

CHAPTER 1: STOCKPILE MANAGEMENT PRACTICES IN SUB-SAHARAN AFRICA: STRENGTHENING EFFORTS TO ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS AND ENSURE EFFICIENT STOCKPILE MANAGEMENT

INTRODUCTION

Sierra Leone, as President of the Arms Trade Treaty (ATT) Seventh Conference of States Parties (CSP7), chose as its priority theme strengthening efforts to eradicate the illicit trade in small arms and light weapons (SALW) and ensuring efficient stockpile management. This choice reflects Sierra Leone's own post-conflict experiences and resonates with those of many other countries in Africa.¹ Sierra Leone's choice is important because conflict and armed violence in Africa are often exacerbated by leakages from official arms stocks. Effective arms stockpile management can, therefore, help mitigate the destructive effects of violent conflicts, in line with the object and purpose of the ATT – to promote regional and international peace and security and to reduce human suffering.

Many areas in Sub-Saharan Africa² experience high levels of armed conflict and violence fuelled by the illicit circulation of SALW, further complicating the challenges to maintaining peace and security in the region. Even with opportunities to mitigate the risks posed by these weapons, there are gaps in implementation of international and regional arms control instruments and in national legal frameworks for stockpile management. Identifying where these gaps lie can inform and focus efforts to strengthen national stockpile management systems and procedures and contribute to the detection and prevention of the diversion of SALW to the illicit market.

This chapter looks at stockpile management as a key mechanism for addressing the illicit trade in small arms and light weapons (SALW) in the context of ATT provisions and other global and regional arms control frameworks. It then explores the nature and dynamics of stockpile management practices in Sub-Saharan Africa as the region attempts to harmonize its past and present arms control standards. The chapter seeks to provide a nuanced understanding of the gaps in stockpile management practices and policies by focusing on the specific challenges faced by Ghana in establishing and implementing these systems.

DEFINING STOCKPILE MANAGEMENT

Stockpile management includes a wide range of systems and procedures, including storage and warehouse management, physical security of arms in storage, control of internal transfers between warehouses and depots, staff training, documentation and record-keeping.³

The modular small-arms-control implementation compendium (MOSAIC) defines stockpile management as the "procedures and activities that are necessary for the safe and secure accounting, storage, transportation and handling of small arms and light weapons."⁴

1 President of the Seventh Conference of States Parties (2021). 'Draft working paper presented by the President of the Seventh Conference of States Parties to the Arms Trade Treaty (ATT) – Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management'. ATT/CSP7/2021/PRES/659/Conf.SALWPSSM, 09 April 2021. <https://bit.ly/3j20Lax>.

2 Sub-Saharan Africa includes the sub-regions of Eastern Africa, Middle Africa, Southern Africa and Western Africa, based on UN Statistics Division regional groupings. <https://unstats.un.org/unsd/methodology/m49/>.

3 President of the Seventh Conference of States Parties (2021). 'Draft working paper presented by the President of the Seventh Conference of States Parties to the Arms Trade Treaty (ATT) – Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management'. ATT/CSP7/2021/PRES/659/Conf.SALWPSSM.Rev2, 15 June 2021. <https://bit.ly/3j20Lax>, pp. 4-5.

4 United Nations (2012). 'Modular small-arms-control implementation compendium (MOSAIC). Stockpile management: Weapons' MOSAIC 05.20:2012(E) V1.0, 27 August, 2012. <https://www.un.org/disarmament/wp-content/uploads/2019/05/MOSAIC-05.20-2012EV1.0.pdf>, p. v.



STOCKPILE SAFETY

The result of measures taken to ensure minimal risk of accidents and hazards deriving from weapons and explosive ordnance to personnel working with arms and ammunition, as well as to adjacent populations.⁵



STOCKPILE SECURITY

The result of measures taken to prevent the theft of weapons and explosive ordnance; entry by unauthorized persons into munitions storage areas; and acts of malfeasance, such as sabotage.⁶

The MOSAIC framework recognizes two categories of arms that are subject to stockpile management practices:

1. Arms of national security and parastatal agencies
2. Arms produced and stored by commercial concerns and regulated by national civilian authority⁷

Although evolving and specific to SALW, MOSAIC provides clear guidelines for national and international arms control stakeholders to implement the body of norms provided for in specific international, regional and national instruments which, in part, seek to reduce the risk of loss and theft of weapons and ammunition.

National stockpiles of weapons and ammunition include the full range of weapons and ammunition stock in a country. It encompasses all weapons and ammunition maintained by multiple state agencies including the police, military (active and reserve), border guards and private commercial enterprises.⁸

A country's arms stockpile management system encompasses all the legal, policy and technical arrangements that facilitate proper accounting, security and safety of all arms and ammunition within it. These include processes for arms usage and maintenance by security agencies and the enforcement of regulations of civilian-ownership of firearms.

STOCKPILE MANAGEMENT AND ADDRESSING THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS (SALW) THROUGH THE ATT

With its thematic focus, Sierra Leone's CSP7 Presidency seeks to engage ATT stakeholders on issues at the core of peace and security challenges in Africa. In doing so, the CSP7 President's Paper encourages ATT States Parties to identify links, increase collaboration and strengthen the implementation of ATT provisions alongside other global and regional arms control frameworks in order to enhance safe and secure accounting, storage and disposal of weapons as a means of addressing the illicit trade in conventional weapons – particularly SALW.⁹

DIVERSION

Stockpile management is a crucial tool in limiting the potential for diversion at all stages of the arms transfer chain.¹⁰ To address these risks and tackle diversion, the ATT sets out provisions that require States Parties to address diversion on the national level and also focuses on international cooperation and assistance measures to strengthen international efforts to combat diversion.

