

**INTERNATIONAL AGREEMENT AND DOMESTIC INSTITUTIONS:
A STUDY OF THE ARMS TRADE TREATY IN GHANA**

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DECLARATION

I hereby declare that this dissertation is as a result of my own research conducted under the supervision of Dr. Nene-Lomotey Kuditchar. It has not been submitted to any institution, apart from the University of Ghana, for the conferment of an academic award. All sources used in this dissertation have been appropriately acknowledged.

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DEDICATION

This dissertation is dedicated to my Lord and Personal Saviour, Jesus Christ, who is my wisdom. Also, to my lovely wife, Nana Pomaah, whose inspiration and encouragement have spurred me on to complete this project.

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Throughout the writing of this dissertation, I have received a great deal of support and assistance.

“Thanks be to God, who gives us the victory through our Lord Jesus Christ” 1 Corinthians 15 vs. 57. I give glory to God for making it possible for me to complete my study fruitfully.

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ABBREVIATIONS

ATT	-	Arms Trade Treaty
AU	-	African Union
BAFA	-	Office for Economic Affairs and Export Control
ECOWAS	-	Economic Community of West African States
EF	-	Expertise France
CITES	-	Convention on International Trade in Endangered Species
EU	-	European Union
GNCSALW	-	Ghana National Commission on Small Arms and Light Weapons
MANPADS	-	Man-Portable Air Defense Systems
NCSALW	-	National Commission on Small Arms and Light Weapons
PoA	-	Program of Action
SALW	-	Small and Light Weapons
UNPoA	-	United Nations Firearms Protocol, UN Programme of Action

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ABSTRACT

This dissertation examined the extent to which the architecture and programs of the Ghana National Commission of Small Arms and Light Weapons (GNCSALW) are aligned with the vision of the Arms Trade Treaty (ATT). Using qualitative method, the researcher gathered both secondary data and primary data from the target population which is made up of the staff of the GNCSALW; personnel of the Customs Division of the Ghana Revenue Authority (GRA); a team of four international ATT experts from the German Federal Office for Economic Affairs and Export Control (BAFA) and Expertise France (EF). The findings of the study revealed that the institutional structure (the board of the GNCSALW) that Ghana has established, in adherence to Article 5 of the ATT, as parts of its national control system for the actualization of the vision of the ATT is very representative of all the major organizations that deals with arms and ammunitions in Ghana. As a result, this structure is adequately composed to effectively lead the actualization of the vision of the ATT in Ghana. Secondly, the study found out that although Ghana has fulfilled the requirement of Article 5 of the ATT through the establishment of both legal and institutional structures, the State is yet to come out with its Control List as required by Article 5(4) of the ATT. The national control list refers to a list of arms and ammunitions that every State Party to the ATT is expected to declare to be subject to transfer controls within its borders. The unavailability of a Control List in Ghana is very detrimental to the peace and stability of the country because since there are no restrictions on the weapons coming in and out of the country, any dealer of arms and ammunitions can import any dangerous arms and ammunitions into the country which can be deadly if any conflict occurs in Ghana. In conclusion, the study recommends that the Cabinet and Parliament of Ghana should, as a matter of agency, speed up proceedings on the approval and passage of the Legal Instrument for the Control list into law. Due to the fact that Ghana is approaching an election year in 2020 and there is a possibility of tension rising, the Control List is urgently

needed to prevent the entry of deadly weapons which could destroy lives and properties in terms of any conflict situation in Ghana.

CHAPTER ONE

INTRODUCTION

1.0 Background to the Research Problem

Illicit trade in weaponry, alongside unregulated transfer of arms on international frontiers and boundaries, has caused untold human suffering, destabilized national, regional and international peace and security across the international system (Crovetto & Caponigro 2016; Wezeman, & Wezeman 2015). In a bid to forestall such occurrences, leaders across the world saw the need to work collaboratively in arriving at an international agreement to curb the proliferation of illicit trade in weaponry and unregulated transfer of arms on international frontiers and boundaries across the world. One of such international agreement is the Arms Trade Treaty (ATT) which was adopted in 2013 by 130 signatory states and commenced activities in December 31, 2014. As at 2017, 92 out of the 130 signatory states to the ATT, including Ghana, ratified the treaty and joined as States Parties. Specifically, Ghana's ratification of the ATT was done on 22nd December 2015 and the ATT entered into force in Ghana on 21st March 2016 (Vinokor, 2015; Evans-Klock, 2016).

