Preventing illicit arms transfers towards embargoed countries and non state actors: developing knowledge and building capacities
Preventing illicit arms transfers towards embargoed countries and non state actors: developing knowledge and building capacities
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<tr>
<td>ATT</td>
<td>Arms Trade Treaty</td>
</tr>
<tr>
<td>ALPC</td>
<td>Armes légère et de petit calibre</td>
</tr>
<tr>
<td>AQIM</td>
<td>Al-Qaida in the Islamic Maghreb</td>
</tr>
<tr>
<td>CAAT</td>
<td>Cellule aéroportuaire anti-trafic</td>
</tr>
<tr>
<td>CDSN</td>
<td>Conseil de défense et de sécurité national (National Defense and Security Council)</td>
</tr>
<tr>
<td>CI</td>
<td>Côte d’Ivoire</td>
</tr>
<tr>
<td>CNLPAL</td>
<td>Commission nationale de Lutte contre la Prolifération des Armes Légères</td>
</tr>
<tr>
<td>CNR</td>
<td>Coordination nationale du renseignement</td>
</tr>
<tr>
<td>CNS</td>
<td>Conseil national de sécurité (National Security Council)</td>
</tr>
<tr>
<td>DARRV</td>
<td>Direction de l’analyse du risque, du renseignement et de la valeur</td>
</tr>
<tr>
<td>DDR</td>
<td>Disarmament, Demobilization and Reintegration</td>
</tr>
<tr>
<td>DEG</td>
<td>Direction des enjeux globaux (Directorate for Global Affairs)</td>
</tr>
<tr>
<td>DOIS</td>
<td>Direction de l’ONU et des institutions spécialisées (Directorate for the UN Oragnization and Specialized Institutions)</td>
</tr>
<tr>
<td>DST</td>
<td>Direction de la surveillance du territoire (Counter-Intelligence Agency)</td>
</tr>
<tr>
<td>ComNat</td>
<td>Commission nationale (National Committee)</td>
</tr>
<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FN</td>
<td>Forces nouvelles (News Forces)</td>
</tr>
<tr>
<td>FRCI</td>
<td>Forces républicaines de Côte d’Ivoire (Republican Forces of Ivory Coast)</td>
</tr>
<tr>
<td>GN</td>
<td>Gendarmerie Nationale</td>
</tr>
<tr>
<td>GRIP</td>
<td>Groupe de recherche et d’information sur la paix et la sécurité (Group for Research and Information on Peace and Security)</td>
</tr>
<tr>
<td>GSIM</td>
<td>Groupe de soutien à l’islam et aux musulmans</td>
</tr>
<tr>
<td>HACIAU</td>
<td>Haute autorité de contrôle des importations d’armes et de leur utilisation</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Funds</td>
</tr>
<tr>
<td>ISACS</td>
<td>International Small Arms Control Standards</td>
</tr>
<tr>
<td>KAS</td>
<td>Konrad Adenauer Stiftung</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Name</td>
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<tr>
<td>--------------</td>
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</tr>
<tr>
<td>NCB</td>
<td>National Central Bureau</td>
</tr>
<tr>
<td>NSC</td>
<td>National Security Council (Conseil de sécurité nationale)</td>
</tr>
<tr>
<td>NGO</td>
<td>Non Governmental Organizations</td>
</tr>
<tr>
<td>MAG</td>
<td>Mines Advisory Group</td>
</tr>
<tr>
<td>PoA</td>
<td>Programme of Action</td>
</tr>
<tr>
<td>PSSM</td>
<td>Physical Security and Stockpile Management</td>
</tr>
<tr>
<td>RASALAO</td>
<td>Réseau d'action sur les armes légères en Afrique de l'Ouest (Network for Action on Small Arms and Light Weapons in Western Africa)</td>
</tr>
<tr>
<td>RDR</td>
<td>Rassemblement des Républicains</td>
</tr>
<tr>
<td>RECSA</td>
<td>Regional Centre on Small Arms</td>
</tr>
<tr>
<td>SALW</td>
<td>Small arms and Light weapons</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNMAS</td>
<td>United UN Mine Action Service</td>
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<tr>
<td>UNOCI</td>
<td>United Nations Operation in Côte d'Ivoire</td>
</tr>
<tr>
<td>UNSCAR</td>
<td>United Nations Trust Facility Supporting Cooperation on Arms Regulation</td>
</tr>
<tr>
<td>UCT</td>
<td>Unité de lutte contre la criminalité transnationale organisée</td>
</tr>
<tr>
<td>WACI</td>
<td>West African Coast Initiative</td>
</tr>
<tr>
<td>WCO</td>
<td>World Customs Organization</td>
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</table>
ACKNOWLEDGEMENTS AND DISCLAIMERS

This study is the result of more than a year of research and discussions with a countless number of supportive civil servants from more than fifteen African countries. Nothing could have been done without their support. Many of the discussions remained under the Chatham House rule, hence it is not possible to list all the names here, but GRIP still wants to thank them all. GRIP truly appreciated their inputs and was impressed by their dedication to improve the situation regarding illicit arms trafficking in Africa. GRIP especially wants to thank the regional organizations ECOWAS and RECSA as well as the Konrad Adenauer Foundation for their official or logistical support in the organization of the workshops in Abidjan and in Nairobi.

This study was sponsored and supported financially by the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR). When GRIP faced unexpected challenges, UNSCAR has been much more than a sponsor and facilitated the research, meetings and consultations, provided a very welcome support in the organization of the workshops and contributed in many ways to the completion of this study. Thus, GRIP wants to thank UNSCAR and its staff for their time, patience and constructive suggestions.

ABOUT GRIP

Founded in Brussels in 1979, GRIP (Groupe de recherche et d’information sur la paix et la sécurité – Research and Information Group on Peace and Security) developed in the context of the Cold War, its first work focusing on East – West power relations. During the 1980s, GRIP became better known for its analyses and information dossiers on the arms race, its mechanisms and challenges. After the fall of the Berlin Wall in 1989, taking note of the new geostrategic environment, GRIP focused on security issues in the broad sense and acquired recognized expertise on armaments and disarmament (production, regulations and transfer controls, non-proliferation), conflict prevention and management (particularly on the African continent), European defence and security integration and strategic issues. By enlightening citizens and decision makers on complex issues, GRIP aims to contribute to the lessening of international tensions and to a less armed and safer world. More specifically, GRIP’s objective is to work on conflict prevention, disarmament and the improvement of arms control.
The Groupe de Recherche et d’Information sur la Paix et la Sécurité (GRIP) has implemented a United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) funded project to document the specific measures taken by neighboring countries of embargoed countries/territories and the additional risks they face due to their geographical proximity to that country/territory.

Three African countries (Burkina Faso, Ivory Coast and Kenya) were the subject of a field visit during which GRIP researchers were able to meet senior officials from the Foreign Affairs, Security Forces (police, gendarmerie, army), customs services, National Commissions in charge of combating the proliferation of small arms and light weapons (SALW) as well as various researchers and NGO representatives.

A preliminary research has been conducted on the nature of risks faced by each of the three selected countries, neighboring embargoed territories or former embargoed territories. Researchers from GRIP traveled to each of the selected countries to further investigate measures undertaken by the States and corroborate preliminary findings. Knowledge and findings have been shared and discussed with relevant actors in two regional seminars, one in the Economic Community of West African States (ECOWAS) region (in Abidjan, Ivory Coast) and one in the Regional Centre on Small Arms (RECSA) regions (in Nairobi, Kenya), with the participation of the hosting countries.

**The fact-finding missions**

The aims of the field missions were to

- benefit from the experience and good practices of the relevant authorities in the fight against trafficking, diversion and illicit transfers of arms, in particular in the context of United Nations embargoes;

- explore the implications and challenges of implementing UN arms embargoes for the relevant actors at national level;

- examine the measures, procedures, practices, initiatives and projects implemented, including those that allowed to detect attempted fraud and diversions of weapons in the past;

- study the experience of the relevant country’s authorities in arms transfers control.
Five Main Issues and Sets of Recommendations

The three field missions, the various interviews and discussions during the two workshops led to the identification of six major issues for actors aiming to prevent illicit arms transfers towards embargoed countries: 1) defining arms, 2) daily managing the embargo, 3) role of the customs services, 4) monitoring of the borders, and 5) corruption.

Defining Arms

The lack of precision in the definition of arms can lead to disagreements between the national export control authorities and the panels of experts responsible for monitoring the embargo on the ground. The former generally operate on the basis of pre-established lists (national control lists) aiming to establish legal certainty, while the latter sometimes adopt a more pragmatic approach relying on a broader definition of “weapons and related material” encompassing dual-use items.

Managing the Embargoes

The UN sanctions and arms embargoes include many exceptions/exemptions to allow international actors on the ground to operate and participate in conflict resolution. While arms embargoes in the 1990s covered an entire country, current embargoes are generally restricted to specific parts of the country or even to specific final recipients (rebels, terrorist groups). This development, which is necessary to take into account intra-state armed conflicts, complicates the task of the authorities responsible for enforcing arms embargoes.

The Role of the Customs Services

The customs services see their functions evolve from a role mainly focused on tax collection to security functions, particularly when it comes to fight against arms trafficking and non-proliferation. The customs services do have a major role to play in combating arms embargoes violations as they are the “last line” on the ground before a violation occurs. However, it appears that imports taxes are a major source of public revenue for the countries covered by this study, which is why the role of the customs services remains largely understood by States as a tax collector. Therefore, the contribution of customs officers to security issues is insufficiently recognized by traditional security institutions. The case of custom intelligence illustrates this trend as customs officers sometimes have to force their entry into the circles of traditional security services by proving their utility through the provision of data on trafficking fueling terrorism or actors under embargo.

Monitoring the Borders

The areas covered by our West and East Africa study both have difficulties with land border control, which could have negative consequences for embargo compliance. Some of these borders have only recently been physically delineated and the areas to be controlled are so vast that the logistics chains of the sovereign services are regularly challenged. This problem is not new and there is no miracle solution. Separation infrastructures such as fences or barriers
are not possible for reasons of cost but also because they would prevent the passage of local populations living in these border areas. The effectiveness of such systems would be quite low anyway. The use of long-endurance surveillance drones has been mentioned, but requires rapid response capabilities once suspicious activities are detected. The rise of jihadist groups in the region has only complicated the equation by preventing the normal functioning of some public services, and customs can now only operate in certain areas with the support of the security forces. In quieter border areas, mobile patrols are gradually being put in place to control the large areas between border crossings controlled by Customs. However, better coordination between border forces (customs, police, gendarmerie, border guards, army) in the frame of a national border management strategy could make controls on goods and persons more simple and effective. This coordination may involve joint patrols and intelligence exchange between these different services.

**Regional and International Cooperation**

In the face of a phenomenon that is transnational in nature, regional and international cooperation must make it possible to act more quickly and effectively. The emergence at local level, of cooperation between customs officers on either side of the border often depends on the personal initiatives of the heads of posts. The recent Joint Checkpoints in the ECOWAS region can provide a systemic means of bringing customs officials from two border countries closer together and promote cooperation and intelligence exchange. However, from a customs perspective, the interconnection of customs data systems between border countries is much more advantageous. Other countries have established bi-national and interdepartmental border patrol units to help resolve specific problems and gain the trust of the population.

**The Fight against Corruption**

The existence of corrupt practices can undermine the best control system, making the best legal provisions and infrastructure ineffective. Here we must distinguish between two types of corruption. One type of practices is similar to racketeering and levying an additional "tax" on the goods or charges for a service that is normally free. These practices are problematic for economic operators but do not pose a direct threat to national security and the implementation of embargoes. The other type of practices is one that would involve bribing customs or law enforcement officials in order to have them turn a blind eye to transfers of illegal goods. These practices pose a greater threat. In the context of this study, no concrete examples of corruption cases that facilitated arms trafficking in violation of an embargo were reported to us. However cases of non-control in exchange for payment have already been reported in expert panel reports, there was no evidence that the process involved arms trafficking.
In the HighLevel Review of the United Nations Sanctions published Compendium of 2015, the authors of the report repeatedly mention the role of neighboring countries of embargoed countries/territories in combating violations of these same embargoes. These countries can indeed be the last line of defense before a diversion and have generally developed significant economic trade flows with the embargoed country/territory. They are therefore important actors in the implementation of UN arms embargoes.

The Groupe de Recherche et d’Information sur la Paix et la Sécurité (GRIP) has implemented a United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) funded project to document the specific measures taken by neighboring countries of embargoed countries/territories and the additional risks they face due to their geographical proximity to that country/territory.

Three African countries (Burkina Faso, Ivory Coast and Kenya) were the subject of a field visit during which GRIP researchers were able to meet senior officials from the Foreign Affairs, Security Forces (police, gendarmerie, army), customs services, national committees in charge of combating the proliferation of small arms and light weapons (SALW) as well as various researchers and NGO representatives. This study also wanted to examine the role of customs services in complying with embargoes, an actor less analyzed than traditional security actors.

The project aimed to positively impact the enforcement of the UN's arms embargo regimes, and thereby on the latter's effectiveness to combat the proliferation of arms and their diversion to unintended end users and end use. More specifically, it aims at enhancing and sharing knowledge on arms embargoes and their implications, as well as building resources and tools to help states contain illicit flows of arms to embargoed territories.

**How the project was implemented**

<table>
<thead>
<tr>
<th>Preliminary research</th>
<th>Fact-finding missions in the participating countries</th>
<th>Compilation of the results and developing tools</th>
<th>Organising two regional seminars</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2018</td>
<td>December 2018</td>
<td>April 2019</td>
<td></td>
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</table>
As a first stage, a preliminary research has been conducted on the nature of risks faced, today or in the past, by a series of countries bordering embargoed or previously embargoed territories. In a second stage, researchers from GRIP traveled to each of the participating countries to further investigate measures undertaken by the different states and corroborate the results of the preliminary research. Finally, knowledge and findings have been shared and discussed with resource persons from participating countries and other relevant actors in two regional seminars, one in the Economic Community of West African States (ECOWAS) region (in Abidjan, Ivory Coast) and one in the Regional Centre on Small Arms (RECSA) regions (in Nairobi, Kenya), with the participation of the hosting countries.

**Fact-finding Missions in the Participating Countries**

For each country, a preliminary research has been conducted on the nature of risks faced by three selected countries neighboring embargoed territories or former embargoed territories. Researchers from GRIP traveled to each of the selected countries to further investigate measures undertaken by the selected States and corroborate preliminary findings. Knowledge and findings have been shared and discussed with relevant actors in two regional seminars, one in the ECOWAS (in Abidjan) and one the RECSA regions (in Nairobi), with the participation of hosting countries.

With the cooperation of the relevant authorities of Ivory Coast and Kenya, the project aims to benefit from their experience in the fight against illicit arms transfers, trafficking and diversion. The project was implemented in partnership with the regional organizations ECOWAS and RECSA.

More specifically, this mission pursued several objectives:

- benefit from the feedback and good practices of the authorities concerned in the fight against illicit trafficking and diversion of weapons, in particular in the context of UN embargoes,
- examine the measures, procedures and practices in place, including those that have in the past detected attempts at fraud or diversion of weapons,
- explore the implications and challenges of the implementation of UN arms embargoes for relevant national actors,
- study the experience of the authorities of the countries concerned in controlling arms transfers.

**Expected Results**

- Improving and sharing knowledge on United Nations arms embargoes and their implications for countries neighboring embargoed territories;
- Building resources and tools to support efforts and strengthen capacities in sub-Saharan African States and beyond, to prevent illicit arms transfers to embargoed territories;
• Sharing and informing good practices; guiding assistance and cooperation programs.

**Structure of the Report**

The report proceeds in five steps. The first step provides an overview of the context in Ivory Coast. The second one focuses on Burkina Faso. The third step summarizes the main observations of the workshop organized in the ECOWAS region (in Abidjan). The fourth step is dedicated to the RECSA region and includes a synthesis of the comments made during the workshop organized in Nairobi. The fifth step concludes the study and provides several recommendations.

It is worth noting that there is only one case study for the RECSA region whereas there are two for the ECOWAS region. This is due to some initial choices and unexpected difficulties to operate in East-Africa, where GRIP has less experience and contacts. However, this imbalance was compensated by the fact that the workshop in Nairobi provided enough feedback from the participants to enrich the data previously collected in the other – ECOWAS -- region.

Finally, a brief description of the searchable database implemented by GRIP on arms embargoes as part of the project can be found in annex.
CHAPTER 2

CASE STUDY IN THE ECOWAS REGION:

IVORY COAST

1. General Comments

Since September 2002, Ivory Coast has experienced political and military unrest, leading to a *de facto* partition of the country between an area (south) still under control of the government headed by Laurent Gbagbo, elected in 2000, and an area (the north) controlled by rebels led by Alassane Ouattara. These would later be known as the Forces nouvelles (FN), then the Forces républicaines de Côte d’Ivoire (FRCI). Despite ceasefires and periods of relative calm, the country’s division continues until 2011.

