secretariat in order to assist member states. The Secretariat shall also establish four Zonal Observation Bureaus. They will monitor compliance and report progress to the Authority of ECOWAS Heads of State. The Executive Secretary is also given the responsibility of obtaining external funding and technical assistance to support activities related to the Moratorium.<sup>270</sup> At the national level, the NatComs are supposed to be responsible for the implementation. Already from the outset, ECOWAS realised that neither they, nor the member states had the capacity needed to implement the Moratorium and that made the way for the temporary establishment of PCASED.

The Executive Secretariat has not fulfilled its responsibilities regarding the Moratorium. But some progress has been made. The planned four Zonal Observation Bureaus have been established for information gathering and for monitoring compliance. ECOWAS also appointed a new Deputy Executive Secretary for Political Affairs, Defence and Security (DES/PADS) responsible for conflict management and implementation of the Moratorium. In 2004 the ECOWAS Council of Ministers also authorised the creation of a small arms unit. This unit is supposed to be placed within the Executive Secretariat and work on improving coordination with the NatComs.<sup>271</sup> But all initiatives from ECOWAS have been more or less hampered by their limited capacity, economically, technically and institutionally. There is no doubt about the fact that they do have limited resources but this might also be an easy excuse when they receive criticism for, for instance, not supporting the NatComs as much as they should have done. But lack of capacity is a real problem. It is possible to make plausible arguments of ECOWAS being a too poorly organised institution not capable of implementing such an agreement. Due to the huge work load, the Executive Secretary has delegated the responsibility for implementation to the DES/PADS. But the DES/PADS is only one man with no secretariat of his own. Even though the Executive Secretariat is involved they do not have the capacity to master this task. The small arms unit might help, so might ECOSAP do, but still it seems overambitious to

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<sup>270</sup> Code of Conduct for the Implementation of the Moratorium

<sup>271</sup> Vines, Alex (2005)

presume that this will be enough. Institutional capacity is a severe limitation for the successful implementation of the Moratorium.

The establishment of, and the work within the NatComs have, as mentioned, proceeded at a very slow pace. This can mainly be ascribed to the lack of political will and rivalries between the government and departments inside each and every member state.<sup>272</sup> This has also clearly influenced the work of both the ECOWAS Secretariat and PCASED. But despite all this, there are some member states that have managed to establish functioning NatComs. Another problem of the NatComs is poorly trained personnel. Finding qualified personnel at a permanent basis have not been easy.

During its five years in operation, PCASED had a mixed record of success. The main problem may have been that the nine priority areas were just too ambitious. For instance looking at the first, establishing a culture of peace. PCASED was established for a period of five years and with that in mind, establishing a culture of peace in West Africa seems quite ambitious, if not to say overambitious. This goal includes huge tasks and aspects, such as DDRR-projects (Disarmament, Demobilisation, Rehabilitation and Reintegration) in the war torn countries, public awareness, political will and continental cooperation, which will demand much more time, effort and capacity than was ever possible within the framework of PCASED.

#### **4.5.1.1. Cooperation With and Within UN**

Another problem of PCASED is related to the fact that it is an arrangement under UN control. Initially, PCASED was under the operational control of the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC). But when PCASED expanded, it was transferred to UNDP. UNDP was then responsible for providing advisory and financial support for the operations of PCASED. This transfer was not the result of a unanimous agreement. There were clear frictions between UNREC and UNDP over who should be in control over PCASED.<sup>273</sup> And this friction was as much a personal issue between individuals in those two UN organisations as an organisational issue. UNDP has also been criticised for its unwillingness to cooperate

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<sup>272</sup> Ogunbanwo, Sola (2002)

<sup>273</sup> Vines, Alex (2005)

with other UN arrangements such as the UN Office on Drugs and Crime in West Africa. The relationship between UNDP and the ECOWAS Small Arms Unit has been somewhat problematic and has demanded negotiations. Poor coordination between different UN missions has also slowed disarmament down because ex-combatants in Côte d'Ivoire have received much more compensation for handing in their weapons than those in Liberia. The knowledge of this has made disarmament in Liberia proceeding at a slower pace.<sup>274</sup>

