

Annexes

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BETWEEN TRADITION AND THE LAW

Artisanal Firearm Production in West Africa

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Annexe 1: List of regulations included in the legislative analysis*

Country	Legislation
Benin	<ul style="list-style-type: none"> ● Décret No. 2007-620 du 31 décembre 2007 portant régime des armes artisanales à feu en République du Bénin
Burkina Faso	<ul style="list-style-type: none"> ● Loi No. 030-2021/AN portant régime général des armes, de leurs pièces, éléments, munitions et autres matériels connexes au Burkina Faso
Cape Verde	<ul style="list-style-type: none"> ● Lei No. 31/VIII/2013 de 22 de Maio (2013) ● Portaria No. 41/2013 de 19 de Agosto (2013)
Côte d'Ivoire	<ul style="list-style-type: none"> ● Décret No. 99-183 du 24 février 1999 portant réglementation des armes et munitions
Gambia	<ul style="list-style-type: none"> ● Laws of The Gambia: Arms and Ammunition Chapter 21:01. Act 14 of 1924
Ghana	<ul style="list-style-type: none"> ● Arms and Ammunition Decree, 1972 (NRCD 9). Last updated in 2001
Guinea	<ul style="list-style-type: none"> ● Law No. L/96/008 of 22 July 1996 on Weapons, Munitions, Gun Powder and Explosives
Liberia	<ul style="list-style-type: none"> ● An Act to Establish Firearms and Ammunition Control of Liberia, 2015
Mali	<ul style="list-style-type: none"> ● Loi No. 2021-028 du 31 mars 2021 régissant les armes et munitions en République du Mali ● Décret No. 2021-0968/PT-RM du 31 décembre 2021 fixant les modalités d'application de la Loi No. 2021-028 du 31 mars 2021 régissant les armes et munitions en République du Mali
Niger	<ul style="list-style-type: none"> ● Décret No. 63-074/MI du 23 Avril 1963 réglementant les conditions de détention, d'introduction, de cession et de commerce d'armes de chasse et de tir, sur le territoire de la République du Niger, à l'exclusion des armes des forces armées ou de police
Nigeria	<ul style="list-style-type: none"> ● Firearms Act of 1959 ('An Act to Make Provision for Regulating the Possession of and Dealing in Firearms and Ammunition Including Muzzle-loading Firearms, and for Matters Ancillary Thereto'). L.N. 32 of 1959, 1 February
Senegal	<ul style="list-style-type: none"> ● Loi No. 66-03 du 18 janvier 1966 relative au régime général des armes et des munitions ● Décret No. 66-889 du 17 novembre 1966 fixant les modalités d'application de la loi No. 66-03 ● Décret No. 73-1128 du 13 décembre 1973 relatif aux conditions de fabrication et d'exportation des armes et des munitions
Sierra Leone	<ul style="list-style-type: none"> ● The Arms and Ammunition Act, 2012 ● The Arms and Ammunition Regulations of 2014. Supplement to the Sierra Leone Gazette Vol. CXLV, No. 62. 20 November
Togo	<ul style="list-style-type: none"> ● Décret No. 95-11/PR du 19 avril 1995 réglementant l'importation, la détention et la cession des armes perfectionnées de chasse et des armes à feu de fabrication artisanale ainsi que leur munitions ● Code Pénal de 2012

Note: * In some instances, West African countries (such as Côte d'Ivoire) referred to laws that had yet to be officially adopted according to their last PoA report; as such, their interview and questionnaire responses sometimes contradicted the legislative analysis.