In November 2010, after the second round of the presidential election, Gbagbo and Ouattara both declared themselves winners. The armed conflict resumed and, with the help of the French army (Force Licorne) and the United Nations Operation in Côte d’Ivoire (UNOCI), the FRCI seized Abidjan and captured Gbagbo on 11 April 2011. This marks the end of the conflict and the reunification of the country.

However, for several years, infiltrations by supporters of the former regime based in Liberia led to clashes with the Ivorian security forces. Even today, this western part of the country still faces severe tensions, particularly attacks against the police forces deployed there.

In addition, the government was confronted, particularly during the first half of 2017, with several mutinies by its former supporters, rebels who had joined the armed forces or had theoretically gone through a Disarmament, Demobilization and Reintegration (DDR) process to reintegrate the civilian life. In addition, in Bouaké, the country’s second largest city and a former rebel stronghold and epicentre of mutinies, a large cache of weapons and ammunition was discovered in May 2017 in a residence belonging to a relative of Guillaume Soro, a former spokesman for the rebellion and current president of the National Assembly. This discovery raised concerns that many illegal weapons caches remain in the country, particularly in the northern part.

Ouattara has been re-elected for a five years term in October 2015. A new constitution was adopted by referendum in October 2016.
2. **Evolution of the Embargo on Ivory Coast**

The United Nations (UN) imposed an arms embargo on Ivory Coast in November 2004 (resolution 1572\(^1\)), strictly prohibiting any transfer of arms and related materiel to all Ivorian parties to the conflict. After the end of the conflict, the embargo was gradually reduced through exemptions and finally lifted.

Since April 2012 (resolution 2045\(^2\)), the embargo no longer applies to non-lethal items for the police\(^3\), on the condition that the Ivorian authorities give prior notification to the Sanctions Committee. The embargo also ceased to apply to arms and other lethal equipment intended for the Ivorian security forces, provided that they support the security sector reform process and that such transfers were previously authorized by the Sanctions Committee, upon request of the Ivorian authorities.

In April 2014 (resolution 2153\(^4\)), the embargo was further reduced, as a notification was no longer required for the acquisition of non-lethal law enforcement equipment. The embargo also ceased to cover the provision of security training or assistance services or the provision of non-lethal equipment to Ivorian security forces. The provision of lethal equipment to the latter remains authorized as part of the security sector reform process, but is no longer subject to prior agreement, only to prior notification to the Sanctions Council. The Council’s prior agreement remains in force for nine categories of weapons, the list of which is annexed to the resolution\(^5\). There is nothing in this resolution or in the 2012 resolution about Côte d’Ivoire’s arms exports.

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\(^3\) The following are excluded from the embargo: equipment intended for UNOCI, for exclusively humanitarian use, protective clothing for United Nations personnel and supplies temporarily exported to Côte d’Ivoire and intended for the forces of a State which acts, in accordance with international law, exclusively and directly to facilitate the evacuation of its nationals and persons for whom it has consular responsibilities in Côte d’Ivoire, upon prior notification to the Committee.”


\(^5\) Items covered: Weapons, direct and indirect fire artillery weapons and cannons of caliber larger than 12.7 mm, their ammunition and components; rocket-propelled grenades, rockets, light anti-tank weapons, rifle grenades and grenade launchers; surface-to-air missiles, including portable anti-aircraft systems (MANPADS); surface-to-surface missiles; and air-to-surface missiles; mortars with caliber larger than 82 mm; guided anti-tank weapons, in particular guided anti-tank missiles, their ammunition and components; armed aircraft, including rotary or fixed wing aircraft; armed military vehicles or military vehicles equipped with weapons mounting points; explosive charges or devices containing explosive substances, designed for military purposes; mines and related equipment; night vision and night firing devices.
In April 2016 (resolution 2283\(^6\)), noting the “progress made in stabilizing Côte d’Ivoire”, the Security Council lifted the arms embargo and other sanctions against the country and dissolved the Sanctions Committee.

### 3. Violations of the Embargo

During the period of armed conflict (2004-2011), all warring parties massively violated the arms embargo. In particular, the central government used various brokers, mainly French and Belarusian, to obtain supplies of SALW, services and air equipment\(^7\). According to the UN group of experts set up to monitor the implementation of sanctions against Ivory Coast, ammunition manufactured in Sudan, Iran, China and Israel appears to have been illegally imported during the period covered by the embargo\(^8\). On the rebellion side, large stocks of weapons were delivered by Burkina Faso, which diverted large quantities of weapons purchased in Romania, Bulgaria, Albania, Slovakia, Sudan and Iran\(^9\), as well as ammunition and/or explosives from Serbia\(^10\) and Romania\(^11\). These deliveries intensified in 2011 and continued several months after the overthrow of Gbagbo\(^12\).

During the post-conflict period until the lifting of the embargo, the new Ivorian authorities ignored, on very many occasions, the conditions imposed on the import of non-lethal equipment, in particular when importing ACMAT Jeeps (France) and anti-projectile shells from India in 2012 without prior notification. In addition, Glock pistols, produced in Austria, have been imported without any request for derogation\(^13\). In 2013, despite some progress, Côte d’Ivoire imported military equipment several times without submitting notifications or requests for exemption to the Committee. These include night vision and observation equipment and Jericho pistols, produced in Israel. Without derogation, ACMAT Jeeps were equipped with 12.7 mm DShK or 7.62 mm PKM heavy machine guns. Burkina Faso continued to transfer military items to Côte d’Ivoire, including hundreds of grenade launchers and their ammunition manufactured in Brazil. In 2015, the Ivorian authorities imported French grenade launchers without derogation or notification\(^14\). In addition, in a very large number of cases,

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\(^7\) Rapport du GRIP 2013/1

\(^8\) S/2013/228, par. 45 à 58.

\(^9\) S/2016/254, par. 33 à 48.


\(^11\) S/2014/266, par. 47.

\(^12\) S/2016/254, par. 32.

\(^13\) S/2013/228, par. 77 à 89.

they have issued notifications and requests for approval containing incorrect information, notably on the identity of the supplier\textsuperscript{15}.

\section{Arms Trafficking}

Malian customs reported to the UN group of experts the seizure of weapons at the border with Côte d’Ivoire in 2011. According to the latter, the Ivorian authorities did not have the capacity to effectively control the transit of goods in the north of the country\textsuperscript{16}.

Two 56-2 assault rifles, with serial numbers indicating that they were probably sold by China to Côte d’Ivoire in 2004 (before the embargo was imposed), were seized from fighters identified as affiliated with al-Qaida in the Islamic Maghreb (AQIM) near the border between Niger and Libya in September 2011 and August 2013\textsuperscript{17}.

In March 2013, a 56-2 rifle, probably from Ivorian stocks, was found in Gao, Mali, probably abandoned by a member of the \textit{Mouvement pour l’unïcitè et le jihad en Afrique de l’Ouest} (MUJAO). Another rifle of this series was seized in May 2015 from two civilians traveling between the border area with Burkina Faso and the Gao region\textsuperscript{18}.

On 12 May 2012, at the border between Niger and Nigeria, Nigerian authorities seized a batch of weapons and ammunition including an RPG-7 rocket launcher, two light machine guns, 19 assault rifles, a mobile breech rifle, a 12-gauge shotgun and 1,500 rounds of ammunition (mainly 7.62 x 39 mm and 7.62 x 54 mm). Two Nigerian nationals and one Ivorian from Bouaké, who were carrying arms and ammunition, were arrested. This equipment was most likely derived from the \textit{Forces nouvelles’} stocks. The serial numbers of some weapons had been mechanically deleted. According to the UN group of experts, together with the seizure at the Malian border, this seizure indicated that “\textit{there are probably networks trafficking arms and ammunition from Ivory Coast}”\textsuperscript{19}.

On 23 August 2013, Nigerian security forces reportedly discovered and confiscated 10 assault rifles, 1 machine gun, 1 shotgun, 963 ammunition and 6 detonators (primer) in a vehicle on its way to Nigeria. According to the police, these weapons had been purchased in Korhogo from an individual claiming to be a former officer and were destined for elements of Boko Haram\textsuperscript{20}.

\textsuperscript{15} S/2015/252, par. 98 à 106.

\textsuperscript{16} S/2012/196, par. 21.

\textsuperscript{17}“Enquête sur les transferts d'armes transfrontaliers dans le Sahel”, \textit{Conflict Armament Research}, November 2016, p. 35.

\textsuperscript{18} \textit{Ibid.}, pp. 36-37.

\textsuperscript{19} S/2013/228, par. 63 à 66.

\textsuperscript{20} S/2015/252, par. 115 à 117.
Between May 2014 and April 2015, some ten 56-2 assault rifles, most likely to come from Ivorian stocks, were collected or seized in the Central African Republic. Two of them had belonged to the former Seléka. According to Central African officers, the Ivorian government reportedly re-exported rifles of this type to the Central African government in early 2012. The identity of the Ivorian authority that would have authorized the transfer and its practical details remained unknown in November 201621.

Small arms ammunition used in attacks on Malian security forces in southern Mali in 2015 would probably come from Ivorian public stocks22.

1. Estimating the Number of Weapons Circulating Illegally

The President of the Ivorian section of the Réseau d’Action sur les Armes Légeres en Afrique de l’Ouest (RASALAO-CI), Karamoko Diakité, said in January 2014 that more than 100,000 weapons are illegally circulating in Côte d’Ivoire and more than ten million in West Africa23.

2. Marking Arms

According to the Ivorian press, the marking operations of the Ivorian security forces (especially the police) began in March 2013 under the auspices of the National Commission to Combat the Proliferation and Illicit Circulation of Small Arms and Light Weapons (ComNat-ALPC). According to RFI, the Disarmament, Demobilization and Reintegration Authority has also marked weapons recovered from former combatants. Thus, in May 2013, 1,400 weapons recovered were marked before being handed over to the army, gendarmerie or police24.

According to the Ivorian press, in May 2014, thanks to a donation from Japan through United Nations Development Programme (UNDP), the ComNat-ALPC received a marking kit and a new machine for the destruction of defective weapons.

According to UN experts, the ComNat-ALPC began marking state-owned weapons in October 2012. Representatives of this commission explained to UN experts in 2015 that, at that time, all weapons made available to police officers and 75% of gendarmerie weapons were marked

22 Ibid., p. 44.
23 “Côte d’Ivoire : 100.000 armes circulent de manière illégale (experts)”, Xinhua, January 26, 2014.
and recorded in an electronic database\textsuperscript{25}. The following year, experts wrote that “Several thousand weapons whose serial numbers had been erased had been marked by the armed forces for destruction,” but that this destruction would only occur when “new ones will be acquired”\textsuperscript{26}.

3. Collecting and Destroying Weapons

In May 2013 and over the previous two years, according to RFI, ADDR had recovered 4,500 weapons from ex-combatants; those that were out of service have been destroyed\textsuperscript{27}.

According to the Ivorian press, in May 2014, thanks to a donation from Japan through UNDP, the ComNat-ALPC received hydraulic shears for cutting defective weapons, which could destroy 200 weapons per day.

UN experts reported that, according to the ADDR website, between 22 October 2012 and 30 November 2014, 17,489 weapons were recovered, including 8,899 rifles and 8,590 grenades.

According to Ivorian press reports, following an awareness-raising campaign funded by UNDP through Japan in November and December 2015, the Ivorian section of the Réseau d’action sur les armes légères en Afrique de l’Ouest (RASALAO) collected 150 weapons and 1,650 ammunition in western Ivory Coast. In the same region, in January 2017, 483 voluntary arms depositors benefited from micro-projects aimed at promoting their financial empowerment through income-generating activities.

As part of the Support Programme to Combat the Proliferation and Illicit Circulation of SALW and Community Security, financed by Japan and implemented by UNDP, the National Police received 145 functional weapons from the ComNat-ALPC in February 2017, marked after collection operations organized from the country’s central, northern and western communities.

In May 2017, according to the Ivorian press, the ComNat-ALPC encouraged communities to voluntarily deposit weapons in exchange for community-based development projects. This would be part of an ECOWAS-EU project on small arms, funded by the EU through UNDP.

\textsuperscript{25} S/2015/252, par. 83.
\textsuperscript{26} S/2016/254, par. 66.
\textsuperscript{27} “En Côte d’Ivoire, le minutieux désarmement des anciens combattants”, op. cit.
4. Dealing with the Stockpiles

By early 2015, members of the UN Group of Experts considered that “about 40 per cent of the security and defense forces’ armories had been rehabilitated”\(^{28}\). This estimate was confirmed, about a year later, by a UN Mine Action Service (UNMAS) official, who added, during a presentation in Lomé, that UNMAS, in collaboration with NGOs, had succeeded in securing 40,000 tons of weapons of the Ivorian State\(^{29}\).

In March 2017, the Ivorian press reported that the US$2,674,013 Programme of Support to Combat the Proliferation and Illicit Circulation of Small Arms and Light Weapons and Community Security, funded by Japan and implemented by UNDP, included activities related to the management of arms and ammunition stocks. In particular, according to the ComNat-ALPC, 15 armories were rehabilitated, while 110 armories and 31 database managers benefited from strengthened capacities for the electronic management of weapons and ammunition stocks\(^{30}\).

According to the Ivorian press, the ComNat-ALPC, in partnership with Japan through UNDP, organized on 25 September 2017 an official handover ceremony of the Guide to Procedures for the Management of SALW Stocks and Ammunition to the Forces of Ivory Coast. The latter had undertaken to address the issue of physical security and the management of weapons and ammunition on the basis of the International Small Arms Control Standards (ISACS). This guide is intended for national authorities and specifically for those responsible for SALW storage sites under state authority, as well as for staff assigned to the management of these facilities\(^{31}\).

Despite these achievements, Conflict Armament Research, which considers that physical security and stockpile management (PSSM) efforts are essential to prevent cross-border arms trafficking, considered in November 2016 that

“the persistence of non-listed stocks continues to be a serious challenge. In particular, in northern Côte d’Ivoire, large volumes of small arms, heavy weapons and ammunition remain under the control of former rebel commanders who, although formally reintegrated into the State’s institutional structures, remain semi-autonomous and thus represent potential points of diversion”\(^{32}\).

\(^{28}\) S/2015/252, par. 86.

\(^{29}\) See “Enquête sur les transferts d’armes transfrontaliers dans le Sahel”, op. cit.

\(^{30}\) “Renforcement de la gouvernance sécuritaire : Marquage des armes fonctionnelles, destruction de celles qui sont obsolètes et équipement de la Police Nationale Ivorienne”, @bidj@n.net, March 13, 2017.

\(^{31}\) Cérémonie de remise officielle du guide de procédures de gestion des stocks d’armes et de leurs munitions”, Infos News (Abidjan), September 26, 2017.

\(^{32}\) “Enquête sur les transferts d’armes transfrontaliers dans le Sahel”, op. cit., p. 44.
5. The Role of Customs Services

The conquest of the north of the country by rebel forces led to the dismantling of the customs apparatus in the northern half of Côte d’Ivoire. Since 2011, customs have gradually been redeployed at border crossings. At the end of 2015, the UN Group of Experts noted that “18 main and secondary customs posts located at land borders (were) still partially or totally under the control of military elements, which prevents the customs administration from deploying its staff there.” In addition, among these “military elements” were many “irregular elements” who had erected “many illegal checkpoints.”

However, one year later, by the end of 2016, the situation had changed significantly. In its last report, the UN Group of Experts noted that “29 of the 30 customs offices located at land borders (were then) in operation,” although only 6 were authorized to clear goods through customs, the remaining 23 therefore carrying out “only surveillance operations.” The same report considered that “overall, the surveillance capacity of the customs administration remains limited, with officers lacking the equipment and training to effectively monitor the borders” and that border areas, particularly with Guinea and Liberia, present a “risk of illegal cross-border trafficking in general and trafficking in natural resources and arms, in particular.”

The UN Group of Experts made a number of recommendations to improve the functioning of customs, including:

- Develop a national border management strategy to limit the number of security forces, agencies and checkpoints.
- Create, as part of this strategy, a single border surveillance force with the necessary authority to combat informal movements of people and goods across the border.
- Open new customs checkpoints and put in place a harmonized reporting procedure at all border crossings to combat informal crossings.
- Improve cooperation with the customs services of the neighboring countries to combat informal trafficking.
- Carry out a comprehensive reform of its customs services, an assessment of Ivorian needs within the framework of the Columbus Programme of the World Customs Organization (WCO).

