



A CAPACITY BUILDING WORKSHOP FOR PARLIAMENTARIANS FROM ECOWAS MEMBER STATES

"REGIONAL AND INTERNATIONAL INSTRUMENTS ON SMALL ARMS AND LIGHT WEAPONS CONTROL – IMPLEMENTATION AT THE NATIONAL LEVEL"

LOME, TOGO 14 December 2009 Ibis Hotel

Organised by:

The United Nations Regional Centre for Peace and Disarmament (UNREC)

and

Friedrich-Ebert-Stiftung (FES)

FINAL RAPPORT

INTRODUCTION

- 1. The UN Regional Centre for Peace and Disarmament (UNREC) and Friedrich-Ebert-Stiftung co-organized on December 14 at Ibis Hotel in Lome, Togo a capacity building workshop for parliamentarians from ECOWAS Member States on the theme "Regional and International Instruments on Small Arms and Light Weapons Control Implementation at the National Level".
- 2. The workshop brought together about thirty participants from parliamentary committees on defence and security of ECOWAS Member States and international agencies (AWEPA International, GRIP, IPU and UNOWA) specialized in small arms and light weapons control and issues of peace and security. The list of participants is attached as an appendix.
- 3. The workshop aimed to sensitize parliamentarians on international, regional and subregional instruments on small arms and light weapons control and provide the
 opportunity for interaction among the various levels of governance in the security sector.
 The workshop had also as an objective to give parliamentarians a better insight into their
 roles in the development of national legislations and adaptation as national laws
 international, regional and sub regional instruments on small arms and light weapons as
 well as the revision of the prevailing regime for the control of such arms.
- 4. This report presents highlights of topics discussed and conclusions of the workshop.

I- OPENING CEREMONY

- 5. The opening ceremony was chaired by the Representative of the Togolese Parliament, Honourable Ayitou SINGO, Chairman of the Parliamentary Committee on Defence and Security of Togo's Parliament. This opening ceremony was attended by personalities such as representatives of the diplomatic corps and international organization accredited to Togo, including UN specialized agencies and members of civil society. The opening ceremony was marked by three speeches.
- 6. Madam Jacqueline SECK DIOUF, Director of the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC), welcomed the various delegations, extended her gratitude to the host country and expressed her appreciation for the high sense of partnership demonstrated by Friedrich-Ebert-Stiftung (FES) in the holding of the workshop. This partnership, she stressed, comes as part of the implementation of the UNREC Reform Programme in the Security Sector in Africa (ASSEREP) and the Project on the implementation of practical disarmament measures in West Africa: Technical Support to the Small Arms Unit of ECOWAS and ECOSAP, two projects whose major components are parliamentary control over the security sector and the development of a Guide for the harmonization of national laws on SALW in West Africa. Touching on the objective of the Workshop, she recalled that the aim was to build the capacity of West African Parliamentarians in SALP control and encourage interaction among the sub

regional, regional and international bodies dealing with security with the view to organizing similar workshops in other sub regions. She also welcomed the entry into force of the ECOWAS Convention on Small Arms and Light Weapons, their Ammunitions and other Related Materials on 29th September 2009 and urged parliamentarians of Members States that have not yet ratified it to do so in order to enlist the political support of all Member States for the convention. To conclude, Madam SECK DIOUF called on participants to reflect on the best strategies to ensure the quick ratification of international and regional texts on the control of small arms and light weapons as well as the harmonization of national laws with international and sub regional norms on the issue.

- 7. Mr. Sebastian SPERLING, Coordinator of the Regional Project on Security Policy at the Friedrich-Ebert-Stiftung (FES) welcomed all participants and pointed out the timeliness of the workshop which is taking place immediately after the entry into force of the ECOWAS Convention on Small Arms and Light Weapons, their Ammunitions and other Related Materials. He recalled the importance of parliamentarians' role in defining national defence policies and stressed on the need for a concerted regional action to stem the illicit trafficking of SALW. He further indicated FES preparedness to support initiatives for exchange of experience among parliamentarians of the sub region on SALW issues and express the wish to pursue a strong and fruitful partnership with the UNREC in the area of security and SALW control.
- 8. Honourable Ayitou SINGO, Chairman of the Select Committee on Defence and Security of Togo's Parliament delivered the opening speech of the workshop. He extended greetings from the Speaker of the Parliament of Togo and a warm welcome to all participants to Togo. Honourable SINGO paid a strong tribute to UNREC and FES for taking the initiative to organize this workshop and stressed the need for a strong regional and international cooperation to combat effectively the illicit trafficking of small arms and light weapons. He also urged parliamentarians and governmental authorities to develop and implement an effective national policy on small arms. He finally recalled the relevance of the parliamentary initiative on harmonizing national laws and international as well as regional instruments on small arms control.