Article 11 addresses the responsibilities of States Parties in taking steps and implementing measures to prevent and address diversion. All parties concerned in an arms transfer, including importing and trans-shipment states, should ensure that diversion-prevention measures are routinely implemented at each stage in the transfer chain – including stockpile management practices and measures to be taken by importing/transit/trans-shipment states.

5 Bevan, J. (Ed.). (2008). 'Conventional ammunition in surplus: A reference guide.' Small Arms Survey. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-05-Conventional-Ammo/SAS-Conventional-Ammunition-in-Surplus-Book-07-Chapter-5.pdf>.

6 Ibid.

7 United Nations (2012). 'Modular small-arms-control implementation compendium (MOSAIC), Stockpile management: Weapons'. MOSAIC 05.20:2012(E) V1.0, 27 August, 2012. <https://www.un.org/disarmament/wp-content/uploads/2019/05/MOSAIC-05.20-2012EV1.0.pdf>, p. 3.

8 Bevan, J. (Ed.). (2008). 'Conventional ammunition in surplus: A reference guide.' Small Arms Survey. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-05-Conventional-Ammo/SAS-Conventional-Ammunition-in-Surplus-Book-07-Chapter-5.pdf>.

9 President of the Seventh Conference of States Parties (2021). 'Draft working paper presented by the President of the Seventh Conference of States Parties to the Arms Trade Treaty (ATT) – Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management'. ATT/CSP7/2021/PRES/659/Conf.SALWPSSM.Rev2, 15 June 2021. <https://bit.ly/3j20Lax>, p. 1.

10 Relevant stakeholders have an opportunity to address diversion at all stages in the transfer chain. For more information on these states, see Control Arms Secretariat (2020). 'Chapter 1: Enhancing Transparency and Information Sharing to Prevent and Eradicate the Diversion of Conventional Weapons to the Illicit Market'. 2020 ATT Monitor. https://attmonitor.org/wp-content/uploads/2020/08/EN_ATT_2020_Chapter-1.pdf, p. 21.

TEXTBOX 1.1 – DIVERSION-PREVENTION MEASURES¹¹

Measures to be taken by importing/transit/trans-shipment states in implementing Article 11 obligations and efforts to prevent and address diversion include:

1. Before the Transfer

- Systematized import/transit/trans-shipment/brokering authorization processes, including a licence application process and requiring the provision of documentation such as contract, end-use certificate, information concerning shipping arrangements and route, and obligation to provide delivery verification certificate post-export.
- Appropriate conditions attached to the transfer, including specifying end-use restrictions (for example, no reexport or re-assignment without prior written consent), requiring proof of secure storage on arrival in the importing state and/or secure passage to the end-user, and clear consequences should arms be diverted, reexported or misused (for example, withholding spare parts or ammunition, suspension of exports, no further exports authorized).
- Effective enforcement by customs, border-security and law-enforcement agencies including clear channels of communication between licensing and enforcement checks to ensure that shipments are bona fide and that authorization/documentation is correct and in order.

2. During the Transfer

- Transit/trans-shipment authorizations obtained in advance of any transfer/trans-shipment taking place and adequate security for shipments at transit/transshipment hubs.
- Steps taken by transit/trans-shipment hubs to check the registration of all shipping entering and leaving port.
- Tracking of cargo and ensuring that no unscheduled stops are made by the conveyance.
- Effective enforcement by customs and law enforcement including clear channels of communication between licensing and enforcement agencies, checking that shipments are bona fide and authorization/documentation is correct and in order.
- Authority for enforcement agencies in transit/transshipment states to interdict and/or impound suspect shipments.

3. Post-Delivery – at or after importation and from postdelivery storage

- Delivery verification provided to the exporting State Party in a timely manner.
- Physical checks on correct delivery and assignment and to verify that stockpile security provisions are adequate as per any conditions stipulated by the exporting State Party.
- A combination of random and targeted follow-up checks to ensure that weapons remain with the authorized end-user for the declared end-use.



STOCKPILE MANAGEMENT IS A CRUCIAL TOOL IN LIMITING THE POTENTIAL FOR DIVERSION AT ALL STAGES OF THE ARMS TRANSFER CHAIN. TO ADDRESS THESE RISKS AND TACKLE DIVERSION, THE ATT SETS OUT PROVISIONS THAT REQUIRE STATES PARTIES TO ADDRESS DIVERSION ON THE NATIONAL LEVEL AND ALSO FOCUSES ON INTERNATIONAL COOPERATION AND ASSISTANCE MEASURES TO STRENGTHEN INTERNATIONAL EFFORTS TO COMBAT DIVERSION.

¹¹ For a full list of diversion-prevention measures, see Ibid.

INTERNATIONAL ASSISTANCE AND COOPERATION

Article 16 makes clear that states may seek assistance and support in implementing measures that help decrease the risks of diversion, including stockpile management and other post-delivery security measures. Recognising that arms control is best achieved as a multinational endeavour, the ATT also includes many international cooperation provisions that support accountable and transparent arms export controls, when implemented effectively, and contribute to the responsible regulation of conventional arms, including SALW. Article 15 similarly encourages information sharing among ATT States Parties 'regarding illicit activities and actors in order to prevent and eradicate diversion of conventional arms.'

REPORTING

The ATT's requirements with regard to recordkeeping and reporting serve to enhance efforts to detect and prevent diversion in the context of stockpile management and beyond. Article 12 calls on States Parties to maintain national records on exports and imports licenses issued. In the context of stockpile management, the importance of storing records of national licensing procedures cannot be underestimated. Similar to the ATT, in the ECOWAS Convention on small arms, applications for such licenses include the provision of relevant information from the manufacturer to the end-user, including the means of transport of the weapons and ammunition intended to be transferred. By reinforcing the obligation of States Parties to maintain such records, the ATT supports inter-state capability to detect diversion and enhances states' ability to respond to international tracing requests within the global regulatory framework for international conventional arms transfers.