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33 S/2015/252, par. 126 et 143.
34 S/2016/254, par. 70, 72 et 76.
• Deploy customs officers at all entry points in the country.

• Use scanners for export controls, particularly at ports and airports, to combat illegal trafficking of natural resources.

• Carry out a complete survey of data on goods transported by air and sea, in order to ensure an effective analysis of the risks involved\textsuperscript{36}.

\section*{6. International Assistance}

In recent years, Côte d’Ivoire has benefited from numerous international assistance programmes to strengthen its capacity to control arms and combat the proliferation of SALW. These activities concerned specific areas of the problem, including:

• \textbf{Civil disarmament}: participation of 7 countries, including Côte d’Ivoire, in the EU and ECOWAS project implemented by UNDP to encourage communities to voluntarily submit SALW in exchange for community-based development projects (2013–2017);

• \textbf{Support to the fight against the proliferation of SALW and community security}: support for weapons collections and the ComNat-ALPC, a project funded by Japan and implemented by UNDP;

• \textbf{Implementation of an ECOWAS arms database}: EU-funded meeting of independent experts (Abuja, April 2015);

• \textbf{Weapons marking and registration techniques}: training provided by RECSA (2015);

• \textbf{Physical security of stockpile management}: participation in the German and AU programme on improving SALW control and PSSM in the Sahel-Saharan band, including the presence of Ivorian experts and officials at meetings held at AU headquarters (September and October 2015);

• \textbf{Support to the implementation of the Arms Trade Treaty (ATT) ratified by Côte d’Ivoire on 26 February 2015}, in particular through the participation of Ivorian officials, experts or NGO representatives in two training sessions in Geneva (April 2015) and Addis Ababa (November 2015), a regional seminar in Dakar (May 2015), a workshop on synergies and complementarities between the ATT and other arms control instruments (July 2015), the 5\textsuperscript{th} meeting of the Informal Group of Experts (November 2015), the development of a Roadmap for the Harmonisation of the Implementation of the ATT and the United Nations Programme on SALW, carried out by GRIP with funding from UNSCAR (2016), a seminar on combating arms trafficking and diversion and on international cooperation organized by BAFA (December 2016), three capacity-building workshops for national actors (2017–2018), Guide on disarmament:

\textsuperscript{36} S/2015/252, par. 312 & 318-319.
participation of Ivorian experts in the validation workshop of the Practical Guide on Disarmament in Africa, organized by UNREC (Lomé, June 2016).

- Preparation of official delegations to the June 2016 session on the UN Programme of Action on SALW: participation of Ivorian officials in a workshop organized by UNREC in Lomé, April 2018.

7. National Institutions Implementing the UN Embargo

When the Security Council adopts a resolution imposing, amending or lifting an arms embargo, the Permanent Mission of Ivory Coast in New York sends a note to the General Secretariat of the Ministry of Foreign Affairs, which forwards it to its Directorate for the UN and specialized institutions (Direction de l’ONU et des Institutions spécialisées — DOIS). DOIS evaluates and comments this note, then forwards it with analysis and comments attached to the text of the resolution to the following relevant governmental institutions: Ministry of Interior and Security, Ministry of Defence, Ministry of Justice, Ministry of Transport, General Customs Directorate and National Commission to Combat the Proliferation and Illicit Circulation of Small Arms and Light Weapons (ComNat-ALPC)37.

However, within these institutions, such as Foreign Affairs and the National Police, there is no specific unit responsible for the implementation of UN arms embargoes or the coordination of measures taken38. The implementation of embargoes therefore relies on the services usually responsible for the control of goods, arms, the fight against terrorism, the application of arms conventions, primarily the ECOWAS Convention, etc.

Nevertheless, when Côte d’Ivoire itself was under arms embargo, the reports of the UN Expert Groups would have been carefully studied and remedial action would have been proposed by the Ministry of Foreign Affairs. According to our interlocutors, there is therefore currently a clear political will to respect the Security Council decisions and in particular the sanctions concerning weapons39.

37 Interview with Etienne Kindia, directeur DOIS.
38 Interview with Etienne Kindia, directeur DOIS, and Mrs. Kamble, DGA de la police judiciaire.
39 Interview with Etienne Kindia, directeur DOIS, et Bafétigué Ouattara, directeur DOI.
8. The UN Embargo and the ECOWAS Convention

It should be recalled that the ECOWAS Convention on Small Arms and Light Weapons prohibits without derogation the transfer of small arms and light weapons and the equipment used for their production, ammunition and other related materials on/to and from their territory. In addition, while the entities geographically closest to Ivory Coast under embargo are armed groups considered as terrorist, in particular AQIM, MUJAO and Boko Haram\textsuperscript{40}, the same Convention prohibits “without exception” any transfer of SALW to non-state actors, if such transfer is not authorised by the importing Member State (Article 3.2). Finally, Article 6.2.a.i prohibits exports of SALW to entities under UN embargoes. In terms of SALW transfers, which constitute the vast majority of the weapons categories subject to embargo violations, compliance with UN resolutions is therefore equivalent to compliance with the ECOWAS Convention.

Under this Convention, if an ECOWAS Member State wishes to import SALW, it must therefore obtain a certificate of non-objection from ECOWAS, after agreement or non-objection by all Member States. The DOIS of the Ministry of Foreign Affairs is in charge of this exemption procedure. It receives ECOWAS requests for advice and forwards them to the other relevant ministries and to the National Security Council (NSC). At the Ministry of Foreign Affairs, the Directorate of Global Affairs (Direction des enjeux globaux — DEG) analyses and may raise objections if it considers the import request unfounded or likely to increase tensions or human rights violations. It shall forward its opinion to the General Secretariat. The opinions of the DEG and three other ministries are forwarded to the government, which synthesizes and decides. The final opinion is communicated to ECOWAS by the General Secretariat. It should be noted that, in recent years, Ivory Coast has never expressed any objection to an import from a Member State\textsuperscript{41}.

If Ivory Coast itself wishes to benefit from an exemption, the NSC, the main body in charge of arms imports for the benefit of the security forces, submits the request to ECOWAS, on the basis of the needs expressed by the relevant ministry (Defence, Interior, Water and Forests, etc.). It should be noted that, until 2016, Ivory Coast had to make a double request for

\textsuperscript{40} Seven armed groups based in West Africa were under UN embargo as of 1 June 2018 according to the resolutions “concerning EIIL (DAECH), al-Qaida and associated individuals, groups, companies and entities”. These groups are: AL MOUAKAOUNE BIDDAM (Signatories by Blood, Mali), AL MOULATHAMOUN (Enturbannés, Mali, Niger, Algeria), AL MOURABITOUN (Les Sentinelles, Mali), ANSAR EDDINE (Ansar Dine, Mali), JAMA’ATU AHLIS SUNNA LiDDA’ AWATI WAL-JIHAD (Boko Haram, Nigeria), Movement for Unification and Jihad in West Africa (MUJAO, Mali-Algeria), THE ORGANIZATION OF AL-QAIDA IN THE ISLAMIC MAGHREB (AQIM, GSPC, Algeria-Mali-Mauritania-Morocco-Niger-Tunisia). Updated list available at https://scsanctions.un.org/fop/fop?xml=htdocs/resources/xml/fr/consolidated.xml&xslt=htdocs/resources/xsl/fr/al-qaida.xsl.

\textsuperscript{41} Interview with Loukou Kouadio, directeur DEG.
exemption for its purchases of SALW (also from the UN Sanctions Committee) The transit of SALW to an ECOWAS member country is subject to prior receipt of an import file containing a non-objection certificate sent to the Ministry of Foreign Affairs by the ECOWAS Secretariat.

In addition, it should be noted that, according to an official of the regional bureau of Interpol in West Africa, the practice of the ComNat-ALPC to transfer weapons collected from civilians to the arsenals of the security forces is a way of violating the spirit of the Convention, as it would amount to an undeclared import. According to him, any weapon collected should be destroyed after marking. This interpretation is contested by the CNS.


Like many countries emerging from armed conflicts, Ivory Coast is experiencing a significant proliferation of illicit SALW on its territory, even more significantly in the north of the country.

As a matter of fact, for sociological reasons, this region concentrates the majority of artisanal firearms producers and users. These weapons are mainly used for hunting and generally belong to dozos, members of a traditional hunting fraternity established mainly in the northern half of the country and in some neighboring countries. Many dozos were involved in the rebellion between 2002 and 2011. According to the study recently carried out by UNDP and validated by the ComNat-ALPC on artisanal weapons, at least 20,000 weapons are illicitly produced by Ivorian blacksmiths each year. Nevertheless, the methodology and conclusions of this study are strongly criticized, both by academic circles (Sissoko et al.) and by the Ivorian Security Council (CNS) and intelligence (DST) services.

Similarly, the figure of at least 100,000 illicit weapons in circulation, put forward by RASALAO-CI in 2014, apparently on the basis of oral statements by UNOCI, seems far from confirmed and leaves intelligence officials (DST in particular) skeptical, suggesting that it could be

42 Interview with Bafétigué Ouattara, directeur DOI.
43 Interview with Ago Christian Kodia, Secrétaire adjoint CNS.
44 Interview with Ago Christian Kodia, Secrétaire adjoint CNS.
47 Interview with Tchédo Koffi, président RASALAO-CI.
exaggerated. Yet according to the local UNDP official in charge of SALW the actual figure could be twice as high.

In any case, after the discovery of the Bouaké weapons cache in May 2017, many assume that other caches are scattered throughout the country, known only to some former rebel leaders and their followers. If not a failure, the DDR of former rebel combatants is often considered incomplete, particularly by civil society (RASALAO, Konrad Adenauer Stiftung — KAS). Operations of weapons collection from civilians organized by the ComNat-ALPC and supported, in particular, by UNDP and Japan, have resulted in the removal of thousands of illicit weapons from circulation, but face strong resistance in areas where tensions of ethnicity or land persist48.

The production, possession, transport, use and transfer of weapons, including small arms, as well as ammunition and explosive substances, are governed by Law 98–749 of 23 December 199849 and Decree 99–183 of 24 February 199950. In addition to their relative age and non-compliance with Ivory Coast’s recent international commitments, these two legal instruments deal only with weapons intended for the civilian market and not with those of the security forces. In addition, while the import of weapons is regulated, export, transit and transhipment are ignored by these two legislative instruments51. Of course, the violation of UN arms embargoes, or those of any other institution, is not criminalized.

In addition, on 4 July 2012, the government issued a decree cancelling all weapons permits that had been granted in the country52. The reason for this measure seems to be the willingness to combat abuses observed in this area (use of non-nominative permits by dozos) and, more generally, the uncontrolled proliferation of SALW53. As for the reason for the persistence of this suspension, it is said to stem from purely technical factors, in particular the difficulty of developing a biometric permit procedure54. In the meantime, many individual (hunters) and collective (security and cash transport companies) gun owners seem condemned to navigate illegally in order to continue their activities.

Finally, the ComNat-ALPC confirmed that its draft new arms law, harmonized with the ECOWAS Convention, had been blocked for several years at the Ministry of Interior and Security, its parent ministry. According to the CNS, this blockage is the result of the change of Interior

48 Interview with El Mehdi Ag Rhissa, PNUD-CI.
50 Décret n°99-183 du 24 février 1999 portant réglementation des armes et munitions.
51 Feuille de route pour une harmonisation de la mise en œuvre du PoA et du TCA, Côte d’Ivoire, GRIP & Small Arms Survey, April 2017 (non publié).
52 Georges Berghezan, op. cit.
53 Interviews with Bokouin, capitaine GN, en charge du marquage des armes, et Tchédoh Koffi, président RASALAO-CI.
54 Interview with Dioumandé, directeur DST.
Minister of the Interior in July 2017, but also reveals that this new law is not a government priority. According to the Serenti Foundation, the blockage is political and results from a conflict within the main government party, the Rassemblement des Républicains (RDR).

10. Monitoring the Borders

Cargoes of arms, ammunition and explosives entering Ivorian territory, whether imported, in transit or transhipment, must be authorized by the Ministry of Defence. In addition, in the case of SALW, they must be accompanied by a certificate of non-objection issued by ECOWAS55.

The main services responsible for border control are customs (control of goods and baggage) and the DST (control of persons). However, other services are concerned by this problem. Given the impossibility of controlling all goods entering or transiting through the Ivorian territory, the risk of fraud inherent in each shipment is assessed using software provided by the International Monetary Funds (IMF). This software takes six criteria into account: importer, freight forwarders, nature of the cargo (HS code), custom regime, country of origin, country of origin. The information contained in this software comes from various sources, including the Simplified Minutes (Procès-verbal simplifié — PVS), which provides a database of all customs offenses and is itself enriched by the results of customs investigations conducted by the Customs Investigations Directorate (Direction générale des Douanes), the National Financial Information Processing Unit (Cellule Nationale de Traitement des Informations Financières — CENTIF) and the Office ivoirien des chargeurs.

This system therefore makes it possible to identify “risky” cargoes and increase the chances that they will enter the “control circuit,” while other cargoes use the “facilitation circuit,” without physical control of the cargo56. Thus, the probability that containers from, for example, Nigeria or Colombia are controlled is much higher than for other countries57. However, this system is currently only applicable to goods entering Côte d’Ivoire by sea. A plan to extend it to air and land traffic is under study58.

Air Borders

In principle, the only point of entry or exit from Ivorian territory by air is Félix-Houphouët-Boigny International Airport in Abidjan. To combat trafficking, customs are supported by an Anti-Trafficking Airport Task Force (Cellule aéroportuaire anti-trafic — CAAT), an inter-ministerial service that includes the National Police, Gendarmerie Nationale (GN), the Customs

55 Interview with secrétaire adjoint CNS.
56 Interview with Ake, directeur DARRV.
57 Interview with Kouamé, directrice DCQPP.
58 Interview with Mail Ake, directeur DARRV, 22 June, 2018.
services and the Water and Forestry services. This cell was created as part of the AIRCOP project, an airport communication project to dismantle criminal networks, funded by the EU and implemented by UNODC in partnership with Interpol and the WCO\textsuperscript{59}.

In addition, according to the Director of the Judicial Police, most weapons imported or in transit through Ivory Coast arrive at Félix-Houphouët-Boigny airport. The transhipment is carried out under the control of customs, the GN and the freight forwarder (representing the recipient country). According to various sources, the airport is equipped with a scanner provided by China\textsuperscript{60}. Finally, a GN Airport Group is responsible for the protection of the site\textsuperscript{61}.

However, according to the Defence Attaché of the French Embassy, Ivory Coast does not really control its airspace, as it does not have a radar to control aircraft without an IFF identification system (transponder). A light aircraft carrying, for example, weapons could therefore easily fly through Ivorian airspace\textsuperscript{62}.

**Sea Borders**

The two ports concerned by the import, export or transit of goods are Abidjan and San Pedro. The customs of San Pedro are equipped with a modern scanner, delivered by China in 2016, while the port of Abidjan, the second port in Africa after Durban, has two: the first, also delivered in 2016 by China, controls goods leaving the national territory and the second, older, is used for imported goods\textsuperscript{63}. About 20% of the containers entering the port of Abidjan would be scanned and those placed on a “red list” according to their origin would be more likely to be checked\textsuperscript{64}.

It should also be noted that, in the event that customs discover illegal weapons in a ship, they are required to immediately inform the police or the Gendarmerie Nationale\textsuperscript{65} that a dock in the port of Abidjan is dedicated to “sensitive” goods\textsuperscript{66}, including weapons and ammunition, and that a group of the GN is assigned to protect the port\textsuperscript{67}.

\textsuperscript{59} Cellule aéroportuaire anti-trafic : Le personnel reçoit son diplôme de formation, Autorité Nationale de l’Aviation Civile (ANAC), July 2017.

\textsuperscript{60} Notamment entretien Ake, directeur DARRV.

\textsuperscript{61} Interview with Bokouin, capitaine GN, en charge du marquage des armes.

\textsuperscript{62} Interview with Lafargue, Attaché de défense de l’Ambassade de France.

\textsuperscript{63} Interview with Kouamé, directrice DCQPP, et Ake, directeur DARRV.

\textsuperscript{64} Interview with Coffi, DOMSE du PAA.

\textsuperscript{65} Ibid.

\textsuperscript{66} Interview with Kambile, directrice DGAPJ.

\textsuperscript{67} Interview with Bokouin, capitaine GN, en charge du marquage des armes.
However, there is a risk that boats carrying prohibited goods such as weapons may leave or board Ivorian territory, as the entire coast is not monitored by satellites. To date, only part of the territorial waters is under surveillance, but it has already reduced piracy activities\textsuperscript{68}.