II- PROCEEDINGS

- 9. The proceedings of the workshop were organized into five sessions :
 - **Session I :** Overview of international instruments on small arms;
 - Session II : Overview of regional instruments on small arms;
 - **Session III:** The process of adapting legally binding or voluntary international and regional instruments into national laws;
 - Session IV: Overview of roles of parliamentarians; and
 - Session V: Plenary discussions and summary of recommendations.

The work programme is attached as an appendix.

Session I: Overview of International Instruments on Small Arms

- 10. Chaired by Mr. Simon ASOBA, Programme Officer at FES, the first session was devoted to presentations by Mr. Therry ZANG of UNREC and Cedric POITEVIN of the Group of Research and Information on Peace and Security (GRIP).
- 11. M Thierry ZANG, Programme Officer at UNREC presented a paper on the main international instruments on small arms and light weapons control, namely, the UN Programme of Action to prevent, combat and eradicate the illicit trade of small arms and light weapons in all its aspects (2001), United Nations Government Experts Group Report on Ammunitions and Explosives (1999), United Nations Government Experts Group Report on Brokering, United Nations Government Experts Group Report on Arms Trade Treaty (2008) and the Report of the Working Group with Membership not limited to the UN on Arms Trade Treaty (2009). For each of the instruments, he highlighted its origin, nature, scope and requirements for governmental authorities and parliamentarians. M. Zang, in his presentation, focused mainly on the regulation of SALW trafficking which requires the involvement of parliamentarians alongside the executive and judiciary as well as civil society in the implementation of these instruments.
- 12. This paper was followed by discussions on the following issues :
 - The need for cooperation between countries in the sub region for a better control over the transborder trade in SALW;
 - The participation of parliamentarians in regional and international meetings on the implementation of the PoA;
 - The role of parliamentarian in monitoring the process of submitting national reports on the implementation of the PoA and international Instruments on Tracing SALW;
 - The intrinsic link between economic development and the reduction in crime and armed violence in the region;
 - Sensitization of people on the devastating effects of the illicit trafficking of SALW.
- 13. M. Cedric POITEVIN, Head of the Project « Small Arms and Transfer of Arms » at GRIP, made a presentation on the theme « Tracing SALW: International Initiatives and Current Challenges in West Africa ». First of all, Mr. POITEVIN touched on the general situation and challenges regarding the marking, registration and cooperation in the area of tracing SALW. He then listed and commented with examples and demonstrations in support, the relevant provision in the Additional Protocol against the illicit manufacturing of fire arms, their parts, elements and ammunitions to the United Nations Convention against transnational organized crime (2001) and the International Instrument aimed at enabling countries to carry out a rapid and reliable identification of illegal small arms and light weapons (2005). To conclude M. POITEVIN stressed on the current challenges facing West Africa in terms of tracing SALW. While recognizing that the sub region is both victim and actor in the circulation of SALW, he indicated that the ECOWAS

Convention on SALW, their ammunitions and other related materials was the right tool with high marking standards and a sub regional system of registries. However, the effectiveness of this Convention will depend on the political will and resources of Member States.

- 14. The discussions that followed papers of the first session led to a debate on the points below:
 - Techniques of traceability of ammunitions;
 - Definition of the legality and illegality of SALW;
 - Efficient management of legal stocks of SALW;
 - Control of national capacities for the production of SALW in the sub region;
 - The involvement of parliamentarians in the ratification of the ECOWAS Convention on SALW; and
 - The need for a strong political commitment from ECOWAS Member States for the implementation of the ECOWAS Convention on SALW.