SPECIFIC ATT PROVISIONS THAT SEEK TO STRENGTHEN STOCKPILE MANAGEMENT PRACTICES TO ADDRESS DIVERSION CAN BE BOLSTERED WHEN IMPLEMENTED ALONG WITH OTHER INTERNATIONAL AND REGIONAL ARMS CONTROL INSTRUMENTS, AS WELL AS PROGRAMS AND INITIATIVES SEEKING TO CONTRIBUTE TO THE SAME GOALS.

GLOBAL FRAMEWORK FOR SALW CONTROL

Specific ATT provisions that seek to strengthen stockpile management practices to address diversion can be bolstered when implemented along with other international and regional arms control instruments, as well as programs and initiatives seeking to contribute to the same goals. Table 1.1 highlights examples of these instruments and initiatives.

The priority theme is also linked to general frameworks of conflict prevention and management, peace-building and development, humanitarian assistance and the prevention of violations of international humanitarian law (IHL) and international human rights law (IHRL) more broadly.

TEXTBOX 1.2 – STOCKPILE MANAGEMENT REFERENCES IN ATT INITIAL REPORTS

Although physical security and stockpile management (PSSM) generally pertains to the control of weapons within a country's borders and therefore is not explicitly referenced in the ATT text, the Treaty implicitly references its provisions. Information captured in some initial reports can represent good practice when it comes to improving arms controls in-country and supporting Treaty implementation.

Six States Parties (Bosnia and Herzegovina, Liberia, Monaco, Norway, Samoa and Sierra Leone) have referenced PSSM in their initial reports.

These references differ in terms of level of detail and type of national measures. For example, Bosnia and Herzegovina noted that it has a certificate for security measures, while Liberia mentioned safe storage capacity and Monaco provided specific descriptions of its safe storage. Additionally, Norway mentioned its ability to provide assistance to other countries for PSSM and Sierra Leone noted its practice of maintaining records of weapons stockpiles.

Table 1.1 – International SALW control instruments and other initiatives

International Instruments		
Instrument	Description	Stockpile Management Provisions
2001 UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime (UN Firearms Protocol) ¹²	Provides a framework for states to control and regulate licit flows of SALW, prevent their diversion, promote and strengthen international cooperation and develop mechanisms to prevent, combat and eradicate the illicit manufacturing and trafficking in firearms, their parts and components and ammunition. ¹³	The Protocol calls States to take appropriate measures to secure 'firearms, their parts and components and ammunition at the time of manufacture, import, export and transit' in order to 'prevent loss or diversion' (Art. 11a).
2001 UN Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) ¹⁴	Politically binding framework for states to counter the illicit trade in small arms and light weapons. In particular, it encourages states to strengthen or develop norms at the national, regional and global level to prevent, combat and eradicate the illicit trade in SALW in all its aspects as well as the illicit manufacturing and trafficking of SALW.	UNPoA makes several references to stockpile management procedures, including appropriate locations for stockpiles, physical security measures, control of access to stocks, inventory management and accounting control, staff training, security, accounting and control of small arms and light weapons held. It also refers to measures taken to identify, secure, and dispose of surplus stocks (para. II.18).
2005 International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI) ¹⁵	Politically binding instrument that encourages states to develop and implement a set of national measures on marking and record-keeping of SALW. It also promotes international cooperation and assistance to enable tracing of illicit SALW.	The ITI makes no explicit reference to stockpile management measures, but it establishes the need to ensure, 'at the time of transfer from government stocks to permanent civilian use of a small arm or light weapon that is not marked in a manner that allows tracing, the appropriate marking permitting identification of the country from whose stocks the transfer of the small arm or light weapon is made.' ¹⁶
Other Initiatives		
Modular small-arms-control implementation compendium (MOSAIC)	Voluntary, practical guidance notes that translate into practice the objectives of key global agreements aiming to prevent the illicit trade, destabilizing accumulation and misuse of small arms and light weapons, including the Programme of Action on the illicit trade in small arms and light weapons, the International Tracing Instrument, the Firearms Protocol and the Arms Trade Treaty. ¹⁷	This document provides guidance on the safe, secure, effective and efficient management of stockpiles of small arms and light weapons, in support of an overarching small arms and light weapons control programme. It is intended to assist in preventing the loss and theft of small arms and light weapons from government and other (e.g. manufacturer's) stockpiles.
2030 Agenda for Sustainable Development (and sustainable goals) ¹⁸	A plan of action born from the 2015 Millennium Development Goals, set an ambitious series of 17 goals and 169 targets for 2030 focused on people, prosperity, the planet, peace and partnership.	There is no direct reference to stockpile management or security in the SDGs. However, target 16.4 of Goal 16 aims at significantly reducing illicit financial and arms flows, strengthening the recovery and return of stolen assets and combating all forms of organized crime by 2030. Leakages from unsecured stockpiles contribute to the illicit trafficking in arms.

12 United Nations (2001). 'United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts, and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime. Adopted by resolution 55/255 of 31 May 2001 at the fifty-fifth session of the General Assembly of the United Nations, entered into force on 3 July 2005. https://treaties.un.org/doc/source/recenttexts/18-12_c_e.pdf.

13 United Nations Office on Drugs and Crime (2021). 'The Firearms Protocol'. <https://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>.

14 United Nations. (2001). 'Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects'. In 'Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (9-20 July 2001)'. A/CONF.192/15, [https://undocs.org/en/A/CONF.192/15\(Supp\)](https://undocs.org/en/A/CONF.192/15(Supp)), pp. 7-22.