**Land Borders**

The land borders of Ivory Coast, with a total length of more than 3,000 kilometers, are unanimously described as “porous” by GRIP’s interlocutors. In addition, all cases of arms movements from Ivory Coast to possible actors under the United Nations arms embargo seem to indicate that the arms have left the country through its land borders (see B. *Allegations of recent international arms trafficking from Ivory Coast that may contribute to violations of UN embargoes*).

But the borders with some of Ivory Coast’s five neighboring countries seem more problematic than others. In particular, the one with Liberia seems particularly difficult to monitor, due to the sometimes quite dense forest at the borders of the two countries\textsuperscript{69}. As a matter of fact, in the years following the end of the “post-electoral” crisis, most of the attacks on the security forces by supporters of the former government came from Liberia. Trade relations between the two countries are also very weak\textsuperscript{70}.

The other border that seems to pose a particular control problem is the one with Mali because of the “poor collaboration” between the customs of the two countries. In particular, on the Ivorian side, there are complaints about the absence of feedback on the goods that have transited through Ivorian territory and are officially destined for Mali, raising concerns that some of them may be fraudulently re-exported to Ivory Coast\textsuperscript{71}. In addition, the presence of several embargoed entities based in Mali and the likely existence in that country of arms trafficking networks from Ivory Coast reported by the UN Group of Experts as early as 2013 make this problem particularly acute. The circulation of weapons seems to be in both directions, since the weapons used during the attack in Grand Bassam in March 2016 most probably came from Mali\textsuperscript{72}.

In addition to the sociological porosity of the borders (villages shared by two States, farmers working their fields in a neighboring country...)\textsuperscript{73} and the lack of surveillance of many cross-border roads it should be recalled that for more than a decade the northern border was controlled not by the State but by rebel troops, most of the customs officers having withdrawn

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\textsuperscript{68} Interview with Kouadio, directeur DEG.

\textsuperscript{69} Interview with Koffi, président RASALO-CI.

\textsuperscript{70} Interview with Ake, directeur DARRV.

\textsuperscript{71} Ibid.

\textsuperscript{72} Interview with Dioumandé, directeur DST, et Traoré, coordonnateur CNR.

\textsuperscript{73} Interview with Kodia, secrétaire adjoint CNS.
to Abidjan at the beginning of the unrest. Adding to a general lack of equipment\textsuperscript{74} and in particular of means of transport, this situation partly explains the major difficulties encountered in effectively controlling land borders. Finally, corruption of some customs officials is reported to be a major problem\textsuperscript{75}.

However, various measures are being implemented to improve border control. In recent years, customs have been present at all border crossings and they are now computerized, equipped and armed\textsuperscript{76} or in the process of being modernized thanks to a EU funded programme\textsuperscript{77}. At the time of the investigation, only Noé’s post was equipped with a scanner. However Wangolo post, on the border with Burkina Faso, was also to be equipped with a scanner in the course of 2018\textsuperscript{78}. A campaign against customs corruption is underway, with the introduction of a "toll-free number" to publicly denounce acts of corruption. In terms of internal organization, a reform of the composition of the Management Committee of DG Customs increases the importance of land border control\textsuperscript{79}.

In addition, the National Police deployed at all border crossings has access to the E-Arms database of suspicious weapons and Interpol’s I-24/7 global police communications system. The Ivory Coast is the only country in the area that has equipped all its border crossings with this system\textsuperscript{80}.

Between two customs posts, the border is guarded by mobile customs patrols\textsuperscript{81}, GN squadrons (the Gendarmerie does not have a dedicated land border patrol brigade) and military border patrols\textsuperscript{82}. Their actual level of coordination could not be assessed, apart from the fact that, in Noé, a post often cited as an example, customs and police officers participate in weekly meetings.

Interstate cooperation is poor with Mali, but is good with Ghana, with which the Ivorian customs administration concluded a memorandum of understanding. Information is also regularly exchanged within the framework of ECOWAS and of the \textit{Union Economique et
Preventing illicit arms transfers towards embargoed countries

*Monétaire Ouest Africaine* (UEMOA)

At Noé’s post, the weekly meetings mentioned above also include Ghanaian customs officers.

In addition to these efforts, cross-border smuggling, and in particular arms trafficking, cannot be combated without the involvement of local communities. Intelligence gathering is encouraged by intelligence services among border populations as a means to contribute to their own security: customs services carry out awareness campaign on the harmful effects of customs fraud, and the need to involve populations in order to effectively combat trafficking in a context of “porous borders” has been highlighted by various interlocutors.

11. Infra-State Cooperation

Several agencies responsible for intelligence collection, analysis or synthesis, particularly in the field of arms trafficking, coexist in Côte d’Ivoire. These include two services within the Ministry of Defence, attached respectively to the GN and the FACI; two services within the Ministry of the Interior and Security, the Transnational Organised Crime Unit (*Unité de lutte contre la criminalité transnationale organisée* – UCT) and the Territorial Surveillance Directorate (*Direction de la surveillance du territoire* – DST). Also included are the Risk Analysis Directorate, Customs Intelligence and Value Rating (*Direction de l’analyse du risque, du renseignement et de la valeur* – DARRV), which has an analytical rather than a collecting role such as the National Security Council (NSC), which reports directly to the President of the Republic; and the National Intelligence Coordination (*Coordination nationale du renseignement* – CNR), which reports to the Ministry of Presidential Affairs and is supposed to be responsible for coordinating these services. In addition, the President of the Republic reportedly set up his own unofficial service around him, dominated by foreign advisers, in particular from France and the United States.

One could add to this system the Interpol National Central Bureau (NCB), which is part of the Criminal Police Directorate, one of whose major missions is to share information in its possession with the Ivorian intelligence services and with the NCBs abroad, within the framework of the Interpol system.

As for the level of collaboration between these agencies, it is described as "good" by the head of the Abidjan NCB, but is marked by a strong degree of mistrust, according to the Defence Attaché of the French Embassy, who claims that some services do not participate in the weekly...

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83 Interview with Ake, directeur DARRV.
84 Interview with Kodia, secrétaire adjoint CNS, et Dioumandé, directeur DST.
85 Interview with Kouamé, directrice DCQPP.
86 Interview with El Mehdi Ag Rhissa, chargé ALPC PNUD-CI, et Koffi, président RASALAO-CI.
87 Interview with Sissoko, Séné et Kouassi.
88 Interview with Camara, chef BCN.
meetings of the CNR, because this activity is "not taken very seriously"\textsuperscript{89}. According to the Director of DST, the UCT duplicates other existing services and the collaboration of the DST with the UCT, which does not participate in the CNR, is "small"\textsuperscript{90}.

Anti-smuggling operations are sometimes carried out jointly by various Ivorian services. Thus, in 2017, a major fuel seizure was made possible by a collaboration between the UCT, Customs and the Direction générale des affaires maritimes et portuaires, under the Ministry of Transport\textsuperscript{91}.

On the other hand, an "information exchange platform" on security and safety issues brings together, at least twice a month, the authorities of the Autonomous Port of Abidjan, Customs, the GN and the national police\textsuperscript{92}.

Thanks to its system of focal points\textsuperscript{93} or through interpersonal relations between their leaders\textsuperscript{94}, the ComNat-ALPC seems to have a fairly intense collaboration with most other official services.

Concerning the NCB, its main mission is to share information with the other services in Côte d’Ivoire (national police, GN, Water & Forests, Customs, etc.), where it had focal points. However, at the time of the interview with the Head of the NCB, these focal points were no longer in office, as they had been "moved"\textsuperscript{95}. In addition, the arms officer of the Interpol Regional Bureau notes that there are "gaps" in the transmission of information by the Ivorian authorities to the NCB\textsuperscript{96}.

Finally, according to various interlocutors outside the Ivorian official services, relations between security services, in particular the military forces, the national police and the GN, are highly distrustful\textsuperscript{97}.

\textsuperscript{89} Interview with Lafargue, attaché de défense de l’Ambassade de France.
\textsuperscript{90} Interview with Dioumandé, directeur DST.
\textsuperscript{91} Interview with Adomo, directeur opérationnel UCT.
\textsuperscript{92} Interview with Coffi, DOMSE du PAA.
\textsuperscript{93} Interview with Bokouin, chargé du marquage des armes à la GN.
\textsuperscript{94} Interview with Dioumandé, directeur DST.
\textsuperscript{95} Interview with Camara, chef BCN.
\textsuperscript{96} Interview with Samake, responsable armes BR Interpol.
\textsuperscript{97} Interviews with Sissoko, Séné et Kouassi, et Lafargue, attachés de défense de l’Ambassade de France.
12. International Cooperation

The sharp rise of the influence of jihadist groups in the Sahel after the regime change in Libya and the increase in terrorist attacks in West Africa has boosted the collaboration between Ivorian and foreign intelligence services\(^{98}\). This collaboration would be particularly good with the services of some neighboring states affected by terrorism, such as Burkina Faso and Mali\(^{99}\).

In terms of police cooperation, while bilateral collaborations exist, most of them seem to take place within the framework of Interpol, in particular “from NCB to NCB”\(^ {100}\).

At customs level, the system of “juxtaposed offices” proposed by ECOWAS is considered a step forward in the fight against fraud and trafficking\(^ {101}\). However, the Director of the DARRV believes that this system has limitations and that it would be more beneficial to implement the projected interconnection with the computer systems of customs in neighboring countries. This would allow to combat customs fraud more effectively\(^ {102}\). However, Côte d’Ivoire, Mali, Burkina Faso, Senegal and Togo are supposedly already participating in the same interconnected system, while a separate system would associate the country d’Ivoire with Ghana\(^ {103}\).

Finally, it should be noted that the Interpol Regional Bureau regrets that, to date, the ComNat-ALPC has not agreed to integrate its database on weapons collected into the E-Arms database\(^ {104}\).

As we have seen, the ComNat-ALPC and other Ivorian officials have benefited from numerous programmes aimed at strengthening the Ivorian State’s capacity to control arms and combat the proliferation of SALW, particularly in the areas of civilian disarmament, marking and registration of weapons, stockpile security, support for implementation in the ATT, etc.

In terms of border control, there are also many programmes. The main supports to Ivorian customs are:

- The IMF, which provided the Simplified Customs Risk Analysis Report (PVS) software,

\(^{98}\) Interview with Traoré, Coordonnateur national du renseignement.

\(^{99}\) Interview with El Mehdi Ag Rhissa, Chargé de la Gouvernance judiciaire et sécuritaire et des ALPC au PNUD-CI.

\(^{100}\) Interview with Camara, chef BCN.

\(^{101}\) Interview with Kouadio, directeur DEG.

\(^{102}\) Interview with Ake, directeur DARRV.

\(^{103}\) Interview with Kouamé, directrice DCQPP.

\(^{104}\) Interview with Samake, responsable « armes » au BR Interpol Afrique de l’Ouest.
conducted in-country assessments and proposed reforms\textsuperscript{105},

- The WCO, which, within the framework of the Columbus Programme, carried out frequent diagnostic missions in the country and directs its training according to its findings, via the Regional Capacity Building Office for West and Central Africa (BRRC-AOC), based in Abidjan,

- The World Bank, which also provides training for customs officers\textsuperscript{106},

- ECOWAS, which promotes a system of computer interconnection and juxtaposed border crossings,

- China, which trained the operators of the scanners it provided\textsuperscript{107}.

While customs officers are generally well trained thanks to the existence of high-performance schools in Ivory Coast and because many customs officers from the subregion come to Abidjan for training, WCO support is considered too theoretical, whereas customs officers would mainly need to become familia with modern best practices through bilateral cooperation\textsuperscript{108}.

Within the framework of police cooperation, there is, of course, Interpol, which, through its General Secretariat and its Regional Office in Abidjan, provides regular training for Ivorian police officers\textsuperscript{109}. In addition, criminal police officers receive technical training from foreign partners, mainly France and the United States. These same countries also use their intelligence services to provide ongoing training for DST officers\textsuperscript{110}.

Finally, in the field of the fight against trafficking, it should be noted that both CAAT and the UCT were created under the impetus of external actors. CAAT is the result of an EU-funded project implemented by UNODC in partnership with Interpol and the WCO, while UCT is the result of the West African Coast Initiative (WACI) programme set up by UNDOC, Interpol, the Department of Peacekeeping Operations and the UN Directorate of Political Affairs. The problem is that various interlocutors believe that these two structures “walk on each others feet” and should merge\textsuperscript{111}.

\textsuperscript{105} Interview with Ake, directeur DARRV.
\textsuperscript{106} Interview with Kouamé, directrice DCQPP.
\textsuperscript{107} Interview with Ake, directeur DARRV, et Kouamé, directrice DCQPP.
\textsuperscript{108} Interview with Ake, directeur DARRV.
\textsuperscript{109} Interview with Camara, chef BCN, et Samake, responsable « armes » au BR Interpol Afrique de l’Ouest.
\textsuperscript{110} Interview with Dioumandé, directeur DST.
\textsuperscript{111} Interview with Adomo, directeur opérationnel UCT, et Dioumandé, directeur DST.
Conclusion

In the opinion of several of our interlocutors, the fight against the proliferation and trafficking of arms and, a fortiori, the implementation of measures to contribute to compliance with United Nations arms embargoes, are not among the main priorities of the Ivorian Government.

Thus, according to its founding decree, the UCT is responsible for “combating illicit drug trafficking, organized crime, trafficking in persons, diamonds and protected species” (Article 1) and its “missions” are to inform the competent authorities with a view to developing strategies and policies to combat these same criminal practices, as well as “any other trafficking,” and to investigate these practices (Article 2). Arms trafficking is therefore not mentioned by name. Moreover, in some 18 months of existence, the UCT has never seized weapons or been involved in investigations into arms trafficking.

For the CNR, its first priority is the fight against terrorism, followed by the fight against drug trafficking and counterfeit medicines, and the fight against organized crime.

On the NCO-Abidjan website, there are about ten priorities (Fight against blood crimes, vehicle theft, embezzlement, etc.), but nothing related to weapons, although this is a “question of interest” to the NCO, according to its manager.

Concerning the draft law on weapons, which has been blocked for several years in the Ministry of the Interior, if the blockage is partly explained by the change of Minister of the Interior, it would be mainly due to the fact that it “is not a government priority,” according to the Deputy Secretary of the influential CNS.

The SALW ComNat, a central structure in the fight against the proliferation of SALW, if it has the merit of existing and having premises and stable staff supported by the State, would be excessively dependent on external funds for its activities and even “abandoned by the authorities,” according to a UNDP official in Abidjan.

Finally, according to the Defence Attaché of the French Embassy, Côte d’Ivoire “does not ostensibly” fight against the proliferation of SALW and there is neither technical competence nor political will to control arms control. Although sometimes extremely accurate (in the case of customs officials), we were able to meet representatives of most of the official services involved, in one way or another, in the study’s problems.

However, despite our efforts, it was not possible for us to meet with any official of the Armed Forces of Ivory Coast and the National Gendarmerie, under the Ministry of Defence, with the exception of the captain in charge of marking the weapons of the gendarmerie and the focal point of his institution within the ComNat-ALPC.

Finally, the contribution of the ComNat-ALPC was minimal and below our expectations, both in terms of information exchange and facilitating contact with other Ivorian institutions.
Very strong efforts have been made to mark and register the weapons of the security forces; but further efforts are still needed to identify, mark and register the weapons of civilians, in particular the holders of small arms (and their producers).

Regarding border control, customs services are improving since real efforts have been made, notably against the. The cooperation could be developed (with Liberia, Mali). Neighboring States could for instance undertake an investigation and send a report to Interpol in case of alleged arms trafficking from Ivory Coast.

Concerning the collaboration between Ivorian services, despite the existence of focal points at different levels, mistrust seems to persist; there is also concern about possible “duplicates” and on parallel intelligence services where the influence of foreign services could interfere.

Faced with the impossibility of preventing the “porosity of borders”, unless walls are built through cross-border forests, fields and villages or a considerable part of the national budget is allocated to border security forces, the most realistic option would be to involve the population in the fight against arms smuggling. This implies a change in the relationship between the population and border control agencies, which is often marked by great distrust. This in turn implies a change in the behavior of the staff of these agencies, which are too often susceptible to corruption (the case of the NP in particular).
CHAPTER 3

CASE STUDY IN THE ECOWAS REGION:

BURKINA FASO

1. General Comments

Under Compaoré’s regime, Burkina Faso largely supported the Ivorian rebels (training, weapons, mercenaries, flow of goods under embargo and rear base for combatants). It is therefore difficult to analyze the measures put in place to combat embargo violations once these same violations have been supported at the highest level of the Burkinabe state.