Session II: Overview of Regional Instruments on Small Arms

- 15. The second session of the day which was devoted to the overview of regional instruments on small arms and light weapons was chaired by Mr. Nicolas GERARD, Deputy Director of UNREC. Papers were presented by Messrs Kossi Mawuli AGOKLA and Rodger GLOKPOR both Programme Officers at UNREC.
- 16. Mr Kossi Mawuli AGOKLA made a presentation of the « Bamako Declaration ». In his introduction, he recalled the political and diplomatic process which led to the adoption of this declaration in 2000 by Heads of State and Government of the OAU, now African Union. He later talked about the preliminary talks which led to the Declaration while stressing previous OAU decisions on the issue of SALW, sub regional efforts such as the ECOWAS Moratorium on the import, export and manufacturing of SALW, the fundamental principles of international and humanitarian law and the relevance of the United Nations Treaty. Finally, Mr. AGOKLA analysed the seven key points in the Bamako Declaration: concerns on the issue of SALW, the appeal to the international community and SALW suppliers, appeal for partnership to reduce the proliferation, circulation and illicit trafficking of SALW, African countries' support to the preparatory committee for the United Nations Conference on the illicit trade in SALW in all its aspects and the African Common position on the issue of SALW.
- 17. Mr. Rodger GLOKPOR presented a paper on the ECOWAS "Convention on SALW, their ammunitions and related other materials. His presentation centred on the preamble and seven chapters of the Convention. He laid special emphasis on chapters 1 and 2 which covers respectively the definition and transfer of SALW. With regard to the definitions and objectives, he underscored efforts made to harmonize the understanding of some key terms covering the definitions validated at the international level to sustain the control of SALW within the ECOWAS space. He mentioned also the three basic principles on the transfer of SALW, especially the prohibition of transfers of SALW and equipment used in their manufacture on, to and from territories of Member States; the prohibition, without exception of any transfer of SALW to non state actors unless there is

authorization by the importing Member States; non consideration of SALW as goods in accordance with of article 45 of the Revised Treaty of ECOWAS of 1993. Mr. GLOKPOR concluded his presentation by emphasizing that the effectiveness of the Convention will depend on its integration into national laws on SALW. He added that the gaps observed in national laws during various studies, must retain their attention of parliamentarians during the review of existing laws and/or the drafting of new national legislations on SALW. With the preparation of the new guide on the harmonization of national laws on SALW in West Africa by UNREC, solutions would be found for the harmonization of such laws.

18. The second session ended with general discussions on criteria established to determine the excessive accumulation or surplus of SALW, management of government stocks and exception regime under the ECOWAS Convention for the transfer of arms as well as sanction regime of the ECOWAS Convention.

Session III: Process of integrating legally binding or voluntary international and regional instruments into national laws

- 19. Under the chairmanship of M. Sebastian SPERING of FES, this session was marked by a presentation on "The process of integrating international norms into national legislations" by Mr. Anatole AYISI, Officer in Charge of Political Affairs at the United Nations Office for West Africa (UNOWA). He recalled the chaotic nature of the international system within which states and fundamental principles of sovereignty and equality underlying international and regional agreements on peace and security evolve. Mr. AYISSI indicated that the mechanisms for integrating international norms into internal laws are defined in the constitution of countries. However, he added, the nature and content of a treaty may require different modalities of integration. He therefore highlighted four options generally accepted for the integration of international norms into internal laws, namely the ratification by either the President of the Republic or parliament or by referendum or by both parliament and referendum. After backing these options with examples from the constitutions of Benin, Mali, Nigeria, Senegal and Togo, Mr. AYISSI invited parliamentarians to a practical exercise to reflect on the provisions in the internal laws of their respective countries regarding the integration international norms on issues of disarmament, especially SALW in national legislations.
- 20. This presentation gave rise to exchange of views on the process of integrating international and regional instruments in national laws with explanations provided by parliamentarians on competent political institutions. Reflections on effective parliamentary control over SALW issues also retained the attention of participants

Session IV: Overview of the role of parliamentarians

21. During the session on « Overview of the role of parliamentarian », chaired by M. Kossi Mawuli AGOKLA of UNREC, two papers were presented by Honourable T. A.

- Edjampan BOA of the Inter Parliamentary Union (UIP) and M Luc DHOORE of the Association of European Parliamentarians for Africa (AWEPA International).
- 22. In his presentation on "The Role of parliamentarians in the ratification of international agreements" Honourable BOA, first of all, talked about the context of armed conflict in the sub region which require defence and security agreements that need well defined ratification procedures. He touched on the ratification process for international conventions using the example of Cote d'Ivoire which has ratified the ECOWAS Convention on SALW, their ammunitions and related materials. He therefore listed the various stages for the adoption of a ratification law authorizing the president of the Republic to ratify this convention subject to review, debates on the issue at committee level, content and effects of the treaty on internal laws and possible relations with other signatory countries. For example, he highlighted issues discussed at Cote d'Ivoire's parliament during the adoption of the law on the ratification of the ECOWAS Convention on SALW. These include the timeliness of the ratification, effectiveness of the convention, its effects on Cote d'Ivoire's sovereignty and the state of ratification of the said Convention by other signatory countries. While indicating that ratification bills cannot be subject to amendments, Honourable BOA concluded by stressing on the need to sensitize parliamentarians on their key role in the implementation of international and regional instruments on SALW controls.
- 23. Mr. Luc DHOORE presented a paper on the "Role of Parliament in the integration of ratified international instruments into internal laws". To begin, he gave a brief historical background of AWEPA International network by talking about its establishment, objectives, partnerships and offices. He then highlighted the roles of parliamentarians in matters of small arms and light weapons, which are: to legislate, monitor the implementation of laws, ratify international treaties, harmonize laws and control the acquisition of arms. He also stressed on the role of parliamentarians in the harmonization of laws on SALW by drawing on initiatives on the harmonization of laws in Burundi, Democratic Republic of Congo and Rwanda that are operating within the framework of the Nairobi Declaration and Protocol on SALW as well as the Parliamentary Plan of Finally, Mr. DHOORE stated the existing prospects for Action of Mombassa. harmonization in the Democratic Republic of Congo and Central African Republic as well as the implementation of relevant provisions in the Peace, Security and Development Pact signed by member states of the international conference on the Great Lakes region.