15 United Nations. (2005). 'International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons'. Adopted in 2005. <https://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf>.

16 Ibid.

17 United Nations (2018). 'Modular small-arms-control implementation compendium (MOSAIC): Stockpile management. Weapons'. <https://www.un.org/disarmament/wp-content/uploads/2019/05/MOSAIC-05.20-2012EV1.0.pdf>.

18 United Nations (2015). 'Transforming our world: the 2030 Agenda for Sustainable Development'. A/Res.70/1 https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E.

The CSP7 President's Paper makes clear the usefulness of these instruments and initiatives in collectively addressing in illicit trade in SALW and enhancing efficient stockpile management practices. In working towards coherent implementation of these initiatives, states may identify gaps under other international instruments that may be addressed by the ATT and commonalities between relevant assistance programs specific to stockpile management.¹⁹

STOCKPILE MANAGEMENT PRACTICES IN SUB-SAHARAN AFRICA

Sub-Saharan Africa experiences high levels of armed conflict and violence that are exacerbated by the uncontrolled circulation of small arms and light weapons (SALW). More than fifteen countries had active armed conflicts in this region in 2019.²⁰ SALW have been the weapons of choice in past and current conflicts, underscoring the need to strengthen efforts to eradicate their illicit trade and ensure efficient stockpile management.

In the context of the global trade of conventional arms, Sub-Saharan Africa is a consumer and importer region with relatively few facilities for the manufacturing of conventional weapons. SALW are manufactured in Ethiopia, Kenya, Nigeria, South Africa, and Sudan, while artisanal small arms are manufactured in Benin, Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Nigeria, Senegal, Sierra Leone and Togo. South Africa and Sudan are the only two countries with major manufacturing and exporting capabilities.²¹

Because most states in Sub-Saharan Africa do not manufacture arms, they lack the experience of generating arms records directly from the manufacturing stage as many exporters do. They tend to import SALW from multiple global sources for use by multiple domestic government actors with limited, if any, coordination at the regional and national levels.

As an importer region, Sub-Saharan countries experience the global arms trade at the second stage (during the transfer/en route to the intended end-user/in transit), third stage (at or after importation post-delivery) and fourth stage (from post-delivery storage/from national stockpiles) of the arms transfer chain.²² Sea ports are centralized hubs, official points of entry of arms into most countries in the region and platforms for trans-shipment of arms to land-locked countries such as Burkina Faso, Mali, Niger, Zimbabwe, South Sudan and Niger.

Illicit arms in the region move by air and sea, but mainly across land borders in vehicles managed by a variety of state and non-state actors, including armed groups, criminal gangs, local arms manufacturers, returning peacekeepers and corrupt security officials.²³ Porous borders facilitate black market sales of SALW and allow arms to circulate across national borders to non-state warring factions.²⁴ Across the continent, the diversion of national stockpiles 'through corruption, theft or battlefield capture'²⁵ and supplies from other states, including other African states, are also sources of illicit arms supplies to non-state armed groups.²⁶ As such, poorly managed stockpiles pose a challenge to addressing illicit trafficking in SALW in the region.

HISTORY OF STOCKPILE MANAGEMENT IN SUB-SAHARAN AFRICA

Arms control efforts have a long history in Africa, dating back as early as the slave trade era.²⁷ With the partition of Africa after the 1884 Berlin Conference and new, more lethal, developments in firearms technology brought by the Industrial Revolution, surplus weapons from Europe soon found their way to Africa, increasing the availability of weapons and stoking fears of a blow-back effect against the occupying powers.²⁸ The 1890 Brussels Conference Act, which primarily sought to eradicate the slave trade, also sought to minimize the consequences of an influx of firearms in the region by prohibiting the export of modern weapons to what is now Sub-Saharan Africa, except for

19 President of the Seventh Conference of States Parties (2021). 'Draft working paper presented by the President of the Seventh Conference of States Parties to the Arms Trade Treaty (ATT) – Strengthening efforts to eradicate the illicit trade in small arms and light weapons and ensure efficient stockpile management'. ATT/CSP7/2021/PRES/659/Conf.SALW/SSM, 09 April 2021. <https://bit.ly/3j20Lax>.

20 Davis, I. (2020). 'Armed conflict and peace processes in sub-Saharan Africa'. In SIPRI Yearbook 2020. Oxford University Press. <https://www.sipri.org/yearbook/2020/07>; and Adeniyi, A. (2017). 'The Human Costs of Uncontrolled Arms in Africa'. Oxfam. https://www-cdn.oxfam.org/s3fs-public/file_attachments/rr-human-cost-uncontrolled-arms-africa-080317-en.pdf.

21 Danssaert, P. (2020). 'Defence-related companies in Africa'. 1 January 2020. <https://ipisresearch.be/publication/arms-and-ammunitions-factories-in-africa/>.

22 Control Arms Secretariat (2020). 'ATT Monitor 2020'. https://attmonitor.org/wp-content/uploads/2020/11/EN_ATT_Monitor-Report-2020_Online.pdf, p. 21.

23 Florquin, N., Lipott S. and Wairagu F. (2019). 'Weapons Compass: Mapping Illicit Small Arms Flows in Africa'. Geneva: Small Arms Survey, p. 38.

24 Mangan, F. and Nowak, M. (2019). 'The West Africa–Sahel Connection'. Geneva: Small Arms Survey. See also, Florquin, N., Lipott, S., & Wairagu, F. (2019). 'Weapons Compass: Mapping Illicit Small Arms Flows in Africa'. Geneva: Small Arms Survey.