Secondly, most of the interviewees were not in their current positions at the time of the embargo, which makes the interviewees’ responses less informative. The regime changed with many replacements in the administration. GRIP has also been unable to access the intelligence services or the gendarmerie.

Under the Blaise Compaoré’s regime (1987–2014), Burkina played an important role on the regional scene, mediating or supporting rebel movements in neighboring countries. This ambivalent diplomacy of the pyromaniac firefighter has made him a feared and respected actor in the West African region. Blaise Compaoré’s diplomacy is thus involved in the negotiations to end the crisis in Togo in 1993, Ivory Coast (2002–2010) and Mali (2012). At the same time, Burkina Faso has been accused of politically supporting and providing weapons to rebel movements in Sierra Leone and Liberia. The same applies to the Ivorian rebels who received weapons, mercenaries and took advantage of Burkina territory as a rear base, also to sell goods resulting from trafficking in violation of the United Nations embargo. Burkina Faso has repeatedly been pinned by the UN group of experts for its violations of the UN arms embargo against Ivory Coast (see below).

Burkina experienced a major political and institutional crisis in October 2014 following President Blaise Compaoré’s desire to amend the constitution to remove the limit on the number of presidential terms, which would have allowed him to run again in the 2015 elections. Following the riots, Blaise Compaoré left power and was replaced by a transitional

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government led by diplomat Michel Kafando. On 16 September 2015, a coup d’État led by soldiers of the Presidential Security Regiment briefly established General Gilbert Diendéré, former chief of staff of former President Blaise Compaoré, as president. However, constitutional order was quickly restored by the army after the mutineers surrendered on 22 September. A trial against the putschists began on 21 March 2018.

On 30 November 2015, following the presidential and legislative elections, Roch Marc Christian Kaboré was elected president of Burkina Faso.

At the security level, the situation in Burkina Faso has deteriorated with an upsurge in terrorist attacks and the presence of armed groups active in the northern province (Soum). The main jihadist group, Ansarul Islam, is waging a low-intensity war against the Burkinabe defense and security forces. Attacks claimed by AQIM shook the capital Ouagadougou (Capuccino restaurant and Hotel Splendid) in January 2016. In August 2017, an unclaimed attack took place in the Aziz Istanbul restaurant in Ouagadougou. In March 2018, the French Embassy and the army headquarters have been attacked in coordinated assaults claimed by the Groupe de soutien à l’islam et aux musulmans (GSIM).

2. Violations of the Embargo on Ivory Coast

The United Nations imposed an arms embargo on Ivory Coast in November 2004 (resolution 1572), strictly prohibiting any transfer of arms and related materiel to all Ivorian parties in conflict. After the end of the conflict, the embargo will be gradually reduced by increasing exemptions and then lifted.

As from April 2012 (resolution 2045), the embargo no longer applies, notably to non-lethal police equipment, provided that prior notification is given to the Sanctions Committee by the Ivorian authorities, as well as to arms and other lethal equipment intended for the Ivorian security forces, provided that they “support” the security sector reform process and that such transfers have been previously authorized by the Sanctions Committee, upon request by the Ivorian authorities. There is nothing in this resolution concerning the export of arms by Ivory Coast.

116 The following items are excluded from the embargo: equipment intended for UNOCI, for exclusively humanitarian use, protective clothing for United Nations personnel and “supplies temporarily exported to Côte d’Ivoire and intended for the forces of a State which acts, in accordance with international law, exclusively and directly to facilitate the evacuation of its nationals and persons for whom it has consular responsibilities in Côte d’Ivoire, upon prior notification to the Committee”. 
In April 2014 (resolution 2153\(^{117}\)), the embargo is further reduced, as no notification is now required for the acquisition of non-lethal law enforcement equipment and the embargo no longer covers the provision of security training or assistance services or the provision of non-lethal equipment to Ivorian security forces. The provision of lethal equipment to the latter remains authorized as part of the security sector reform process, but is no longer subject to prior agreement but to prior notification to the Sanctions Council. The Council’s prior agreement remains in force for nine categories of weapons, the list of which is annexed to the resolution\(^{118}\). There is nothing in this resolution concerning the export of arms by Ivory Coast.

In April 2016 (resolution 2283\(^{119}\)), noting the “progress made in stabilizing Côte d’Ivoire”, the Security Council lifted the arms embargo and other sanctions against the country and dissolved the sanctions Committee.

The report of the UN Group of experts on the embargo on Ivory Coast repeatedly mentions Burkina Faso of its violations of the embargo.

- Assault rifles with identical erased serial numbers found in the hands of the Forces Nouvelles\(^{120}\) (see S/2009/521, paras. 149, 150 and 163)
- Ammunition (7.62 mm x transferred from Bobo-Dioulasso in Burkina to Korhogo\(^{121}\)).
- Sale of Malian cartridges (CARMA) for 12-gauge rifle to Ivorian customers via a Burkinabe gunsmith located in Bobo-Dioulasso and Ouagadougou. Although most likely intended for civilian use, these sales still constitute a violation of the embargo\(^{122}\).
- Diversion of 9 x 19 mm Serb ammunition declared lost by Burkina Faso during police and army mutinies in December 2006\(^{123}\).


\(^{118}\) It refers to: Weapons, direct and indirect fire artillery weapons and cannons of caliber greater than 12.7 mm, their ammunition and components; rocket-propelled grenades, rockets, light anti-tank weapons, rifle grenades and grenade launchers; surface-to-air missiles, including portable anti-aircraft systems (MANPADS); surface-to-surface missiles; and air-to-surface missiles; mortars with caliber greater than 82 mm; Guided anti-tank weapons, in particular guided anti-tank missiles, their ammunition and components; Armed aircraft, including rotary or fixed wing aircraft; Armed military vehicles or military vehicles equipped with weapons mounting points; Explosive charges or devices containing explosive substances, designed for military purposes; mines and related equipment; Night vision and night firing devices.

\(^{119}\) http://undocs.org/fr/S/RES/2283(2016)

\(^{120}\) S/2009/521, par. 149, 150 and 163


3. Infra-state Cooperation

During the 2010s, following numerous references to Burkina Faso’s role in violations of the sanctions on Ivory Coast by United Nations group of experts, the Burkinabe government set up an Embargo Monitoring Committee to coordinate the role of each institution in the implementation of the embargo. The Committee was chaired by the Minister of Foreign Affairs and attended by the Haute autorité de contrôle des importations d’armes et de leur utilisation (HACIAU), the Ministry of Defence, the Ministry of Security, Trade (on the issue of trafficking in raw materials such as coffee and cocoa), Transport, Economy and Finance (Customs). The Presidency of Faso was then added following the mention in the reports of the panels of persons working directly for the President.

According to the Burkinabe Ministry of Foreign Affairs, the Committee’s aim was to monitor the implementation of sanctions to prevent accusations of non-compliance from polluting Burkina Faso’s role as a “mediator” in Côte d’Ivoire. The Committee met periodically and also held extraordinary meetings when the reports of the expert panels were published. The expert groups were also regularly hosted in Burkina Faso to provide explanations and clarifications following some references to Burkina’s role in non-compliance with the embargo.

Following the lifting of sanctions against Ivory Coast in 2016, this Committee was dissolved. However, it could be reactivated if a country in the region of comparable importance to Ivory Coast was placed under embargo.

It is interesting to note that the political pressure put on Burkina Faso through references to its role in the reports of UN group of experts had a political effect with the creation of this Monitoring Committee.

Burkina has set up another body to coordinate its security policies, the Defense and National Security Council (Conseil se défense et de sécurité nationale —CDSN), which held its first meeting on 18 May 2018. The CDSN coordinates security policies in Burkina Faso’s military and internal defense and defense of its economic interests. He advises the Prime Minister and could play a role in the issue of embargo compliance if a new embargo were to apply to a neighboring country.

In terms of intelligence sharing, HACIAU also plays a role with its consultation framework, which includes the Ministers of Defence, Security, Foreign Affairs, Transport, Trade, Justice, Customs, Water and Forestry, Spatial Planning and the Secretary General for National Defence, chaired by the Prime Minister. A National Intelligence Agency was established in October 2015 but has suffered from the fragmentation of security services. However, the new terrorist threat environment is forcing intelligence services to improve coordination, including at the international level. Thus, a new intelligence-sharing mechanism was set up at the level of the

Agreement Council countries (Benin, Burkina Faso, Ivory Coast, Niger and Togo) in April 2018.

4. Marking Arms

Several weapons that belonged to the Security and Defence Forces (SDF) of Burkina Faso ended up in the hands of the Ivorian rebel forces (see above). The marking of Burkina Faso SDS weapons is an international obligation that stems from the United Nations Programme of Action on SALW (PoA) and the International Tracing Instrument (ITI) but also from the ECOWAS Convention (additional marking). The marking of FDS weapons is a deterrent to embargo violations by facilitating the identification of the origin of weapons found in embargoed territories. The marking of Burkinabe FDS weapons began in 2015 and continues as part of the five-year PSSM plan implemented by the CNLPAL (Commission nationale de lutte contre la prolifération des armes légères). The marking is done region by region by moving the machines. The CNLPAL is currently in the process of marking police weapons. According to the police services, 2000 weapons have already been marked and the figure of 3000 is expected to be reached by the end of June 2018. The armed forces and the Water and Forestry Services will follow. The marking is carried out in cooperation with UNODC and UNREC, which provided the machines for this purpose.

5. Dealing With the Stockpiles

The CNLPAL has put in place a five-year stockpile management and security plan for the period 2017–2021 with the assistance of Small Arms Survey (SAS) and the Mines Advisory Group (MAG). The previous five-year plan could not be implemented due to political instability resulting from the events of 2011.

6. The Role of the Customs Services

Customs has an important role to play in the implementation of embargoes. They often represent the last physical check before export. Developing countries have certain characteristics in terms of customs control. First, revenues from customs revenues represent a significant share of government revenues (40%). This implies that the Customs mission focuses mainly on tax collection rather than security aspects (weapons, drugs, fraudulent products, intelligence, etc.). In addition, it also implies that controls are more stringent at import (where taxes are collected) than at export. Another challenge is the non-

containerization of goods. Unlike Europe, Asia and America, where the majority of goods are transported by container, at the borders of Burkina Faso, the contents of containers are generally stacked on “bodies” (trucks), which makes control much more complex because it is not possible to use scanners. All inspection must therefore be done by hand after unloading.

Another characteristic of developing countries is the high proportion of cargoes that are subject to physical control. While in developed countries, algorithms are used to target the cargoes to be controlled according to their degree of risk and the level of cargoes actually controlled is very low (about 5%), it is much higher in Burkina Faso (about 45% of imported goods actually controlled).

The role of Ivorian Customs was specifically mentioned by the panel of experts on Côte d’Ivoire. Some of the recommendations can be applied to Burkina Faso (see p. 11–12):

Burkina Faso Customs does not have a specific service for the implementation of the embargo. The Customs Legislation and Regulations Service receives information on the embargo (including changes to the sanctions regime) through the Ministry of Foreign Affairs and distributes this information to all Customs services. The competence of the customs fraud control service nevertheless includes embargo violations. Customs are part of the consultation framework of the CNLPAL, which makes it possible to share information related to arms trafficking and HACIAU to benefit from information on final destination certificates (FDCs) that are equivalent to import licenses.

7. Risk Assessment

Burkina Faso has developed internally a risk analysis algorithm (Système de gestion informatisée du contentieux douanier) to target the cargoes to be checked as a priority. The system records the operator’s transaction history. The system operates on the principle of green circuit (no verification), blue circuit (possibility of performing a deferred control on documents), yellow circuit (possibility of an effective visit depending on the sensitivity of the goods) and red circuit (mandatory visit by the customs controller). Criteria are used to determine a level of risk (first and second importation, past offenses, etc.).

The system was implemented in 2013 for a test phase and has been fully operational since 2015.

In addition to the computer system that allows for better targeting of suspicious cargoes, Customs has an intelligence service to analyze trends in illicit trafficking (drugs, explosives, weapons, fraud) through a computer program. Unfortunately, the person responsible for this work had just joined this position and could not say much about traffic trends.
8. Defining Arms

One of the problematic issues for Customs seems to be the question of the definitions of “arms and related materiel.” In the absence of a national checklist, different Customs services interviewed gave different methods of resolution to decide whether or not the intercepted goods constituted weapons:

- Customs investigation services are based on the WCO Harmonized System customs codes. The problem with this system is that it does not always make it possible to distinguish military products from civilian products (for example, for aeronautics and electronic subsystems). Departmental instructions may supplement these codes.

- Other customs officials reported that they called on the Ministry of Defence to determine whether the controlled products were products considered military, while yet another stated that “all equipment used by military personnel” was considered a weapon and referred to the technical documentation to determine whether a cargo was military or civilian.

The question of what constitutes a weapon is therefore decided on a case-by-case basis but without a pre-established list.

In addition to these different ways of defining weapons, the Ministry of Security issued a statement\(^\text{126}\) on 24 April 2018 prohibiting the import and sale of equipment intended for the Security Forces (uniforms, ranger boots, belts, gun cases). This press release was issued at a time when some terrorist attacks have been committed in the region by individuals wearing FDS military uniforms. The press release insists that this is a reminder of the law on the prohibition of the import and sale of “military items” without further clarification on the definition of this term or reference to a checklist.

9. Fighting Against Corruption

Customs has some anti-corruption tools at its disposal, but they do not seem to be a major policy. At the Customs level, the fight against corruption is mainly based on awareness-raising and denunciations. To this end, the denunciations can be deposited in person at the Customs office in Ouagadougou, a denunciation box has also been deposited in front of the building to slip anonymous denunciations in. Finally, a toll-free number exists to report corruption practices. The introduction of a new online customs clearance software called SYLVIE allows traceability and avoids direct contact between the trader and a customs officer.

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\(^{126}\) “Burkina : Le ministère de la sécurité met en garde les commerçants contre la vente des équipements militaires, Le Faso.net, April 24, 2018.
RENLAC (National Anti-Corruption Network) published a report at the end of 2014 on suspected corruption in customs services via anonymous interviews with customs officials. The study highlights a pyramidal corruption system in which customs officers must bring money up to the level of the minister. Customs posts that “reports” are therefore the subject of bargaining and the distribution of profits from corruption between the person appointed to this post and the superior who appointed him. However, this investigation dates back to before the 2015 coup d’État and it is difficult to know whether the new regime has changed the situation. RENLAC believes that the regime change has not improved things. However, the Réseau national de Lutte anti-corruption (REN-LAC) cannot cite any cases of corruption that would have had a security impact (e.g. arms trafficking).

In terms of citizens’ perceptions, customs ranks second among the most corrupt Burkinabe institutions this year, it was in third place last year.

10. Monitoring the Borders

Burkina Faso has approximately 3,600 kilometers of borders with Ivory Coast, Mali, Togo, Benin, Ghana and Niger. Burkina Faso has 24 customs posts, 21 of which are on the borders. These posts are generally linked to border police posts. There are three border crossings along the border with Ivory Coast (584 km). The question of porous borders, beyond the cliché, remains a real problem. Nor are the boundaries fully delineated. In February 2017, 60% of Burkina’s borders were correctly identified. The closure of borders by fences and cameras seems illusory without the ability of the SDF to intervene quickly when a group of individuals or vehicles cross the border. Customs is currently considering a project involving surveillance drones. Mobile customs patrols have also recently been introduced in the border area with Ivory Coast.

Burkina Faso receives substantial assistance in terms of border management. For example, the EU is financing, in cooperation with Germany, a border management project called the Programme for the Integrated Management of Border Areas in Burkina Faso. The project is implemented by the German GIZ agency and is part of the National Border Management Strategy adopted by the Burkinabe authorities.

The project focuses on four areas of action within the framework of integrated border management:

- Strengthening the institutional and legal framework

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• Networking of actors in charge of border control and security
• Extension of basic social services and improvement of crisis management in border areas
• Improved management, coordination and monitoring of the national border management programme

The programme therefore encourages cooperation between customs, police and gendarmerie and encourages cross-border cooperation between Burkina Faso, Mali and Niger.

A more original approach to border control was attempted in 2013 (during the embargo even if this was not the purpose of the project) with the community border security project led by the National Commissions of Burkina Faso (CNLPAL) and Ivory Coast (ComNat SALW) which was to involve local populations in border control and the fight against trafficking in SALW. According to RASALAO, this approach has been completely undermined by the rise of the jihadist phenomenon, which has led states to mistrust local populations living in the border area.

The current security context has an impact on border control as customs no longer operates on the Malian border and has retreated to a line further south. The North is therefore currently a military zone.