24. These presentations led to discussions on the following topics :

- The involvement of women in parliamentary initiatives on small arms control in order to take into account the gender dimensions of the SALW issue;
- Strengthening the constitutional arsenal that will enable parliamentarians to control government action in matters of arms control;
- The need to involve civil society in arms acquisition issues;

- Parliamentary control over the security sector trough **a priori** control (before the acquisition of arms) and physical control (field visits to inspect legal stocks of arms);
- The need to assess weakness and requirements of parliamentarians; and
- The willingness on the part of AWEPA International to support sub regional and regional parliamentary initiatives on small arms and light weapons control.

Session V: Plenary Discussions and summary of recommendations

- 25. Proceedings of the day continued with debates on the following themes: « How to integrate the substance of international and regional instruments into national legislations » and « the next steps after the workshop ».
- 26. The results of the debates were then discussed in plenary with the formulation of a number of recommendations and conclusions :
 - a) Participants observed that a better networking at the national and sub regional level among parliamentarians and officials responsible for the implementation of policies on SALW control would facilitate a concerted action on the SALW issues. In this regard, they underscored the challenges that must be addressed. These include:
 - The need for greater collaboration between national commissions against the proliferation of small arms and light weapons and parliamentary committees on defence and security;
 - The need for collaboration between civil society, parliamentarians and security forces in the sensitization of people on SALW;
 - The establishment of a sub regional network of West African Parliamentarians in West Africa to combat the illicit trafficking of SALW; and
 - The creation of joint commission of security forces and parliamentarians for a better understanding of challenges and implications of the small arms and light weapons issues;
 - b) They also identified areas in which parliamentarians must show commitment in order to reinforce their control over SALW. The following actions were therefore recommended:
 - Promotion of the parliamentary initiative on the ratification of treaties concerning small arms control;
 - Encouragement of parliamentarians during the vote on bills reflecting the spirit and letter of the ECOWAS Convention on SALW, their ammunitions and other related materials;
 - Effective participation of parliamentarians in the ECOWAS parliament and Inter Parliamentary Union (IPU); ;
 - Involvement of parliamentarians at the conceptualisation stage of treaties on SALW control;

- Effective monitoring by parliamentarians of the implementation of the ECOWAS Convention on SALW, their ammunitions and related materials by governments;
- Involvement and enhancement of the role of parliamentary committees dealing with laws on treaties concerning defence and security;
- The importance of the role of parliamentarians in the setting up and operationalisation of national commissions against the proliferation of SALW;
- A better control of legal stocks of SALW through parliamentary commission of enquiry on the issue;
- Briefing on the recommendations of this workshop by parliamentarians at the national level;
- Adoption (adaptation of internal legal directives, adoption and implementation of application measures etc.) of international and regional texts on disarmament at the national level:
- The need to take stock of ratifications and legislative measures in terms of arms control at the national levels;
- c) Concrete actions from governments and partners in order to support parliamentarian in their work were also listed as follows:
 - Provide parliamentarians with the necessary means (information provided by government on the acquisition of arms, adoption of legislative measures that will facilitate this control etc.) to enable them control the acquisition of arms;
 - Place at the disposal of parliamentarians results of studies on the small arms and light weapons issue;
 - Develop a brochure with salient points of the ECOWAS Convention on SALW, their ammunitions and other materials; and
 - Reinforcement of confidence measures (establishment of sub regional registries of SALW, transponder mechanisms for SALW control, etc.) in terms of security at the sub regional level.
- d) Finally, participants agreed that information sharing, training, advocacy and sensitization were also priority actions in the fight against the proliferation of SALW. They therefore made the following proposals:
 - Promotion of exchange of experience and lessons learnt on SALW related issues among parliamentarians;
 - Organization of seminars for parliamentarians on new legislations and in order to improve their knowledge on topical issues concerning SALW control; Sensitize people on issues of illegal trafficking and proliferation of SALW through seminars and workshops; and
 - Institution of compensatory measures for voluntary disarmament of people holding illicit arms.