25 Mangan, F. and Nowak, M. (2019). 'The West Africa–Sahel Connection'. Geneva: Small Arms Survey, p. 5.

26 Zohar, E. (2015). 'How rebellious non-state-actors acquire weapons'. Doctoral dissertation, University of Otago.

27 For an in-depth analysis of the history of small arms controls in Africa, see Grip, L. (2017). 'Small Arms Controls in Africa'. Chapter 3. Dissertation Thesis. <https://core.ac.uk/download/pdf/84363842.pdf>.

28 For a detail account of that era, see *ibid.*, pp. 72–78.

those used by colonial law enforcement authorities. Article I (7) of the 1890 Brussels Conference Act, for example, introduced restrictions on the import of firearms and ammunition throughout the entire slave-trade territory.²⁹

In the aftermath of World War I (WWI), the accumulation of arms and ammunitions and the destabilizing effects they posed to peace and security led to the establishment of the Convention for the Control of the Trade in Arms and Ammunition, and its Protocol, agreed in 1919 (1919 Convention). The 1919 Convention prohibited the importation of arms and ammunition to nearly the whole continent of Africa,³⁰ but established that arms and ammunition imported under special licenses into the continent would be admitted at ports by the colonial ruling authority of that territory, and that those arms and ammunition would be stored in a warehouse managed by the same authorities. Stockpile management was also placed under the responsibility of the colonial ruling authorities. Even though the 1919 Convention was eventually abandoned,³¹ in 1922, Britain introduced an Arms and Ammunition Ordinance in the territories under its control in Africa that replicated the 1919 Convention provisions.³² Similarly, France passed the Decree-Law of 18 April 1939 on war materials, arms and ammunitions, applicable to its territories in Africa that also contained provisions similar to those in the 1919 Convention.³³

These arms control policies were inherited by newly independent African states beginning in the 1950s. Post-colonial African states did not fundamentally change colonial-era legislations³⁴ or challenge their underlying conceptual framework. As the Cold War unfolded, millions of small arms and light weapons entered Sub-Saharan Africa and equipped 'anti-colonial fighters, newly independent states and super proxy forces alike'.³⁵ For example, in West Africa, as military coups became a common feature of post-colonialism, so did a higher demand for weapons to equip

national security forces.³⁶ Likewise, national weapons stockpiles increased as inter-state and civil wars broke out in Sudan (1955), Mozambique (1964), Uganda and Tanzania (1971), and Angola (1975), among others.

The growing increase of SALW in national stockpiles was not matched with effective stockpile management policies or reforms to colonial-era SALW legislation. For example, until 2012, Sierra Leone, had an arms and ammunition act that dated back to 1955.³⁷ Poor or non-existent controls of military and police stockpiles meant that many government weapons were diverted to the illegal market and actors during this time period.

STOCKPILE MANAGEMENT IN SUB-SAHARAN AFRICA TODAY: CURRENT PRACTICES AND CHALLENGES

Inspired by the need for conflict prevention and conflict management, international arms control efforts came into focus at the start of the 21st century with the 2001 Programme of Action on Small Arms and Light Weapons. With colonial-era national legislation still in place in much of Sub-Saharan Africa, efforts by the regional economic communities (RECs) of the African Union (AU) to embrace the international movement to curb the illicit arms trade grew. With this regional momentum, national governments, with or without the support of domestic legislative reform, were able to leverage newly-developed regional frameworks to implement the provisions of relevant and recent international arms control instruments.³⁸ RECs continue to play a critical role in strengthening arms control policy in Sub-Saharan Africa.

The most relevant regional instruments on SALW that set specific provisions on stockpile management and security in Sub-Saharan Africa are described below in Table 1.2.

29 Warren, A., and Grenfell, D. (Eds.). (2017). 'Rethinking Humanitarian Intervention in the 21st Century'. Edinburgh University Press, p. 79.

30 Convention for the Control of the Trade in Arms and Ammunition, and Protocol'. The American Journal of International Law. Vol. 15, No. 4. www.jstor.org/stable/2213279, p. 302. Other territories were also included in the convention.

31 Parker, S. (2008). 'Implications of States' Views on an Arms Trade Treaty.' January 2020, UN Institute for Disarmament Research (UNIDIR). <https://www.unidir.org/files/publications/pdfs/implications-of-states-views-on-an-arms-trade-treaty-en-240.pdf>, p. 3. Another attempt to control the arms trade was made in 1925 when the League of Nations negotiated the Convention for the Supervision of the International Trade in Arms and Ammunition and Implements of War (the 1925 Geneva Convention). The convention prohibited the export of all weapons to Sub-Saharan Africa. As with the 1919 Convention, this agreement was never ratified. Overall, these conventions were characterized by the idea that stricter arms control should be imposed in order to limit the availability of weapons to the African people to the benefit of colonial powers.

32 See 'The Laws of the Gold Coast (including Togoland under British Mandate', pp. 1696–1725.

33 Legifrance. 'Décret du 18 avril 1939 fixant le régime des matériels de guerre, armes et munitions'. <https://www.legifrance.gouv.fr/loda/id/LEGITEXT000006071834/1958-10-08>.

34 As Lina Grip notes, African states inherited arms-control institutions from the colonial rulers, including national weapons registries, licensing systems and legislation. See Grip, L. (2017). Grip, L. (2017). 'Small Arms Controls in Africa'. Chapter 3. Dissertation Thesis. <https://core.ac.uk/download/pdf/84363842.pdf>, p. 87.

35 Fleshman, M. (2011). 'Small Arms in Africa. Counting the Cost of Gun Violence'. Africa Renewal, December 2011. <https://www.un.org/africarenewal/magazine/december-2011/small-arms-africa>.

36 Keili, F. L. (2008). 'Small arms and light weapons transfer in West Africa: a stock-taking'. Disarmament Forum 4. UNIDIR, p. 1.