11. Arms Exports

Burkina Faso is not an arms exporter. There is no industrial production in the country. The only cartridge factory (both hunting and military cartridges), SIBAM went bankrupt in 2006. According to the hierarchy of the Burkinabe army, there is indeed a project to recreate SIBAM with a foreign partner, but the process is only in its early stages. The reason for this reactivation is that the Defense and Security Forces consume a lot of ammunition in current anti-terrorist operations and that orders take time due to the administrative procedures involved in issuing a Certificate of Final Destination.

In addition to the fact that Burkina does not produce arms, Burkina’s imports are final. Whether for civil or military weapons, the certificates of final destination issued by the Burkinabe authorities (in practice HACIAU by delegation of signature from the Ministry of Defence or Security) do not allow re-exportation. This could change for civilian weapons under a draft revision of Decree 2009-301 that would allow the export of civilian weapons previously imported into Burkina Faso.
12. Regarding the ATT

The ATT adoption project had been delayed by the political events of 2014 and the coming to power of a new inexperienced government. Four years later, Burkina Faso completed its ATT adoption process, accompanied by the EU ATT Outreach Project (ATT-OP) funded by the European Union. From 17 to 18 April 2018, a national validation workshop was held in Ouagadougou in the presence of representatives of Burkina Faso’s 13 regions and the relevant ministerial departments, the civil society, arms manufacturers, private security companies and hunting concessionaires. The process was supervised by HACIAU, which was mandated to transpose the ATT into Burkinabe national legislation. Following this validation workshop, the draft law, the draft decree on brokering, transit/transshipment and data retention and the draft decree on the national control list were forwarded to the Prime Minister for validation by the Council of Ministers.

The adoption of the ATT will resolve some of the problems related to embargo compliance:

1. The presence of a checklist to determine what types of equipment require a license.
2. Criminalization of embargo violations

13. Towards a National Control List

The wording generally used in UN Resolutions containing arms embargoes is “arms and related materiel” but there is no definition of what constitutes a weapon or related materiel, which can lead to serious differences in interpretation between States within the United Nations on what an arms embargo actually covers, but also between exporting States and expert panels charged with verifying compliance with the embargo. Indeed, in the absence of an agreed definition of what constitutes a “related weapon or material,” exporting States generally use their own national checklist to implement the embargo. In the field, some experts seem to use a much more pragmatic approach to overcome the lack of a definition of the terms “weapons and related materiel.” The emphasis is on the “force multiplier” aspect, any equipment which, when used by the army, multiplies its combat capabilities and thus contributes to the success of the missions assigned to it. This approach deployed by the experts would require a reactive and flexible approach by the supervisory authorities. As soon as a certain type of equipment (even equipment not included in any checklist) effectively confers this effect of multiplying force on an embargoed party, it would be a matter of placing such equipment on the lists or monitoring its export. This type of mechanism involves smooth

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130 It can integrate elements from international control lists such as the EU Military List or the Wassenaar control list.
communication between expert panels, sanctions committees and national export control authorities (and downstream customs).

Burkina Faso does not yet have a national checklist. However, the implementation of the ATT, which will likely result in legislation in the summer of 2018, will partially address this problem.

The Arms Trade Treaty (ATT) requires States parties to establish and maintain “a national control regime, including a national control list, in order to implement the provisions of this Treaty” (art. 5.2). This checklist must be at least as broad as the categories of the United Nations Register of Conventional Arms (UNROCA), including the addition of the SALW category. The checklist currently proposed includes all categories based on those listed in the ATT as well as parts and ammunition. The checklist is established by implementing decree, which allows for flexibility in making changes to the list.

Four categories of authorizations will be created by the checklist:

A. Prohibited weapons: CBRN weapons,

B. Weapons subject to authorization by the Ministry of Defence: weapons of war,

C. Weapons subject to authorization by the Ministry of Security: civilian weapons,

D. Dual-use products.\textsuperscript{131}

The difference between civilian weapons and weapons of war is not extremely clear. Heavy equipment is considered as weapons of war, differentiation is made in SALW according to caliber. Civilian weapons mainly cover hunting and leisure weapons and pistols up to 7.65 mm. War weapons are those used by the FDS (e. g. 9 mm pistols).

This differentiation between civilian weapons and weapons of war is undoubtedly due to the existence of two entities that have control of SALW as their competence (HACIAU and CNLPAL).\textsuperscript{132}

The draft law contains criminal provisions and/or fines for offenders.

\textsuperscript{131} It is not clear which list of dual-use products Burkina will adopt.

\textsuperscript{132} “Feuille de route pour une harmonisation de la mise en œuvre du PoA et du TCA”, Burkina Faso, Mars 2017.

At the level of international cooperation, several levels can be identified. At the level of informal cooperation in the field (border crossings), this depends on the affinity of customs officers with their counterparts on the other side of the border. Customs officers generally have the means to contact the latter (no specific example with Ivory Coast, example given with Niger). The language barrier can be a problem, especially with Ghana. However, this remains an informal cooperation based on individual initiatives. At the level of formal cooperation, during the embargo on Ivory Coast, there was no cooperation between the Ivorian and Burkinabé authorities (for the simple reason that Burkina Faso has largely supported the rebel movements in northern Ivory Coast). The most appropriate forum could have been the Treaty of Friendship and Cooperation with Ivory Coast signed on 29 July 2008. This treaty provides a framework for many topics of cooperation, mainly on the management of flows and exchanges between the two countries (economic, people, infrastructure) but also on the management of the common border and security issues.

Other international forums could be used to exchange information related to arms trafficking, including the G5 Sahel and the Cartel Council.

Conclusion

Given that the decisions concerning the supply of arms to the Ivorian rebels came from the top of the Burkinabé State, there are few measures that the authorities could have put in place to put an end to the violations of the embargo. According to one customs officer, if the presidency services wanted to violate the embargo, they would not take the risk of crossing the border illegally, deliveries would be made in broad daylight via military convoys classified as secret defense and escorted by the army for which the customs services have no control over documents or cargo. According to another interlocutor, the Ivorian rebels were at home in Burkina Faso. From “Ouagadougou to Bouaké, it was almost the same state.” However, references to Burkina in expert reports have prompted the government to put in place measures such as the embargo management committee. In the case of Burkina Faso, this committee may have been able to serve to change only the weapons issue, but it is nevertheless an example of what could be put in place when a state finds itself adjacent to an embargoed territory. The adoption of the ATT and its transposition into national law is another interesting element that allows the authorities to have a national control list (with the minimum provided by UNROCA) and the criminalization of embargo violations.
CHAPTER 4

WORKSHOP IN THE ECOWAS REGION

1. Preliminary Observations

GRIP presented the various points to be remembered from his study mission in Ivory Coast and in Burkina Faso in April 2018. GRIP insisted on information sharing between the relevant governmental agencies, the status of arms proliferation and the legislative process in the country, various aspects of border control, collaboration between Ivorian services and with other States in the implementation of embargoes, cooperation and assistance programmes, priorities for government action and some conclusions and recommendations.

Some of the data presented by the speaker have benne discussed, in particular a figure of 100,000 illicit weapons in circulation in Ivory Coast put forward a few years ago by UNOCI. It is mentioned that due to the civilian disarmament operations carried out recently, a accurate and recent figure should show a significant decrease in the number of illicit weapons in circulation.

With regard to government priorities, two of the main ones in the subregion are the fight against terrorism and organized crime, and much less the fight against the proliferation of illicit weapons. However, terrorists generally use small arms. Governments should pay more attention to the fight against arms trafficking, which would strengthen their fight against terrorism and banditry.

With regard to inter-State collaboration, it seems that, between 2004 and 2010, the heads of West African security services met regularly to review the security situation. These meetings have since been suspended for financial reasons, although they must be handled by the country holding the ECOWAS Presidency. However, most of Interpol’s regional offices are in permanent relations. Interpol organizes technical meetings within the G5 Sahel countries on illicit arms trade. Training on codification has also been provided in Mali by ECOWAS to enforce the traceability of weapons.

It is mentioned that not only the ECOWAS Convention complies with the UN arms embargoes, but it goes much further, since transfers of SALW require ECOWAS’ prior approval. In addition, weapons must be marked. However, it is noted ECOWAS Member States remain slow in transposing the Convention into their national legislation.
In addition, the marking of weapons has been. ECOWAS has implemented software for marking weapons.

All participants recognize the marking processes make it possible to trace a large number of weapons. RECSA (Nairobi) and UNREC provided training to develop the capabilities in this matter. However, marking weapons is the responsibility of the State. This is why the various ECOWAS countries were asked to mark legal weapons in the possession of the security forces. Unmarked weapons, particularly in civilian hands, remain challenge.

Finally, with regard to the corruption that allegedly affects several Ivorian customs officers, it is mentioned this phenomenon remains “residual.”

2. Defining Arms

There is a generalized absence of a practical definition of armaments and related materials. Mot of the actual definition let too much place for interpretation by importers and exporters, by national agencies and also by experts from different countries as well as.

One of the participants insisted on the importance of a national control list to be consistent with the international ones in order to facilitate the action of the customs services and to avoid legal vacuum at the international level. In the legal framework, there is sometimes a distinction between civilian weapons and military weapons (in the penal code, for instance) but it remains too vague.

Subsequently, all the participants stressed the importance of a common list, first at the national level. But they also stressed the importance of a regional and an international harmonization (between legislators; customs and intelligence services, both at the infra-state level and at the inter-state level). It is suggested the WCO could provide guidance for the implementation of policies leading to a cross-cutting definition of weapons and related material that could adapt to new security and technological challenges.

Taking into consideration all national and international concerns in the context of arms embargoes remain a challenge since states, the UN and ECOWAS do not have necessarily share same definitions and priorities.

The political will remains fundamental in this matter. Writing such as “[items] likely to be classified as…” could allow some flexibility to the customs services and lead them to investigate and to search for all the clues that may facilitate the interception of suspicious goods.

A participant mentioned the regime applying to items in transit poses a problem during the controls regarding the initial declaration, the electronic documents and the purpose or even the destination of the goods. The current situation requires a better cooperation and
harmonization in classifying what can be considered as a weapon. A border control list of items including dual-use items would help.

Another difficulty is that not all goods pass through customs posts even when there is a common definition of arms. The number of parachuted weapons is more important than the number of weapons crossing the borders. In addition, related materials such as motorcycles are also parachuted sensitive areas. The WCO provided training to customs officers in all the countries of the region on this subject in a capacity building seminar.

Speaking on the issue of small arms, believes that there is a need for intensive communication, from all security institutions and civil society, on the ECOWAS Convention regulating artisanal production in order to bring the authorities of the various countries has accelerated the process of ratification and harmonization of texts with the ATT.

It is also mentioned that terrorists can transform local weapons (artisanal weapons or hunting rifles) into weapons of war. They can also repair weapons them and produce suitable ammunition. They are for instance able to copy an AK-47.

In Burkina Faso, producers have been identified and registered. The weapons are marked with the initials of the producer who has to bring them to a legal armory for approval and registration. Then in possession of appropriate documents, the weapons can be sold to a buyer with relevant authorizations. One of the difficulties is to quantify the number artisanal weapons produced.

3. The Role of the Customs Services

It is mentioned that it is impossible for the Ivorian customs services to control all goods passing through borders. The custom services use a specific software (with criteria constantly updated) to analyze the risks and also scanners at the port and at the airport. Facilitation is applied to 80% of goods, but controls are carried out on good coming for targeted countries.

In Ivory Coast, despite the fact that, on the one hand, a close collaboration between the Ivorian customs services, the gendarmerie and the police, and on, the other hand, technical (scanner in Oungolodougou), institutional reforms and anti-corruption measures, it is mentioned by GRIP’s researchers that the place where weapons cross the border remains the land borders (west and north).

It is mentioned that corruption should be seen as residual since the Ivorian customs services have implemented a mechanism to combat it. On the issue of corruption, participants unanimously that it mainly remains a matter of perception, since there is still no reliable study on the topic (some World Bank reports reportedly mentioned the problem).
4. **Risk Assessment in the Region**

In terms of risk assessment Ivory Coast seems to be quite advanced. Other countries in the region may profit from the Ivorian experience so far.

In Senegal, there is a custom information system (LION) operating as an integrated risk analysis system. At the airport, new processes balancing security and commercial logic are currently implemented and will require that companies share their information on the passengers with the customs services.

The various participants insisted on the necessity to set up platforms for better high-risk evaluation and management composed of all the security and defense forces, as it is the case in Senegal, for instance. The Senegalese customs services stressed that cooperation appears to be a fundamental provision because if the information does not confirm accurately, if tangible elements are not sufficiently substantiated, the product is escorted to the country of destination where information is shared with the services of the intended country. In the context of transit, the international rule requires control only at the destination, so there is no possibility of scanning for commercial purposes.

In the context of control and risk assessment, it is mentioned that the customs services usually have the list of departing and arriving passengers. It is then easier to manage the profiling of sources that should be of interest to the customs officers.

All participants agreed that an essential element in risk analysis is undoubtedly the intelligence that has been recommended by the WCO framework institution, which requires a network of intelligence officers. The data collected and shared with other agencies can allow facilitates the controls. The WCO stresses that the documentary criterion is fundamental, analyzing the seizures and the routes. The theory is well understood but the operationalization remains challenging.

In addition, all participants noted that a weakness in risk analysis lies in the balance between commercial risk and security risks. The absence of experienced officers in some security structures is also a problem, because they do not have sufficient understanding of specific parameters linked to the porosity of the borders (particularly in the Sahel region).

The Malian delegation stressed that the establishment of information-sharing mechanisms with focal points remains crucial and collaboration between the regional customs services. An example of collaboration remains *Global Shift*, a security project involving Mali, Niger, Burkina Faso and Nigeria because they are the four countries currently facing jihadist attacks. Customs remains the key element.

Despite all these experiences, participants unanimously acknowledged that most administrations are still at the low level of risk analysis related to the arms trade and embargo control. There is a need for training in this area because it is not the risk of revenue loss that
should be the most important. For the WCO, administrations must go beyond this by recalling the central role of customs at the security level, because customs officers are increasingly realizing that they do not only have a fiscal role, as one Ivorian customs officer points out.

However, it is mentioned that the customs services are too often marginalized when it comes to security issues while they should certainly be at the core of the decision processes and operations when it comes to embargoes.

5. Cooperation at the National Level

The participants insisted on the complexity of arms embargoes given the elements they cover and the many exceptions and procedures associated with them. One the main challenge remains to efficiently share the relevant information with the ministries but also with the private operators.

Participants noted the ComNat remains crucial in this matter. In Ivory Coast, the CNS and ComNat reported that the arms embargo has been one of the points of the security sector reform in the country. In the case of arms purchases, a request is made to ECOWAS and the UN Sanctions Committee who evaluates the request. It is mentioned, there will soon be a new law that would merge the requirement of the UN Sanctions Committee and of the ECOWAS Convention. However, the ATT led to re-evaluate the current draft.

In Mali embargoes are attached to the presidency and implemented by the Ministries of Security and Defense and then at a third level by the Malian ComNat-ALPC. The ATT appears to be one of the solutions to the problems related to embargo issues in West Africa for Malian customs today. Thus, a workshop was organized in 2015 at the mail to make a comparative analysis of the ATT and the convention. A comparative analysis of these two texts with aim to transpose the results into account in the national legislation. A campaign of information with NGO campaign has also been organized.

In Burkina Faso, a draft decree is in progress for trade, transit and brokering.

In most cases, it is noted there is a communication and information-sharing network on embargoes. A mixed entity has been created that tries to coordinate and manage embargo issues.

It is mentioned that one of the difficulties for law enforcement agencies engaged in arms control is the administrative burden and the lack appropriate resources and procedures.
6. Regional and International Cooperation

The purpose of this theme was to understand the types and modes of cooperation between customs services and the modality of information exchange. It is mentioned that Since 2015, no country has produced either an annual report or accurate databases on marked, seized and obsolete weapons that have not been marked and destroyed. Yet, this is a requirement of the ATT, even though the CNS points out that an inventory of weapons would have been made at the level of the Ivorian armed forces, including the sites, in order to assess in order to facilitate the tracing of these weapons as part of the allocations.

The importance of the involvement of the regional organizations in the implementation of embargoes is underlined (ECOWAS and other sub-regional forums like the G5 Sahel for instance).

A list of instruments has been established by the participants. It includes CenCom (of the Sahel Committee, Securing I/24, I/weapon, The interconnection of the financial system Abidjan/Lagos project and the SPC++ project (secure and controlled communication system in which everything is taken into account weapons issues and including Niger, Cameroon, Mali, Nigeria.). With regard to CenCom, the WCO recalls the need for daily intelligence to facilitate coordination, cooperation and information sharing, thus raising awareness of the issue. Its regional intelligence office is coordinated by Senegal. They have correspondents without each country.