#### **4.5.2. Financing the Implementation**

The estimated cost for the implementation programme was US\$ 13 million over a five year period from 1999 to 2004.<sup>275</sup> Considering that the total ECOWAS budget of 2001 was US\$ 10.3 million, it is easy to see that ECOWAS do not have the means to fulfil the task of financing the Moratorium on its own. They are completely reliant upon donors. They have received financial support. But all the contributions in total “only” amount to little over US\$ 5 million.<sup>276</sup> The gap is US\$ 8 million. ECOWAS is not capable of filling that gap. Another problem regarding financing is that some countries have attached conditionalities to their contributions while others have not. This creates difficulties for ECOWAS in administering the implementation. Some might say that the money is there as long as there is genuine interest and political will to solve the problem. But the West African states are among the poorest of the poor. In 2003, only three countries in the region had a GNI per capita above US\$ 500 (Cape Verde, Côte d'Ivoire and Senegal) while seven were below US\$ 300. In absolute figures the total GNI of West Africa was 50% of the Norwegian GNI.<sup>277</sup> West Africa has a population of 250 million people. Norway has 4.5 million. There is a crucially limited amount of funding available in the region. Because the countries are in this financial situation they are not transferring the agreed amounts to ECOWAS and the organisation is therefore not able to accomplish its goals. I am not saying that the West African states are totally incapable of giving ECOWAS more funding because political

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<sup>274</sup> Vines, Alex (2005)

<sup>275</sup> Ogunbanwo, Sola (2002)

<sup>276</sup> *ibid.*

<sup>277</sup> World Bank statistics

will is of course a factor here but I am saying that they are extremely poor countries which will not be able to finance the whole project without help.

The sixth priority area of the Plan of Action is to facilitate dialogue with producers and suppliers. The issue of promoting the Moratorium and attracting partners/donors is also given a lot of attention in the Code of Conduct. This is an important but problematic area for the West African countries. The reason being that West African countries feel they have to be careful not to aggravate possible donors in such a dialogue. Aid is a political instrument used by the Western World and there is no secret that states which have made themselves unpopular among the Western states will experience cuts in aid given to them. States that have been more receptive to advice from the great powers and the IFIs, such as for instance Uganda, have experienced easier access to aid. Considering the importance of donor contribution, which is immense both regarding the Moratorium, ECOWAS and the general survival of many West Africa states, it is understandable that West African governments and ECOWAS officials want to step carefully when handling this matter. The Moratorium, for one, would die an instant death if the donors backed out. In this situation of negotiations, the position of ECOWAS and the position of the Western backers are not at all level. This is not a new situation in negotiations between African and Western states. As Clapham stated about the Lomè II, it “essentially consisted in the EC telling the ACP states how much aid they were going to get, and the ACP complaining that it was not enough.”<sup>278</sup> The result of the negotiations on financing the project would probably be more fruitful if the negotiations were conducted on equal terms. Not only more fruitful for ECOWAS but for those giving financial support as well.

NRA is a regionalist theory mainly built on regionalism in developing countries. In developing countries, finances will always be an issue. There will be a situation where donors come into the process and they will often bring with them their own ideas and conditionalities. Then, the dependency on donors and external partners will affect the process in a matter which NRA not necessarily gives us the tools for analysing, especially because NRA, as a regionalist theory, direct its main focus towards informal regionalism instead of connecting the formal and the informal.

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<sup>278</sup> Clapham, Christopher (1996), p.101

## 5. Concluding Remarks

In this thesis I have addressed my attention towards the implementation of the ECOWAS small arms Moratorium. I started by defining my research question to be: *“To what extent do the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons, its implementation documents and its actual implementation, reflect the central aspects of New Regionalism such as Transnationalism and Neo-patrimonialism in the West African region?”*

In short, the analysis has shown that the implementation documents and the actual process of implementation only to a quite limited extent reflect the central aspects of NRA. My finding is that there are only two areas of the implementation process which reflects these central aspects. But there are several examples of the opposite. As mentioned earlier, NRA is not the recipe for a successful African regional project such as the Moratorium. But with that said, it is important that the Moratorium reflects the most central insights brought forward by NRA, such as Transnationalism, Neo-patrimonialism and other aspects inherent both in NRA and in the African state. It is important because these aspects reflect the West African reality. My conclusion is that the implementation of the Moratorium does not take these insights sufficiently into account. The informal processes and the patrimonial way in which the state operates are far from given the appropriate amount of attention. The reason for this is most probably that many of the same persons who are responsible for implementing the Moratorium at the national level have interests in the informal sphere concerning arms dealings and in the private sphere concerning business and/or kinship. The transnational processes are born out of a lack of institutionalisation of the state and the still growing tendency of privatisation and personalisation of the public sphere.<sup>279</sup> This is of course a central aspect of Neo-patrimonialism and it is not given the proper attention by either ECOWAS or the national governments concerning the implementation of the Moratorium. But the West African states are not the only responsible party. Western states also need to take a greater responsibility for their involvement in the arms transfers if the Moratorium is going to be successful.