37 Ibid, p. 8.

38 Oppong, R. F. (2009). 'Redefining the relations between the African Union and regional economic communities in Africa'. In 'Monitoring Regional Integration in Southern Africa Yearbook, 2009'. Trade Law Centre and the Konrad-Adenauer-Stiftung. See also, African Union, Protocol on relations between the African economic community and regional economic communities. https://wits.worldbank.org/GPTAD/PDF/annexes/AEC_protocols.pdf.

Table 1.2 – Legally binding regional instruments that set specific provisions on stockpile management and security in Sub-Saharan Africa

Instrument	Description	Stockpile Management Provisions
2001 Southern African Development Community Firearms Protocol³⁹	Seeks to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials and their excessive and destabilizing accumulation, trafficking, possession and use in the region.	Requires member states to 'enhance their capacity to manage and maintain secure storage of state-owned firearms' (Article 8.b); to implement programmes for the collection, storage, and destruction of surplus, redundant and obsolete firearms to prevent them from entering the illicit market or being diverted (Article 10).
2004 Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa⁴⁰	Seeks to prevent, combat and eradicate the illicit manufacturing of, trafficking in, possession and use of SALW in the region as well as preventing the excessive and destabilizing accumulation of SALW there.	Encourages states to incorporate in their national legislation, provisions for effective control of SALW, including their storage and usage (Article 3.c.vii); to 'establish and maintain complete national inventories of small arms and light weapons held by security forces and other state bodies' and maintain them securely stored (Article 6.a); to secure, destroy and dispose SALW rendered surplus, redundant or obsolete for 'the implementation of a peace process, the re-equipment or reorganisation of armed forces and/ or other state bodies' to avoid their diversion into the illicit market (Article 8); and to 'establish an effective mechanism for storing impounded, recovered or unlicensed illicit small arms and light weapons pending the investigations that will release them for destruction' (Article 9.d).
2006 Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, their Ammunition, and Other Related Material (ECOWAS Convention)⁴¹	Regulates the manufacture, trade, possession, and disposal of SALW, firearms, and ammunition.	Provides practical measures member states shall take 'to ensure the safe and effective management, storage and security of their national stocks' of SALW, including effective standards and procedures for stockpile management, storage and security (Article 16). Refers to the need to securely store all weapons collected for destruction.
2010 Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components (Kinshasa Convention)⁴²	Seeks to prevent, combat and eradicate in Central Africa the illicit trade and trafficking in SALW, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, to strengthen control of the manufacture, trade, movement, transfer, possession and use of SALW.	Explicitly defines national stockpile (Article 2.u) and national stockpile management (Article 2.v). Encourages states to take measures to ensure the safety and security of the stocks of weapons and ammunition manufactured or distributed (Article 12.3). Sets specific provisions for stockpile management, including physical security of depots, inventory management and record keeping, staff training and security during manufacture and transport of SALW belonging to the armed and security forces as well as other competent state bodies (Article 16).

39 Southern Africa Development Community (2001). 'Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern Africa Development Community (SADC) Region'. https://www.sadc.int/files/8613/5292/8361/ProtocolOn_the_Control_of_Firearms_Ammunition2001.pdf.

40 United Nations Regional Center for Peace and Disarmament in Africa (UNREC) (2004). 'The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa'. https://unrec.org/ged/download.php?itemId=4&language=fr_FR.

41 Economic Community of West African States (ECOWAS) (2006). ECOWAS Convention on Small Arms, Light Weapons, their ammunition and other associated material. Adopted on 14 June 2006, entered into force on 29 September 2009. <https://www.sipri.org/sites/default/files/research/disarmament/dualuse/pdf-archive-att/pdfs/ecowas-convention-on-small-arms-and-light-weapons-their-ammunition-and-other-related-materials.pdf>.

42 United Nations (2010). Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition and all Parts and Components that can be used for their Manufacture, Repair and Assembly. https://treaties.un.org/doc/Treaties/2010/04/20100430%2001-12%20PM/Ch_xxvi-7.pdf.

In addition to these agreements, the 2013 African Union Silencing the Guns initiative⁴³ and the 2016 Master Roadmap of practical steps to silence the guns by 2020 (Lusaka Master Roadmap)⁴⁴ set ambitious goals to achieve 'a conflict-free Africa, prevent genocide, make peace a reality for all and rid the continent of wars, violent conflicts, human rights violations, and humanitarian disasters.'⁴⁵ The initiative encourages states to 'take measures to secure stockpiles in emergency and conflict situations' in order to reduce the illicit proliferation and circulation of SALW in Africa. These initiatives have already made progress in supporting states in enhancing stockpile management practices and can both inform and support the implementation of diversion-prevention measures under the ATT.⁴⁶

Despite numerous normative frameworks for conflict management and prevention, challenges persist in Sub-Saharan Africa to implement them, including provisions related to stockpile management. The case study below illustrates some of these challenges as faced by Ghana in implementing efficient arms control legislation and effective stockpile management systems.

CASE STUDY: GHANA'S STOCKPILE MANAGEMENT CHALLENGES

Despite Ghana's reputation as a historically peaceful and stable country relative to others in West Africa, its stockpile management systems remain underdeveloped and its arms control regulations more broadly remain disjointed and incomplete. Arms control legislation in Ghana does not

establish standards for maintaining safe and secure national stockpiles in state-owned armouries, though a number of state agencies are authorized end-users of firearms. As such, Ghana's legislative framework for arms control establishes multiple arms management authorities responsible for implementing different elements of this regulatory framework. Along with the colonial history of arms control in the region and the proliferation of illicitly-manufactured firearms in-country, this complex arrangement presents a number of challenges for Ghana in establishing and implementing efficient stockpile management systems.