The WCO says it has 3 training centres, Ouagadougou; Abuja, Brazzaville. But no training requested so far by Customs on SALW training and related transit issues, although it acknowledges that it does not have trainers on the issue. As for Interpol, high-level training is provided to national security officials, but it is not resource persons who would be mandated by their respective countries. Cronyism and bureaucracy are favored at the expense of operational staff.

Faced with the realities of terrorism, it is reported ECOWAS is engaged in the development of joint checkpoints with aim to move towards the creation of direct communication stations.

Ivory Coasts receive the support from the international community through UNOCI. Also, the UMAS. The international assistance helped in the training of the customs services (manual arms manufacturers of weapons stocks management). Germany, through GIZ, made possible to equip and secure armories and stocks. As for training and conventions, Interpol remains an essential resource for Ivory Coast, Mali and Burkina Faso where requests for training have been made.

The participants seem to be unanimous on the fact that a weapons transfer database would be useful and help in securing weapons in the context of the fight against terrorism.
CHAPTER 5

CASE STUDY IN THE RECSA REGION: KENYA

Kenya has never been under embargo but is surrounded by countries that are (Somalia, Sudan, Southern Sudan and the Democratic Republic of the Congo) or have been (Ethiopia and Rwanda) under embargo. Its diplomatic and military involvement in some of the conflicts in neighboring countries, particularly Somalia, has made Kenya the target of terrorist attacks over the past decade: for example, the Al-Shabab group has carried out several particularly deadly attacks on its territory, including the 2013 attack on the Westgate shopping centre in Nairobi and the 2015 attack on Garissa University.

Despite its apparent stability, the security situation remains fragile, as evidenced by the violence (particularly armed violence) that followed the 2007 general elections, which killed more than 1,300 people. Overall, the country has been facing significant insecurity for many years, largely due to the uncontrolled circulation of small arms and light weapons (SALW). This insecurity manifests itself mainly in two contexts. On the one hand, pastoralist communities living in border areas (notably with Ethiopia, Uganda and Somalia) regularly use weapons in disputes and conflicts related to grazing land control and access to water. On the other hand, armed crime is very high in the country, especially in large cities. Finally, the authorities highlight the prevalence of arms trafficking from neighboring countries (notably Ethiopia, Somalia and Sudan).

Respondents to this survey pointed out that the influx of weapons from abroad, particularly in the context of conflicts between pastoralist communities, accounts for a large proportion of illicit weapons in the country. Another route of entry for weapons would be the port of

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133 https://www.grip.org/fr/node/1522
134 https://www.grip.org/fr/node/1523
135 https://www.grip.org/fr/node/1513
136 https://www.grip.org/fr/node/1566
137 https://www.grip.org/fr/node/1577
139 The last major study on SALW conducted in 2012 noted that “about twenty percent of respondents were victims of a crime or act of violence in the year preceding the interviews”. Ibidem, p.20.
Mombassa (i.e. weapons hidden in shipments of goods legally brought into the country) although it is difficult to provide figures in this respect.

There are documented cases of diversion from government stocks. Thus, in December 2009, more than 100,000 munitions were found in the home of a businessman, a large part of which came from the Kenya Ordnance Factories Corporation, the country’s munitions factory based in Eldoret, and which was suspected of being part of a trafficking network to neighboring countries\textsuperscript{140}.

The port of Mombassa is the largest port in the region: a significant part of the transit of goods and commodities, including convoys of military equipment, to the countries of the Horn of Africa passes through it.

As mentioned above, the country has industrial ammunition production capacity but would not export ammunition.

According to the most recent figures (2012), there are between 530,000 and 680,000 firearms in the hands of the Kenyan civilian population\textsuperscript{141}. The number of legally owned weapons is not known; however, it is known that in 2016 there were 6,500 legal gun owners\textsuperscript{142} and in 2014 there were ten authorized arms dealers in the country\textsuperscript{143}.

1. General Comments

According to the NFP, there is, to its knowledge, “\textit{no (EU) transfer to embargoed countries.” He added that Kenya does not support any countries and/or entities under embargo. It should be noted that to the question, “\textit{what are the priorities for the implementation of embargoes in your country?” the NFP replied that this question was not relevant since Kenya is not subject to any embargo. This response raises the question of the authorities’ understanding of the implications of international embargoes and their implementation by Kenya as a neighboring country of embargoed countries. The NFP adds that “Kenya is fully implementing its international and regional commitments”; it evaluates national policy in this area in a positive way because “adequate legislation exists to address these issues.” In addition, Kenya’s strengths in this area are law enforcement, surveillance and strict border control. However, to the question “what kind of measures and procedures could be put in place to strengthen Kenya’s implementation of embargoes,” it was answered “a regular review of legislation and policies in this area as well as training of law enforcement agencies”. Finally, while the

\textsuperscript{140} Ibid., p.22.
\textsuperscript{141} Ibid., p.20.
\textsuperscript{142} “Neville Otuki, \textit{East Africa: Kenya’s 680,000 Guns in Civilian Hands the Largest in East Africa}, Allafrica, July 11, 2016.
authorities stress that there is already a dialogue (concerning SALW, not specifically on embargo issues) with civil society and the private sector (including through the NFP), they acknowledge that more could be done to raise awareness among these actors, including through advocacy and capacity-building programmes.

It should also be noted that the authorities met tended to focus their responses on the issue of SALW and gave less detailed and detailed answers on conventional weapons and dual-use goods and technologies. The same is true of the regulations and procedures in place concerning the control of international transfers; the authorities’ knowledge of this aspect was generally less than that of the control of civilian possession of weapons (in this case, SALW).

2. **Infra-state Cooperation**

There are several institutions that are concerned with the issue of embargoes:

- Customs (air-land-sea border control);
- Police (law enforcement and also customs assistance at borders);
- The Ministry of Foreign Affairs (coordination with the UN and sharing of information with other government agencies) and
- The National Focal Point (coordination of national SALW policies), which includes some 15 national agencies.\(^{144}\)

The authorities stress that it is the Police, which is part of the Ministry of Interior and Coordination of the national government, which is in the front line for the implementation of embargoes and other aspects of the fight against the proliferation of SALW. The other agencies, foremost the Customs Service, support the Police. The Police act within the framework of the National Security Action Plan.

In cases where inter-agency coordination is required for the implementation of embargoes, the National Focal Point, which brings together some 15 government institutions, is the preferred platform. However, the NFP representatives did not mention any cases where the issue of embargoes was discussed at their meetings.

\(^{144}\) Namely, the Ministry of Interior and Coordination of the national government, the Ministry of State for Defense, the Ministry of Foreign Affairs and International Trade, the Ministry of Industrialization and Business Development, the Ministry of Environment, Water and Natural Resources, the Ministry of Sports, Culture and the Arts, the Ministry of Agriculture, the Ministry of Education, the Attorney General’s Office, the Judiciary, the Directorate of Judicial Proceedings, the National Intelligence Service and the Forest Service.
Finally, the authorities acknowledge that there is no specific dialogue with the private sector and civil society on the implementation of embargoes and the prevention of their violation (with the exception of the presence of civil society in the NFP, which concerns SALW issues in the broad sense).

## 3. National Legal Framework

As explained above, the partners met have a greater knowledge of issues related to SALW and the control of their possession (and the prevention of their trafficking) than of issues related to the control of international transfers of conventional arms. This has an impact on the quality of the responses provided regarding the relevant legislative measures and their implementation.

The central piece of legislation concerning the possession of a trade of firearms is the Firearms Act adopted in 1954 and amended and reviewed several times over the years (most recently in 2015). A complete revision of the legislation is currently under consideration in the national parliament. It was not possible to obtain a copy of this document; however, the partners met stressed that the update was necessary to take into account technological developments (such as 3D weapons), to reflect the process of harmonizing legislation at the regional level initiated under the aegis of RECSA and also to strengthen penalties in the event of violation of legal provisions. A new “SALW policy” is also under consideration at the moment.

Current legislation provides that, subject to obtaining a certificate of possession of weapons, a citizen may acquire a weapon from a certified dealer (§15–17) or import it directly (§27). In this case, an import permit must be issued by the competent authorities, namely the Firearms Licensing Board, which is also the agency responsible for certifying arms dealers and granting civilian possession permits. The Kenyan authorities point out that the conditions for obtaining a permit are particularly strict and that citizens have access only to restricted categories of weapons (pistols, revolvers and carbines; automatic and semi-automatic weapons are prohibited) (§2). Penalties for the illegal possession and acquisition of authorized weapons consist of fines calculated on a pro rata basis according to the duration of the contravention of the provisions and/or imprisonment for a maximum of two years. In the case of weapons prohibited by law, the penalties are more severe and range from at least five years’ imprisonment to a maximum of 15 years (§4). If the weapons concerned have been used in criminal activities, a life sentence is applicable (§4A). The transport of weapons is prohibited except in the context of authorized commercial activities (such as resale) or activities provided

145 Firearms Act, 1954, Chapter 114.

146 The Firearms Licencing Board is composed by a President and two representatives of the Police (including one from the Directorate of Criminal Investigation) and one representative from each of the following agencies: the Prosecutor General’s Office, an association of arms holders, the Wildlife and Flora Service, the National Intelligence Service and the National Focal Point.
for and authorized by certificates of ownership granted to civilians (§ 29). The law also provides that transit (a term which is not defined by the legislative text) can only be carried out if a transit permit has been granted by the competent authorities (§ 30). Finally, the law prohibits the transport or landing of weapons by ship (“vessel”) of less than 500 tons except in the case of weapons owned by the government or accompanied by a government representative or weapons legally owned by a gun holder (§ 31).

The partners met were unable to provide details on the legal provisions on international transfers of conventional arms. None were able to cite any legislation in this area and the author’s internet searches were unsuccessful. However, the partners provided general information on current practices. Thus, they stressed that Kenya is mainly a transit country; it therefore facilitates the transit of goods (including military equipment) through the country to their final destination, by escorting convoys by the national police. It should be noted that when a transfer of military goods in transit takes place, almost all of them are goods arriving by sea. The authorities we met are not aware of any arms transit by air. The transshipment therefore occurs in all cases and, according to the NFP, customs, assisted by the Police, systematically carry out physical inspections of cargoes containing weapons. The authorities met could not specify whether all arms transfers in transit through Kenya required a transit license or only those that are Transshipped.

Finally, the partners met stated that, although the violation of an embargo is not per se criminalized, persons who violate an embargo could be prosecuted under the existing provisions of the above-mentioned arms legislation.

Kenya, which has been a strong supporter of the ATT during its negotiations, has still not signed the Treaty. The partners interviewed cited as an explanation for this situation the lack of international support for the treaty (particularly from some of the main arms exporters) and the ambiguities and complexity of the language of some articles in the document.

### 4. International Cooperation

When an embargo is imposed or implemented by the United Nations, the flow of information within government agencies is ensured by the Department of Foreign Affairs and International Trade. The latter participates and/or is kept informed of the discussions in New York through its Permanent Representation. When necessary, it forwards the information to the Multilateral Affairs Directorate, which in turn shares it with the other Foreign Affairs Directorates and other relevant agencies (mainly Customs, Interior, Defense and Justice). This flow of information is only rarely done through formal meetings (only when there is an urgent issue); formal notifications are most often preferred.
It is also the Ministry of Foreign Affairs which is in charge of communicating with other governments or other institutions such as the United Nations group of experts. In the latter case, it has been clarified by the NFP that Kenya has never been under investigation but that it sometimes responds to requests for information from this group.

Kenya also shares information on arms trafficking with other countries in the sub-region through the many existing forums such as the Eastern Africa Police Chiefs Cooperation Organization (EAPCCO), the East African Community (EAC) and Interpol.

The NFP and the Police confirm that Kenya sometimes makes tracing requests without giving further details. However, they note that it remains difficult to communicate on tracing issues with neighboring countries, most of which are unstable and do not have robust institutions such as Kenya. Information shared with authorities is often incomplete.

Kenya, together with other countries in the subregion, has also undertaken a review and harmonization of its SALW legislation as part of an initiative under the aegis of RECSA. This regional project has not yet been completed, which the Kenyan authorities deplore as, in their view, the lack of harmonization of legislation makes it much more difficult to combat cross-border arms trafficking.

5. Monitoring the Borders

GRIP did not receive any specific information (in addition to that already mentioned elsewhere in this report) on border control, as the planned meeting with the customs authorities could not finally take place.

6. International Assistance

Kenya has not received international assistance specifically on the issue of embargoes. However, it has received assistance in combating the proliferation of SALW in related areas (including the marking and registration of government weapons and stockpile management). Without specifying, the NFP stated that Kenya has regularly received assistance, including from Germany, the United States and Japan, as well as from UNDP, RECSA and the African Union.
7. **Workshop in Nairobi**

7.1. **Infra-state Cooperation**

In Kenya, the Ministry of Foreign Affairs provides information to experts mandated by the United Nations (during their investigations into possible embargo violations). It holds meetings, as appropriate, with the other ministries concerned. The effective implementation of arms embargoes requires a clear legal framework on arms trafficking at the international level, and as such, the UN legal instruments to combat trafficking in SALW are welcome (PoA, UN Firearms Protocol). Concretely, if a Kenyan citizen is guilty of trafficking in SALW to territories under embargo, he or she will be charged with trafficking in arms and not for violation of an embargo, as the offense does not exist under Kenyan law (combating embargo violations therefore requires the creation of a recognized offense under national law). Concerning goods transiting through Kenyan territory, there is an inter-service or inter-agency liaison committee that collects and disseminates information, mainly to customs, on these goods when they arrive at the country’s gates. There is also a unit that follows these goods once they have entered the country and until they leave, in coordination with the police.

In Uganda, the fight against arms embargo violations has led to an improved cooperation between the customs services, the army and forest rangers. There is also a joint border checkpoint with Kenya at Malaba through which information on goods transiting through the post is shared.

In Tanzania, when a shipment of weapons is to transit through Tanzania from abroad, the information is given to customs by the Tanzanian police first, and then confirmed by the embassy of the country from which the weapons originate in Tanzania. However, most illicit weapons use informal border channels outside checkpoints. Since these channels are difficult to control, States should invest in developing links with the inhabitants of these areas, with a view to obtaining their cooperation in intelligence matters.

In South Sudan, it is mentioned there is now an information exchange mechanism with Ugandan customs (Southern Sudan is under EU and UN embargo). Nevertheless, inter-service or international cooperation has its limits when parts of the territory are no longer under the control of the authorities, such as the border area with Sudan from which the majority of illicit arms flows originate but which remains beyond customs reach due to the presence of rebel groups in the South Sudanese government. In addition, the major difficulty for South Sudanese customs in combating embargo violations is the lack of detection equipment. Finally, arms diversions from State arsenals are also observed.
7.2. Cooperation with the Group of Experts

In South Sudan, the Ministry of Foreign Affairs is the body responsible for the implementation of embargoes, it also coordinates with the Ministries of Interior and National Security.

In Kenya there is a similar scheme: the Ministry of Foreign Affairs and its Multilateral Affairs Directorate is responsible for the implementation of embargoes. The Ministry of Foreign Affairs must give its consent to customs for the entry into the territory of an arms shipment. It recalled, no one is allowed to import firearms and their ammunition without the prior consent of the Ministry of Interior, except the armed forces and police.

In Uganda, there is an inter-service committee that gathers information from all security services about firearms. The armed forces are responsible for weapons in transit through the territory, they must ensure both their legality and their security (escorts) once they have entered the territory.

7.3. Defining Arms

Ugandan is conducting a risk assessment of this equipment based on the possibility that it may be used for military purposes or at least as a weapon. Thus, customs inspection of goods is based on the level of risk identified. Therefore, the lists of components, spare parts and substances should be reviewed annually according to the identified risks. In this case, these risks can be identified by seeking external experts or other services when the customs officer is not familiar with the property in front of him. For example, imitation weapons present a risk of being reactivated.

In Kenya, the analysis is similar. The authorities consider the possible end use of the equipment, and not hesitate to seek the advice of other services as to whether it may be of a military nature. This is an essential screening so that everything does not have to be inspected at customs. The Firearms Act covers all firearm parts and components, and is currently being revised to include new materials such as polymer weapons. Other texts cover the rest of conventional weapons. The list can be adapted to include dual-use items.