In order to make the aspirations agreed upon at the international level to come to pass, governments around the world work at installing domestic institutions with ample resources to make the aspirations of the ATT agreed at the international level come to pass (Kytomaki 2017). As a result, laws are promulgated in various countries to guide formulation of policy and framework of sanctions or penalties in order to enforce conformity with the dictates of the international agreement. Ghana's NCSALW which was established in 2007 is, for instance, expected to ensure that Ghanaians conform to the agreement of the Arms Trade Treaty.

It is, however, disappointing to note that despite the ratification and coming into force of the ATT in Ghana, illicit arms trade and transfer of weaponry are un-abating and there is increased level of small arms proliferation in the country. For example, in a news article, the Executive Secretary of the GNCSALW indicated that there are roughly

2.3 million unregistered arms in circulation which represent an increase of 850% of arms in circulation in the country (Daily Graphic, 2016). This statement is in line with Anyasah (2015) who conducted a study and found out that there are increased cases of armed robbers using small arms which are both transferred into Ghana and produced locally by Ghanaian blacksmiths. There is therefore a need for all stakeholders, including the GNCSALW, to ensure that issues of trade and possession of small arms and light weapons in Ghana is in conformity with the agreement in the Arms Trade Treaty.

1.1 Statement of the Research Problem

The Arms Trade Treaty is a multilateral agreement which seeks to regulate international trade in conventional arms and by so doing achieve international peace, reduce human suffering and promote co-operation, transparency, and responsible policy actions by states (Whall & Pytlak, 2014). The treaty stipulated seven types of arms considered the most provocative ones: “battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, missiles launchers, attack helicopters, missiles and warships” (Whall & Pytlak, 2014). However, due to the havoc that unregulated and illicit import and transfer of small arms and light weapons (SALW) has caused in Africa, several African states fought vigorously to ensure that SALW and associated ammunition or weapons were included in ATT scope.

Though, several African states are yet to ratify the treaty (ATT) due to three major challenges which include the lack of national implementation capacity; creation of awareness; and overcoming complicated national political processes, Ghana gallantly ratified the treaty as far back as 2015.

After ratification of the ATT in Ghana, there is the need for the National Commission of Small Arms and Light Weapons to align its objectives and programs to the vision of the ATT which seeks to regulate international trade in conventional arms and by so doing achieve international peace, reduce human suffering and promote co-operation, transparency, and responsible policy actions by all states including Ghana. The alignment of the GNCSALW focus and programs to the vision of the ATT will not only curb the increasing illicit trafficking of arms across the borders of Ghana but will also promote the peace and stability that will make the country attractive to foreign investors to run their business in a peaceful Ghanaian economy. This is the reason why this study seeks to find out to what extent and

in what ways the programs of the National Commission of Small Arms and Light Weapons are aligned with the vision of the ATT.

1.2 Research Questions

The study is guided by the following research questions:

1. How relevant is the ATT to the experience and the context of Ghana?
2. Which domestic institutions are established to help Ghana achieve the vision of the ATT?
3. Which principles govern the institutions established to help attain the vision of the ATT in Ghana?
4. To what extent has the vision of the ATT been achieved in Ghana?

1.3 Research Objectives

The objectives of this study are as follows:

1. To investigate the aspects of the ATT which are relevant to the Ghanaian context and experience.
2. To examine the architecture of the domestic institutions which are put in place to manifest the vision of the ATT.
3. To ascertain the management principles that underpin the institutions identified in [ii] above.
4. To determine the extent to which what i-iii have inured toward the achievement of the vision of the ATT.

1.4 Scope of the Study

The study focus on the historical antecedents leading to the formation of the ATT and its coming into force. The study examines the domestication of the ATT across the international system with a specific focus on Ghana. The study is specifically structured to capture the implementation of the ATT from 2014 to 2019. This duration is justified on the grounds that the ATT came into force on 24 December 2014. The period between 2014 to 2019 therefore serves as a relevant period during which the implementation of the ATT can be studied both at the international level and in Ghana.

1.5 Rationale of the Study

The purpose of this study is to find out to what extent and in what ways the programs of the National Commission of Small Arms and Light Weapons are aligned with the vision of the ATT. The findings of this study will therefore inform the entire Ghanaian populace whether or not the National Commission of Small Arms and Light Weapons is working to achieve the vision of the ATT. The findings of this study will also be a reference material for academics, security experts and the international community on the trading and the usage of Small Arms and Light Weapons in Ghana. In addition, the findings of this study will be a worthwhile addition to the literature on ATT.