III- CLOSING SESSION

- 27. The closing session was addressed by Mr. Sebastian SPERLING of FES and Madam Jacqueline SECK DIOUF of UNREC.
- 28. M. SPERLING, first of all, thanked parliamentarians and experts for their dynamism and spirit of sharing ideas which prevailed throughout the workshop. He then reiterated FES' commitment to support parliamentary initiatives on the ECOWAS Convention on SALW, their ammunitions and related materials; and a possible network of West African Parliamentarians on SALW control. M. SPERLING concluded his remarks by thanking once again the entire team of UNREC and FES for the quality of the new partnership that culminated in the holding of this workshop.
- 29. Madam Jacqueline SECK DIOUF, on her part, underscored the financial and substantial contributions made by FES to the organization of the workshop and lauded the high level of debates held by parliamentarians and experts. She recalled the areas of intervention of UNREC, which ranges from small arms to weapons of mass destruction, with a stronger collaboration with sub regional and regional organizations such as AU, ECOWAS RECSA and SADC. Finally, she thanked the Togolese government for its diverse support to UNREC and urged parliamentarian to make the necessary follow up on the implementation of international and sub regional instruments for SALW control at the level of their respective governments and parliaments.

Rapporteur general Mr. Kwami Mawunyo LAVON Associate Programme Officer (UNREC)



ANNEX I



AGENDA

International and Regional Instruments on Small Arms Control How to Make Use of Them at the National Level Capacity-building workshop for Parliamentarians of ECOWAS member States

Organized by the Friedrich-Ebert-Stiftung (FES) and the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC)

14th December 2009 Lomé, Togo

08:30 - 09:00 REGISTRATION OF PARTICIPANTS

09:00 - 09:30 OPENING SESSION

UNREC Friedrich-Ebert-Stiftung African Union Togolese Parliament

09:30 - 10:00 Cocktail

10:00 – 11:30 SESSION I: Overview of international instruments on small arms

Chair: FES (Simon Asoba)

Speaker 1: UNREC (Mr. Thierry Zang)

- UN Programme of Action on SALW (2001)
- Brokering GGE
- Ammunition GGE
- ATT GGE + OEWG

Speaker 2: GRIP (Mr. Cédric Poitevin)

- Firearms Protocol (2005)
- International Tracing Instrument (2005)

11:30 - 12:30 SESSION II: Overview of regional and sub-regional instruments on small arms Chair: UNREC (Mr. Nicolas Gerard)

Speaker 1: AU (Mr. Peter Otim)

- Bamako Declaration (2000)

Speaker 2: UNREC (Mr. Rodger Glopkor)

- ECOWAS Convention on Small Arms (2006)

12:30- 14:30 Lunch

14:30- 15:15 SESSION III: Process of integrating international and regional instruments, legally-binding or not, into national legislations

Chair: FES (Sebastian Sperling)

Speaker: UNOWA (Mr. Anatole Ayissi)

15:15 - 16:00 SESSION IV: Overview of the role of Parliament

Chair: UNREC (Mr. Kossi Agokla)

Speaker 1: UIP (Hon. Boa T. A. Edjampan)

Role of parliament in ratifying international agreements

Speaker 2: AWEPA (Dr. Luc Dhoore)

Role of parliament in translating ratified international Instruments into national domestic law

16:00 – 16:15 Coffee-break

16:15 – 17:15 Work in small groups

- How the substance of the aforementioned international instruments might be domesticated in national legislation?

17:15 – 18:00 SESSION V: Plenary discussion and wrap-up of recommendations

Chair UNREC (Mrs. Jacqueline Seck Diouf)

Speakers: Group rapporteurs

18:00 - 18:30 CLOSING SESSION

UNREC

FES

ΑU

19:00 Dinner

ANNEX II





«Instruments internationaux et régionaux de contrôle des armes légères et de petit calibre- Mise en œuvre sur le pan national»

Atelier de renforcement des capacités pour les parlementaires des États-membres de la CEDEAO

14 décembre 2009, Lomé, Togo

"International and Regional Instruments on Small Arms Control How to Make Use of Them on the National Level"

Capacity-building workshop for Parliamentarians of ECOWAS member States

14 December 2009, Lomé, Togo

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