Concerning Tanzania, on the participant recommends that the World Customs Organization (WCO) focuses its training activities on two areas: 1) difficulty of inspecting trusted goods in the transit country and 2) lack of knowledge of the dual-use assets of the security forces and of what is covered by the term “strategic assets.” It is important for a customs officer to be attentive, if not suspicious, especially when it comes to weapons hidden in containers or trucks of other goods.
7.4. The Role of the Customs Services

In Uganda, the role of customs is first to collect, select and then pass on relevant information on goods entering the territory. Customs has a risk-management unit that defines risk assets based on several indicators such as asset description, cargo size, country of origin, etc. The unit uses risk assessment software provided by the United Nations Office on Drugs and Crime (UNODC). They also have a warrant to arrest individuals who have violated the Customs Code. As such, customs patrols are conducted to intercept trafficking using information collected and communicated upstream, but which sometimes fishes because of a lack of discretion. The Customs Services involve local communities as informants, particularly in areas described as “porous borders.” In some areas, customs activity suffers from the lack of network coverage or Internet providers at border crossings, but in general, there are still connection areas nearby.

In Kenya as well, the main role of the Customs Services is to collect taxes, but more and more resources are being invested to control trade in “strategic goods.” Some areas remain inaccessible because they are too dangerous, such as the Somali border. Local communities are also solicited as informants, and rewarded. Customs Services has a “profiling” unit that is responsible for detecting suspicious anomalies in the movement, description or origin of goods. Most border crossings are connected to the Internet, and experts from other services are also present.

7.5. Regional and International Cooperation

In Tanzania, in the event of a confiscation of a firearm, the customs services notify the army and the police who manage respectively access the database of state-owned weapons and civilian-owned weapons. It mentioned that no other countries have ever returned from other countries following tracing requests. Nor is there any feedback from Interpol regarding the use of the iArms database, in particular to obtain an overview of traffic trends.

In Uganda, the procedure is similar. There is a database on military stocks and a database on civilian stocks.

In Ugandan, a communication tool called CENcom is used to disseminate images, to communicate observed concealment methods and to warn on problematic gateways. However, its impact remains limited, since it only gathers information on what has already happened. There is no real-time information sharing that can lead to new captures (“Tell me something I don’t know already”). The Ugandan Customs Intelligence Unit feeds the WCO Regional Intelligence Liaison Office, but does not observe any feedback from other actors.

In Kenya, there is a real-time information exchange platform within the East African Community, which allows to see the state of trade in real time to Uganda, Kenya, etc., and therefore serves to guide customs action both at the national level and in border cooperation.
When information is deemed relevant to customs, it is provided to them on an ad hoc basis, there is no specific mechanism.
CONCLUSION AND RECOMMENDATIONS

The three field missions, the various interviews and discussions during the two workshops led to the identification of 6 majors issues for actor aiming to Prevent illicit arms transfers towards embargoed countries: 1) the definition of arms, 2) the daily management of the embargo, 3) the role of the customs services, 4) the monitoring of the borders and 5) corruption.

1. Defining Arms

The resolutions of United Nations Security Council define weapons as

“arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and related spare parts, as well as any technical assistance or training and any financial or other assistance related to military activities or supply, the maintenance or use of all arms and related materiel, including the provision of armed mercenaries whether or not from their territory.”

However, this definition leaves the member States, particularly countries bordering embargoed territories in a certain legal uncertainty as to the type of materiel that falls within this definition.

This lack of precision of the definition of arms can lead to disagreements between the national export control authorities and the panels of experts responsible for monitoring the embargo on the ground. The former generally operate on the basis of pre-established lists (national control lists) aiming to establish legal certainty, while the latter sometimes adopt a more pragmatic approach relying on a broader definition of “weapons and related material” encompassing dual-use items. There is no miracle solution to this problem, one that can both guarantee legal certainty for economic operators and be relatively flexible to adapt to the use of certain equipment by security forces and armed groups. One possible solution could be to hold a consultation between expert panels, sanctions committees and States in the region in order to establish a list of goods “under surveillance” whose export to the territory under embargoes would not be prohibited but subject to some form of notification.

The problem with the definition of “weapons” increases when neighboring countries of the embargoed territory do not have a national control list covering the licensing processes for import, export, transit and transhipment and brokering. The challenge is more or less the same when the control lists have a too limited in scope (generally reduced to firearms and major conventional weapons).
The absence of any specific definition is even more problematic at the customs level, especially when the transferred items are parts or components of more complex systems. The customs authorities contacted for this study explained how to implement informal mechanisms to reach a conclusion (informal contacts with the Department of Defense, consultation of the documentation accompanying the goods). The reconciliation between the Harmonized System codes and the descriptions of items on the checklists has long been discussed. However, the changes are slow to implement and cannot provide answers regarding the probable use of many, notably dual-use items (helicopter engine, radars or navigation systems).

**Recommendations**

1. The sanctions committees should provide more guidance to States neighboring embargoed territories, in particular with regard to the definition of “arms and related materiel”.

2. The States neighboring embargoed countries are encouraged to adopt broader national control list, taking as a model, for example, the Wassenaar Arrangement’s list of conventional weapons. This list must be easily updated by regulation to reflect technological developments and the use of equipment by embargoed actors.

3. The dialogue between expert panels and the States in sensitive regions must be intensified with the aim to identify dual use or even purely civilian goods that are diverted from their primary purpose (to provide a “force multiplier” for rebel groups/armed forces under embargo, for instance). These goods could be subject to monitoring measures to understand the supply channels of embargoed actors.

**2. Managing the Embargoes**

The UN sanctions and arms embargoes include many exceptions/exemptions to allow international actors on the ground to operate and participate in conflict resolution. While arms embargoes in the 1990s covered an entire country, current embargoes are generally restricted to specific parts of the country or even to specific final recipients (rebels, terrorist groups). This development, which is necessary to take into account infra-state armed conflicts, complicates the task of the authorities responsible for enforcing arms embargoes.

Some of the interviewees pointed out 1) a lack of willingness on the part of the Sanctions Committees to involve the countries of the region in the management of embargoes and 2) a lack of communication between the Sanctions Committees and neighboring States of embargoed countries.

Compliance with embargoes requires significant coordination for neighboring states, both between the states’ representations to the United Nations and their line ministries, and within
the national ministries concerned by arms embargoes. As such, one of the countries visited set up an embargo management committee to coordinate the actions of the ministries concerned with the implementation of United Nations sanctions (which included an arms embargo) against the neighboring country. This mechanism makes it possible to ensure both, the proper dissemination of information from the United Nations and the coordinated action between the various services responsible for implementing the sanctions.

The management of the embargo does not stop at the sole action of the State. It is also important to raise awareness among private actors (arms dealers, transporters, defense industry) of the obligations contained in the embargoes. This requires a legislative framework that allows public authorities to prosecute individuals and companies for embargo violations.

**Recommendations**

1. Establish an inter-ministerial (inter-agency) coordination committee to ensure effective coordination of government action to combat embargo violations and the dissemination of United Nations decisions to the various departments. This committee would include the Ministry of Foreign Affairs (dialogue with the UN), the Customs services (physical control of import/export, customs intelligence, border control), Ministry of the Interior (fight against illicit arms trafficking, arms dealers’ awareness), armed forces (border, airspace and maritime control, implementation of physical security and stockpile management measures (PSSM), Ministry of Transport and/or Economy (private sector awareness), arms transfer control authorities and intelligence services. This coordination committee should bring together higher rank officials with enough authority to engage their administration in the decisions process.

2. Establish (where not already in place) legislative measures criminalizing the violation of embargoes by private actors and raise awareness of the embargo issue by including communication channels, for example via business federations or an Internet portal informing on the obligations of private actors contained in the embargo.

3. **The Role of the Customs Services**

The customs services see their functions evolve from a role mainly focused on tax collection to security functions. It is particularly the case in the struggle against arms trafficking and non-proliferation. The customs services do have a major role to play in combating arms embargoes violations as they are the “last line” on the ground before a violation occurs.

However, it appears that given the share of public revenue from taxation of imports in the countries covered by this study, the role of the customs services remains largely understood by States as a tax collector. Therefore, the contribution of customs officers to security issues is insufficiently recognized by traditional security institutions. The case of custom intelligence illustrates this trend as customs
officers sometimes have to force their entry into the circles of traditional security services by proving their utility through the provision of data on trafficking fueling terrorism or actors under embargo.

The customs services in the countries covered by this study do not have a specific department dedicated to combating the violations of arms embargoes. Information management on this issue is provided by the Ministries of Foreign Affairs.

Nevertheless, the customs services used software analyzing risks based on cargo data (origin, description of the goods, economic operator involved, etc.). This software identifies the riskiest cargoes while facilitating the processing of non-problematic goods. But still, sometimes the purpose of the software seems more to detect a financial fraud than to act against common law offenses such as arms trafficking.

**Recommendations**

1. Involve the customs services in the arms embargo control processes, notably in the dissemination of relevant intelligence about arms smuggling and arms trafficking.

2. Provide training for customs officers on the compliance issues created by embargoes (weapons recognition, including spare parts, scope of the embargoes, intelligence, for instance).

3. Ensure the equipment of the customs services to detect illegal goods and improve the management and sharing processes of the relevant data (centralized and accessible data center) in order to obtain the most accurate information about arms holders, transit of arms or licenses, for instance.

4. **Monitoring the Borders**

Both the two areas covered by our West and East Africa study both have problems with land border control, which could have negative consequences for embargo compliance. Some of these borders have only recently been physically delineated and the areas to be controlled are so vast that the logistics chains of the sovereign services are regularly challenged. This problem is not new and there is no miracle solution. Separation infrastructures such as fences or barriers are not possible for reasons of cost but also because they would prevent the passage of local populations living in these border areas. The effectiveness of such systems would be quite low anyway. The use of long-endurance surveillance drones has been mentioned, but they require rapid response capabilities once suspicious activities are detected. The rise of jihadist groups in the region has only complicated the equation by preventing the normal functioning of some public services, and customs can only consider their operations in certain areas with the support of the security forces. In quieter border areas, mobile patrols are gradually being put in place to control the large areas between border crossings controlled by Customs. However, better coordination between border forces (customs, police, gendarmerie, border guards, army) within a national border management strategy can simplify and make controls on goods and persons more effective. This coordination may involve joint patrols and intelligence exchange between these different services.
Local populations, who live in these border areas, can also play a role by being aware of the problems caused by the most dangerous trafficking, including arms trafficking. If this awareness is effective, then local populations can be a valuable source of human intelligence. However, these populations are partly dependent on goods traffic, which requires a balanced approach to law enforcement to avoid alienating this support (e.g. tolerance for cross-border transport for personal consumption). However, the emergence of jihadist threats in some areas of West and East Africa has helped to sever this bond of trust that may exist between customs officials and local populations.

**Recommendations**

1. Implement an integrated border control strategy involving the various security services present in these areas.

2. Establish in areas sensitive areas mobile patrols or joint patrols between the police/gendarmerie and the customs services.

3. Wherever the security context allows it, involve the local populations in the management of borders and in the fight against arms trafficking, especially in order to collect relevant intelligence.

**5. Regional and International Cooperation**

In the face of a phenomenon that is transnational in nature, regional and international cooperation must make it possible to act more quickly and effectively. The emergence of cooperation at local level between customs officers on either side of the border often depends on the personal initiatives of the heads of posts. The recent Joint Checkpoints in the ECOWAS region can provide a systemic means of bringing customs officials from two border countries closer together and promote cooperation and intelligence exchange. However, from a customs perspective, the interconnection of customs data systems between border countries is much more advantageous. Other countries have established bi-national and interdepartmental border patrol units to help resolve specific problems and gain the trust of the population.

At the regional level, regional organizations can serve as a platform for the exchange of information and good practices, or even as a clearing house for specific training. However, some organizations are more effective than others depending on the countries that compose them and the level of trust they have in each other, as well as the ability of these organizations to implement projects and raise funds. Once again, the political will to get involved is crucial. Similarly, at the donor level, better coordination is needed to avoid scattering technical assistance proposals in different regional formats and strategies.

In terms of international intelligence exchange, the Interpol (iARMS) and WCO (CEN) databases and associated communication tools (I-24/7 and CENcomm) are effective assets if they are mastered. This therefore implies that members of the security services and customs officials...
are informed of their existence and that they can easily contact the national focal points who have been trained in their use. The issue of computer equipment and Internet access necessary for the consultation and population of these databases must also be resolved.

Among the actors of international cooperation, UN peacekeeping missions can be actors in the repression of arms embargo violations. The examples of UNOCI and UNMISMA show that the investigations conducted by these peacekeeping missions can provide real added value by carrying out their own weapons and ammunition tracing operations. This presupposes, however, that the countries producing these weapons and ammunition agree to respond to tracing requests from non-state authorities.

**Recommendations**

1. Implement a regional cooperation strategy in the implementation of embargoes through the most appropriate forum.

2. Encourage the exchange of information from the local level (border crossings) to regional and international levels.

3. Ensure adequate training of national focal points (Interpol NCBs and OMD nCEN) and awareness of security forces officers on the existence and use of these tools.

4. When a UN peacekeeping mission is deployed in an embargoed country/territory, it would be appropriate to provide it with personnel dedicated to tracing weapons and ammunition found during combat or patrols in order to provide additional information to the members of the panel of experts responsible for monitoring the embargo.

**6. The Fight Against Corruption**

The existence of corrupt practices can undermine the best control system, and make the best legal provisions and infrastructure ineffective. Here we must distinguish between two types of corruption. One type of corrupt practice is similar to racketeering and levying an additional "tax" on the goods or charges for a service that is normally free. These practices are problematic for economic operators but do not pose a direct threat to national security and the implementation of embargoes. The other type of practices is one that would involve bribing customs or law enforcement officials in order to have them turn a blind eye to transfers of illegal goods. These practices pose a greater threat. In the context of this study, no concrete examples of corruption cases that facilitated arms trafficking in violation of an embargo were reported to us. However cases of non-control in exchange for payment have already been reported in expert panel reports, there was no evidence that the process involved arms trafficking. It should also be noted that the recent terrorist context in West and East Africa and the seriousness of the consequences of arms trafficking for the benefit of these terrorist groups
now place customs officials and members of the security forces at greater risk if they turn a blind eye to this type of practice.

Despite this lack of reported cases in the field studies conducted during our study, there is a possibility that corruption could lead to the facilitation of arms embargo violations.
ANNEX

A SEARCHABLE DATABASE ON ARMS EMBARGOES

The database (available at https://embargo.grip.org/en) was originally developed as part of the project Cellule de veille sur l’évolution de la production et des transferts d’armes en Belgique, en Europe et dans le monde, funded by the Walloon Region with the support of UNSCAR. All the materials and information compiled in this database are of the sole responsibility of GRIP and nor the Walloon Region neither UNSCAR can be held responsible for any use which may be made of the information contained therein.

This database was developed and updated by GRIP with a view to document all arms embargoes decided or enforced by international and regional organizations since 2000. It aims at providing essential details the embargo regime(s) applying to each of the concerned countries or entities, including:
• The amendments in the arms embargo’s provisions since its inception

• The different types of arms and equipment covered

• The different types of operations covered (exports, imports, brokering, assistance, etc.)

• The various actors involved

• The geographic scope and duration of sanctions.

The database gathers information on all arms embargoes decided as from – or already in force in – 2000. The following organizations have established and enforced arms embargoes since that time: the United Nations, the Economic Community of West African States, the League of Arab States, the Organization for Security and Cooperation in Europe, the African Union and the European Union.

For further information on sanctions compiled in this database, please consult the official documents establishing the embargoes.

This database does NOT deal with other types of sanctions often accompanying arms embargoes, such as assets freeze, diplomatic restrictions or travel bans. For an overview thereof, please consult the EU Sanctions Map project.

For any questions or comments on this database, please contact GRIP.
Founded in Brussels in 1979, GRIP (Groupe de recherche et d’information sur la paix – Research and Information Group on Peace) developed in the context of the Cold War, its first work focusing on East – West power relations. During the 1980s, GRIP became better known for its analyses and information dossiers on the arms race, its mechanisms and challenges. After the fall of the Berlin Wall in 1989, taking note of the new geostrategic environment, GRIP focused on security issues in the broad sense and acquired recognized expertise on armaments and disarmament (production, regulations and transfer controls, non-proliferation), conflict prevention and management (particularly on the African continent), European defence and security integration and strategic issues. By enlightening citizens and decision makers on complex issues, GRIP aims to contribute to the lessening of international tensions and to a less armed and safer world. More specifically, GRIP’s objective is to work on conflict prevention, disarmament and the improvement of arms control.

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GRIP’s mission is to study conflicts and the conditions for peace. It does so with a view to providing citizens, civil society and elected officials with access to independent analysis that enables decision makers and the general public to strengthen their critical capacities in the face of complex issues involving political and economic interests and sometimes conflicting normative and ethical concepts. By making a donation to GRIP, you help strengthen its resources and to:

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GROUPE FOR RESEARCH AND INFORMATION ON PEACE AND SECURITY

467 Chaussée de Louvain
B-1030 Brussels
Phone: +32 2 2 241 84 20
Website: grip.org