Annexe 2: Manufacture-related provisions of relevant instruments

	UN Firearms Protocol (UNGA, 2001a)	UN Programme of Action on Small Arms (UNGA, 2001b)	International Tracing Instrument (UNGA, 2005)	ECOWAS Convention (ECOWAS, 2006)
Status	Legally binding on all states parties. (All ECOWAS member states are parties to the Firearms Protocol, except for Gambia, Guinea, and Niger.)	Politically binding on all UN member states.	Politically binding on all UN member states.	Legally binding on all ECOWAS member states.
Relevant definitions	Art. 3(d): “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition: <ul style="list-style-type: none"> ● (i) From parts and components illicitly trafficked; ● (ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or ● (iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol’. 	No definitions	Arts. 4–6: <ul style="list-style-type: none"> ● ‘small arms’ and ‘light weapons’ ● ‘tracing’ ● ‘illicit small arms and light weapons’ 	Art. 1: <ul style="list-style-type: none"> ● ‘light weapons’, ‘small arms’, ‘ammunition’, and ‘other related materials’ ● ‘illicit’ ● ‘marking’ ● ‘tracing’ ● ‘brokering’ ● ‘transfer’ ● ‘non-state actors’
Reference to artisanal production	No reference	No reference	No reference	‘Local manufacture’ and ‘local small arms and light weapons manufacturers’ (art. 7) mentioned (but not defined).
Licensing of manufacturers	No reference; however, the protocol defines any firearm that is manufactured without a licence or authorization from a competent authority as illicit (art. 3).	No reference; however, the PoA makes reference to ‘licensed manufacturers’ when requiring them to apply marking (art. 7, p. 10).	No reference; however, the ITI defines any firearm that is manufactured without a licence or authorization from the competent authority as illicit (art. 6).	Member states must seek to control the manufacture of small arms and light weapons, and conduct a census of local manufacturers and ensure their registration into the national arms registers (art. 7).
Marking at the time of manufacture	Requirements (art. 8): <ul style="list-style-type: none"> ● the name of the manufacturer; ● the country or place of manufacture; and ● the serial number or ‘any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code’. 	Requirements (art. 7): Licensed manufacturers apply an ‘appropriate and reliable marking on each small arm and light weapon identifying: <ul style="list-style-type: none"> ● the country of manufacture; ● the manufacturer’s identity; and ● the serial number. 	Requirements (art. 8(a)): <ul style="list-style-type: none"> ● the name of the manufacturer; ● the country of manufacture; and ● the serial number or ‘any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code’. <p>‘The choice of method for marking is a national prerogative. All marks should be on an exposed surface, conspicuous without technical aids or tools, recognizable, readable, durable and, as far as technically possible, recoverable’ (art. 7).</p>	Requirements (art. 18): <ul style="list-style-type: none"> ● the serial number; ● the country of manufacture; ● the manufacturer’s identity; ● the year of manufacture; and ● information on the purchaser’s identity and the country of destination (if known at the time of manufacture). <p>Since the entry into force of the convention (29 September 2009), ‘security marking’ should be added to prevent the misidentification of weapons due to erased or falsified markings (art. 18). Marking elements for ammunition are listed in Article 18.</p>

	UN Firearms Protocol (UNGA, 2001a)	UN Programme of Action on Small Arms (UNGA, 2001b)	International Tracing Instrument (UNGA, 2005)	ECOWAS Convention (ECOWAS, 2006)
Record-keeping by the state of manufacturers and manufactured items	At a minimum, states are required to maintain 'information in relation to firearms [. . .] that is necessary to trace and identify those firearms [. . .] which are illicitly manufactured or trafficked and to prevent and detect such activities' (art. 7). <i>Duration:</i> for a minimum of ten years (art. 7).	States must keep records on the 'manufacture, holding and transfer of small arms and light weapons' (art. 9). <i>Duration:</i> for as long as possible (art. 9).	States must ensure that accurate and comprehensive records are established for all marked small arms and light weapons within their territory and maintained to enable competent national authorities to trace illicit small arms and light weapons (art. 11). <i>Duration:</i> preferably indefinitely, or for at least 30 years for manufacturing records, or at least 20 years for all other records (art. 12).	'Member States shall establish where they do not exist already, national computerised registers and database of small arms and light weapons' (art.9). Member states must communicate information on production capacities within their territory to the Executive Secretary (art. 7). <i>Duration:</i> permanently.
Record-keeping by manufacturers of manufactured items	No reference	No reference	No reference	To produce small arms and light weapons, manufacturers must share information with the authorities on the quantity, the 'exact type and kind of arms', the procedure and techniques used for marking, and information on the storage and management of the weapons following manufacture (art. 8).
Penal and provisional provisions for illicit manufacture	Each state party should establish as criminal offences the illicit manufacturing of and trafficking in firearms (art. 5). They should put in place measures that enable the confiscation, seizure, and disposal of illicitly manufactured firearms (art. 6).	'All confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized' (art. 16).	No reference	No reference