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<sup>279</sup> Trollstøl, Silje (2004), p.104

## **5.1. Theoretical Remarks**

As stated earlier, NRA is the dominant theoretical approach today for studying regionalism, especially in Africa. But it is not a totally complete theory of regionalism. NRA attempts to connect the formal and the informal processes. It wants to look beyond state-centrism and focus on other actors as well as the states. The focus on the informal part of regionalism to a certain degree overshadows the formal part. It is certainly important to take the informal processes into account and recognise their importance in a region that is regionalising but we must not forget the state-led processes when trying to compliment them with the informal ones. For instance, as my research has shown, the theoretical tools given by NRA for reviewing important aspects of a regionalist project such as institutional arrangements, administrative mechanisms and financial matters are very limited. These aspects are not the result of informal processes. They must be confronted at the formal level. The traditional integration theories have been widely criticised for not giving enough attention to the informal processes. NRA might give too much attention to the informal part of regionalism on the cost of formal regionalism.

## **5.2. Methodological Remarks**

The most apparent methodological weakness of my study is that I have exclusively used secondary literature. This problem is connected to the reliability. But as I argued in chapter one, the decision of relying on secondary literature was made after careful considerations. I also hoped to increase the reliability by using multiple sources. The possibility for doing fieldwork was from the outset considered not to be a realistic possibility for me given the anticipated results of such fieldwork, the political situation in West Africa and the general limitations of this study, both concerning finances and time span.

Generalisation was another issue I raised. As I stated, it was not my goal to find any grounds for empirical generalisation but I hoped to find grounds for theoretical generalisation. As I see it, I did that by concluding above that NRA has limitations when using the NRA framework to evaluate such a regionalist project. This may be

seen as a contribution to the further development of NRA as a theory of regionalism and would therefore be of scientific value beyond this single empirical case.

Even though it was not the goal of this study to find any grounds for empirical generalisation, my investigation has made me aware of the possibility of such after all. And it is linked to the question of what effects the success or failure of the ECOWAS Moratorium will have on other small arms initiatives such as the East African Initiative (The Nairobi Protocol<sup>280</sup>) or the Bamako Declaration of the AU.<sup>281</sup> These initiatives were not only partly inspired by the ECOWAS Moratorium but they were also modelled after it. What will the likely failure of the Moratorium then mean for them? In my opinion such a failure will clearly affect other African small arms initiatives in a negative fashion. When the Moratorium was first presented it was met with great optimism. It created a kind of “look to West Africa”-attitude not only in other African regions but also in the wider international community. The expectations were huge but they have not been fulfilled. This will affect other initiatives for instance in the way that it will be harder to attract foreign support, both financially and technically. One should also not underestimate the possibility for psychological effects on other initiatives by the possible failure of the Moratorium. It was not the aim of this study to investigate the general success or failure of the Moratorium and certainly not to find the general answer to the problem of SALW in Africa. But I still see it as important to raise this question of consequences of a failed Moratorium if for no other reason as to attract attention to the fact that the ECOWAS Moratorium might be significantly influential for other regions than West Africa.

Concerning validity, which I also brought up in the introduction, I have tried to direct attention to different aspects of the arms trade, of the West African society and state, and of NRA. Together this has proven the fact that the reflection of NRA in the implementation process is necessary for the Moratorium to be a success because the central aspects of NRA reflect the West African reality.

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<sup>280</sup> The Nairobi Protocol on small arms and light weapons was signed by eleven East African states on 21 April 2004. The full text of the Protocol is available at <http://www.saferafrica.org/DocumentsCentre/NAIROBI-Protocol.asp>

<sup>281</sup> The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons was signed by all AU members on 30 November 2000. The full Declaration text is available at <http://www.state.gov/t/ac/csbm/rd/6691.htm>

Another issue brought up in chapter one was the challenge of catching all the dimensions in order to see the whole picture. Of course there are so many interests and processes involved in West African regionalism that describing the complete picture is not feasible under the limitations of this study. But I have tried to bring up the most important ones. What I also have tried to avoid is going into any comprehensive discussions about the underlying motives and political goals of the different actors. Instead I have merely limited myself to focus on the actual actions instead of trying to thoroughly explain or speculate into all aspects of the motives for these actions.

### **5.3. Convention or No Convention: Is That the Question?**

At the end of this study I wish to say something about the future of the Moratorium. First of all, I see it as necessary to question whether a regional approach really is the best way of approaching this problem. As this study shows, many of the issues are extra-regional. Although West African states clearly must take their fair share of responsibility for the problem, one could make plausible arguments for the problem being introduced from outside the region. Then the solution also must come partly from outside. If a regional political approach is not the most fruitful, what is? ECOWAS has argued for a regional convention. In line with what they decided last summer, the future probably lies within the framework of a convention.