PROBLEMATIC HISTORICAL LEGACIES

Ghana's legal and regulatory framework for the import, export, and trans-shipment of firearms and ammunition, including explosives, is still shaped by the historical arms and ammunition enforcement put in place by colonial powers in the region. The 1922 British Arms and Ammunition Ordinance is particularly influential. By prohibiting 'the manufacture and the assembling of firearms, arms of war, or of ammunition [...] except at arsenals established by the Imperial or Gold Coast Government,' the country was not able to develop national arms and ammunition management strategies that would carry over post-independence. As a result, this had implications for the development of licensing and record-keeping systems, as well as the development of arms and ammunition-related legislation that would reflect modern standards for effective stockpile management.



DESPITE NUMEROUS NORMATIVE FRAMEWORKS FOR CONFLICT MANAGEMENT AND PREVENTION, CHALLENGES PERSIST IN SUB-SAHARAN AFRICA TO IMPLEMENT THEM, INCLUDING PROVISIONS RELATED TO STOCKPILE MANAGEMENT.

43 African Union (2013). 'African Union 50th Anniversary Solemn Declaration'. https://au.int/sites/default/files/documents/36205-doc-50th_anniversary_solemn_declaration_en.pdf, p. 5.

44 African Union (2016). 'African Union master roadmap of practical steps to silence the guns by 2020'. https://au.int/sites/default/files/documents/37996-doc-au_roadmap_silencing_guns_2020.pdf.en_pdf.

45 United Nations (2019). 'Silencing the Guns' campaign kicks off in 2020'. 23 December 2019. <https://www.un.org/africarenewal/magazine/december-2019-march-2020/silencing-guns-campaign-kicks-2020>.

46 Ibid., p. 3.

CHALLENGES WITH INTER-AGENCY COOPERATION

Ghana has six main arms and ammunition-related laws that intersect with different social and economic sectors in the country, rather than collectively combine and contribute to focused and centralized arms control goals:

- The State Secrets Act, 1962 (Act 101)
- The Arms and Ammunition Regulations, 1962 (L.I. 200)
- The Arms and Ammunition Act, 1972 (N.R.C.D.g)
- The Arms and Ammunition Act, 1996 (Act 519)
- The Customs Excise and Preventive Service (Management) Law, 1993
- The Minerals and Mining Act, 2006 (Act. 703) and the Minerals and Mining Regulations, 2012 (L.I. 2177)

These laws establish multiple arms management authorities (Minister of Interior, Minister of Finance and Minister of Lands and Natural Resources) and do not promote inter-agency collaboration in firearms management at a national level. In the context of international cooperation, the State Secret Act of 1962 prohibits the sharing of information on arms and ammunition with other foreign entities (for example, the sharing of official information on SALW with neighboring states is an offense under this law).⁴⁷ Despite the cooperative provisions of recent international and regional arms control instruments, these national laws are the references that government officials in Ghana use on a daily basis, making it difficult to implement cohesive arms control strategies.

For example, Ghana's armed forces and police have their own sets of stockpile management procedures and systems. The armed forces are required to 'keep records of all imported weapons imported for them.' Service Instruction Number 96 within the Ghana Police Service⁴⁷ establishes a mandatory requirement that all police armouries keep dedicated books for recording bulk receipt of weapons and ammunition from national, regional, divisional and district headquarters. Stocks are periodically reviewed but these records 'are considered as national secret and are not reviewed by other bodies.'⁴⁸

OUTDATED STOCKPILE MANAGEMENT SYSTEMS AND INFRASTRUCTURE

Police armouries generally retain colonial era structures and are mostly constructed of stone, heavy concrete and heavy metal/iron gates that maintain security but do not adequately vent air, producing excessive heat inside. Baseline assessments conducted by the Ghana National Commission on Small Arms, UNDP and the Kofi Annan International Peacekeeping Training Center (KAIPTC) in 2015 and by UNIDIR in 2019 showed that security agencies in Ghana have significant needs in relation to storage facilities as they mostly lack space and do not comply with international technical guidelines.⁴⁹ For example, the locations of some of Ghana's arms and ammunition depots are increasingly coming under pressure from urbanization and without appropriate safety and security measures, there are risks not only associated with theft of stockpiles but also explosions, like the one that took place in Michel Camp military base in 2019.⁵⁰

ILLICIT LOCALLY MANUFACTURED FIREARMS

An additional and fundamental problem for stockpile management in Ghana comes from the fact that few or no regulations exist as it relates to artisan locally produced weapons. The colonial laws criminalized local arms manufacturing as a means of maintaining power and control through restricting access to weapons. As a result, locally produced weapons cannot be registered into the arms database managed by the police. The State has no record of them and it is 'virtually impossible to quantify the actual extent of craft gun production in Ghana, as gunsmiths have no incentive to keep records.'⁵¹ It has been estimated that Ghana has the capability to produce 200,000 illegal weapons annually,⁵² weapons that fall under no regulation whatsoever. For the purposes of improving stockpile security to avoid SALW diversion into the illegal market, the lack of recordkeeping for locally produced weapons deepens this challenge.

47 Parliament of the Republic of Ghana (1962). 'State Secrets Act, 1962 (ACT 101). Section 3 (2). <http://elibrary.jsg.gov.gh/fg/laws%20of%20ghana/2%20REP/STATE%20SECRETS%20ACT.%201962%20ACT%20101.htm>.

48 Ghana Inspector-General of Police. 'Ghana Police Service Instructions'. <https://ghfinder.com/ghana-police-service-instructions-pdf/>.