Ogunbanwo has argued that ECOWAS have two options for influencing the implementation process. These two options are to work harder for the establishment of well-functioning NatComs and a thorough application of the Code of Conduct. And if member states do not comply with the Code of Conduct they must be put under pressure to act differently.<sup>282</sup> These opportunities might be too weak and insufficient. All the problems regarding implementation of the Moratorium and the poor record of compliance have led many to urge and support ECOWAS in making the Moratorium into a convention. Among them are Kofi Annan<sup>283</sup> and the EU.<sup>284</sup> As long as the document is not legally binding, the only possible form of “punishment” for non-compliance is “blaming and shaming”, which obviously do not work, at least not when

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<sup>282</sup> Ogunbanwo, Sola (2002)

<sup>283</sup> United Nations Press Release, 15 February 2005

<sup>284</sup> European Union Council Decision 2004/833/CFSP of 2 December 2004



every single member state have been in violation of the commitments imbedded in the Moratorium. When ECOWAS prolonged the life of the Moratorium in October 2004 they also decided that it will be made into a convention and the hope is that an agreement will be reached before December 2005.<sup>285</sup> A working draft is circulated to member states, donors and civil society. But as of August 2005 nothing has been completed. There are several issues that need to be confronted for this possible convention to be effective. For one thing, a discussion on sanctions is necessary. Having a convention without the appropriate sanctions is, as history has shown, futile. One possibility is economic sanctions, another is political sanctions for non-compliance. But before any of this will be a reality, the first step is to reach an agreement and this being signed by the Authority of ECOWAS Heads of State. The next step is ratification and implementation into national legislation. Without being too pessimistic, I would say that to accomplish this is going to be extremely difficult, considering the track record of African states regarding ratification and implementation of treaties which entails the transfer of sovereignty or control to a supranational body. Since independence, most African states have watched over their sovereignty as hawks. For instance, the attempts made by ECOWAS to create a West African Parliament have been futile. My fear is that the small arms convention will suffer the same destiny. There may be many reasons for this. One reason might be the fear among the states due to uneven power and the fear of relative shifts in the power balance between them. This explanation would be in line with Realism although the West African states cannot be ascribed with the characteristics of a rational uniform actor with specific national interests. Another reason might be reluctance by the rulers to give up their highly personalised power in the neo-patrimonial state. As I said, there might be many reasons and these are only two plausible and not incompatible arguments. But I do not believe that a convention is the ultimate answer to the problem because all in all it comes down to the question of political will. Without real political will, there will be no convention. Without any real political will, nobody will respect the Moratorium. Without any real political will, the problem of small arms proliferation will not be solved. And therefore, the issue of political will is a more

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<sup>285</sup> Vines, Alex (2005)

important question than whether or not a convention will bring the process of ending arms proliferation in West Africa further than it has been brought by the Moratorium. Without any real political will, no solution to the SALW problem will become reality, regardless of the existence of a convention. I am not saying that the signing of a convention would be futile. It would certainly be an admirable and important step in the right direction. My point is that first of all, the ratification of such a convention depends on political will and that even if it will be signed it is not going to be “The Final Solution” some have portrayed it to be.

As mentioned above, both the UN and the EU have argued strongly for making the Moratorium into a convention. But why is there no talk of making the Wassenaar Arrangement into a convention? Why should not the supply side be governed by an international convention along with the demand side? Why should there not be a global convention on SALW trade? The main argument for making the Moratorium into a convention is non-compliance from member states. Non-compliance to the Wassenaar Arrangement’s non-binding recommendations is currently resulting in millions worth of small arms being sold to West Africa by member states of Wassenaar. As we can see, it is the same problem of non-compliance on both sides of the table in arms trade and therefore the same measures should be taken on both sides. In other words, it will be a better solution to create a global convention instead of a regional convention. As long as many of the issues are extra-regional, the solution needs to address these and that can obviously not be done within the framework of a regional arrangement. The governments of West Africa clearly need to recognise the commitment they have made by signing the Moratorium but so must Western governments do regarding their involvement in these actions. I am not saying that a regional arrangement in West Africa is futile but it should not be regarded as the “Final Solution”. It is needed as a complimentary and supplementary arrangement because, as this study shows, the West African region has its characteristics that need to be taken into account. But the main arrangement should be at the global level. Western countries have too often been too reluctant in taking any real responsibility for their own involvement in the arms trade and have seen this mainly as an African problem, not as an international problem. This needs to change.

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