49 Republic of Ghana (2010) 'Stockpile Management and Security'. National Report of Ghana on its Implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA); Section A.5, p. 5. New York, NY: Permanent Mission of the Republic of Ghana to the United Nations, 18 June 2010.

50 See Pokoo, J. M., Aning, K. and Jaye, T.(2016). 'Addressing the challenges of small arms and light weapons availability in Ghana'. Accra: Adwinsah; UNIDIR (2020). 'Weapons and Ammunition Management Country Insight: Ghana'.

51 Ghanaweb (2019). 'Michel Camp: Bombs explode at ammunition depot,' 16 January 2019. <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Michel-Camp-Bombs-explode-at-ammunition-depot-715551>.

52 Aning, E. (2005). 'The Anatomy of Ghana's Secret Arms Industry'. Small arms Survey. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-1-Full-manuscript.pdf>, p. 83.

53 Ibid.

REGIONAL VS. NATIONAL LEGAL FRAMEWORKS

A final point relates to how these different regulations intersect with Ghana's commitments to the provisions of the different regional and international arms-control instruments it has ratified or signed. In the 2006 ECOWAS Convention, states are encouraged to establish National Commissions to implement the provisions of the Convention. Ghana established its own National Commission for Small Arms and Light Weapons (GNACSA) in 2007 by Act 736, as an advisory body to the Minister of Interior. It was tasked with setting up programs to prevent, combat and eradicate illicit trade in SALW, ensuring that Ghana commits to its responsibilities in the ECOWAS Convention while educating the general public about the dangers of SALW in order to discourage their illicit production.⁵³ Since its establishment, it developed a National Action Plan for Arms Control and Management (NAP) that provides the framework for a comprehensive set of activities to ensure the effective and efficient control and management (including stockpile) of arms in the country.

However, current laws in Ghana have been in place for more than four decades, making it difficult to use them to address current SALW issues. In some cases, legal interpretation of these laws is ambiguous, and in others they are incompatible with the ECOWAS Convention.⁵⁴ In Ghana, for example, some sections of the Arms and Ammunition Decree of 1972 indicate an outright ban arms manufacturing, while it is permissible with official permission in other sections. The ECOWAS Convention 'encourages dialogue with local manufacturers of small arms', though this is prohibited by the Ammunition Decree of 1972.⁵⁵

IMPROVING STOCKPILE MANAGEMENT PRACTICES

While Sub-Saharan Africa increasingly faces the problem posed by the illicit circulation of SALW, there are opportunities to mitigate the risks posed by these weapons to peace and security in the region. Strong national stockpile management systems and procedures could help detect and prevent the diversion of SALW to the illicit market and actors.

Sub-Saharan states have identified the need for international assistance to improve stockpile security and destroy weapons.⁵⁶ Ghana's case shows that updates in infrastructure,

for example, would allow the country to comply with international technical guidelines. It also shows that more needs to be done to amend and improve outdated arms control legislation that remains an obstacle to advancing the goals set forth in the regional conventions and the AU Silencing the Guns Initiative.

CONCLUSION

With the ATT and other international and regional arms control instruments, there exists a robust legal and normative framework for strengthening efforts to eradicate the illicit trade in SALW and improve stockpile management practices. However, there is still work to be done to support its effective implementation, as seen in the case study of Ghana in Sub-Saharan Africa.

Colonial-era legislation, complexities in policy implementation and oversight, poor infrastructure and technology gaps all contribute to the challenges endemic to Sub-Saharan Africa to curbing the illicit trade in SALW. Nevertheless, collective efforts on the regional level continue to support national legislative reform and shift momentum toward more effective arms control. Internationally, states in Sub-Saharan Africa have the opportunity to strengthen these efforts by seeking both international assistance and cooperation in the context of the ATT and other instruments. African states reporting to the UN PoA on stockpile management provisions, for example, have already identified the need for international assistance to improve stockpile security and destroy weapons.⁵⁷ The ATT, through the Voluntary Trust Fund (VTF) provides an additional assistance platform for States Parties in Sub-Saharan Africa that need to update their national control systems, including stockpile management systems and procedures.⁵⁸

By prioritizing the universalization and implementation of the ATT and the focused coordination of the broader normative and legal arms control framework within national governments, among regional partners, and on the international level, progress can be made to eradicate the illicit trade in small arms and light weapons, increase transparency in the arms trade and reduce human suffering.

54 Parliament of the Republic of Ghana (2007). 'National Commission on Small Arms and Light Weapons Act, 2007 (Act 736)'. <https://www.unrec.org/docs/harm/Ghana/ACTS/National%20commission%20on%20SALW%20act%202007.pdf>.

55 Soshu, M. (2013). 'Managing National Commissions for Small Arms and Light Weapons Control in West Africa'. Kofi Annan International Peacekeeping Training Center. <https://media.africaportal.org/documents/Managing-National-Commissions-for-Small-Arms-and-Light-Weapons-Control.pdf>.

56 Ibid.

57 See United Nations Programme of Action. 'International Assistance'. <https://smallarms.un-arm.org/international-assistance>.

58 For example, Benin, Burkina Faso, Burundi, Central African Republic, Cote d'Ivoire, Democratic Republic of Congo, Ethiopia, Kenya, Liberia, Madagascar, Sierra Leone, South Sudan, Tanzania, Togo, Uganda and Zambia. See United Nations Programme of Action. 'International Assistance'. <https://smallarms.un-arm.org/international-assistance>.

59 Many Sub-Saharan States Parties to the ATT have been beneficiaries of the VTF since 2017. See Arms Trade Treaty. 'Voluntary Trust Fund'. <https://thearmstradetreaty.org/voluntary.html>.



**AN EC135 HELICOPTER AT
HMAS ALBATROSS IN NEW
SOUTH WALES, AUSTRALIA.**

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