1.6 Theoretical Framework

This study is based on the theory of international regimes. The theory of international regimes is an international relations theory derived from the liberal tradition. The most commonly cited definition of the theory of international regimes is the definition given by Stephen Krasner. According to Krasner (1983), international regimes (also known as international norms) are “sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations.” In explaining the above definition, Hasenclever, Mayer, & Rittberger (1997) stated that ‘Principles’ are defined as the purposes that actors are expected to pursue; ‘Rules’ are the rights and duties of member states in the international system and ‘Norms’ refers to the expected standards of behaviour. ‘Decision-making procedures’ of regimes point to the ways of implementing given principles and rule alteration.

The main assumption of the theory of international regimes that is relevant to this study is its argument that “international institutions or regimes affect the behaviour of states or other international actors. Regime theorists assume that cooperation is possible in the anarchic system of states, as regimes are, by definition, instances of international cooperation” (Hopkins & Puchala, 1982). This means that international norms or regimes such as the Arms Trade Treaty is capable of influencing states to cooperate as far as trade in conventional arms is concerned. Theorists of international regimes therefore believe that international regimes or international norms such as the ATT serve as a platform on which states can cooperate in an anarchic international system. Thus, according to the theorists of international regime, international regimes or international norms recommend and forbid state actions and create

duties as well as obligations for states to adhere therefore facilitate the cooperation of states in the international system.

The theory of international regimes has been criticised by scholars such as Strange (1982) who argued that that the theory of international regimes is ambiguous and unrealistic because the worlds' stage is full of rational self-seeking actors. These actors which are the member states of the international system are often resistant to principles, norms, rules or decision-making procedures. As a result, the willingness of these states to cooperate as a result international regulations (regimes) will be very difficult due to the self-seeking behaviour of all states in the international system. In addition to the above, Strange (1982) also argued that that the theory of international regimes “contributes very little to knowledge; it is imprecise and woolly; it is value-biased, as dangerous as loaded dice; it distorts by overemphasizing the static and underemphasizing the dynamic element of change in world politics; and the fact that it is narrow-minded, rooted in a state-centric paradigm that limits vision of a wider reality” Strange (1982).

Notwithstanding the above criticism, the theory of international regime has conceptual relevance to this study because following Grotian orientation, Hopkins and Puchala (1982) postulated that the practical actors of international agreement are elites, whereas states or sovereignty are mere abstraction with trivial relevance. Elites in various countries have transnational as well as national connections. Hence, they act within a “communication net, embodying rules, norms, and principles, which transcends national boundaries” (Krasner, 1982, p. 193). In effect, irrespective of its power, a state cannot exercise absolute control of illicit arms trafficking across its borders, there is therefore need for collaborative and synergistic efforts by domestic institutions and transnational regimes (made up of elites) to achieve such feat.

1.6.1 Deployment of Theory

The Ghana National Commission on Small Arms and Light Weapons (GNCSALW) “is a Commission established by an Act of Parliament; Act 736 of 2007, to advise on the issue and possession of small arms and light weapons

(particularly the control of their illegal proliferation; production, trade, transfer and cross boundary movement which leads to their easy availability, accessibility, misuse and the fueling of crime) and to provide for related matters” (GNCSALW, 2019). The Commission is also by extension mandated to “coordinate national implementation of the ECOWAS Convention, United Nations Firearms Protocol, UN Programme of Action (UNPoA) & other International Instruments on Small Arms and Light Weapons (SALW) including the ATT and report on Ghana’s compliance of the obligations therein. This is expected to lead to a reduction in illegal importation, exportation, manufacture, trade, circulation and trafficking of small arms, as well as their misuse in the country” (GNCSALW, 2019).

Among other objectives, the NCSALW is specifically mandated to “improve Government of Ghana’s commitment to international protocols and conventions on small arms and light weapons, and their incorporation into national agenda” (NCSALW, 2007). As a result, the elites and experts who work in NCSALW have an obligation to connect and corporate with the ATT Secretariat which is located in Geneva, Switzerland as well as other related ATT institutions across the world to achieve their mandate of improving Government of Ghana’s commitment to the ATT. This therefore shows how elites and experts act on behalf of Ghana to cooperate with other states actors as argued by the scholars of the theory of international regimes. The researcher therefore is convinced that the theory of international regimes is the most suitable theory which can serve as the lens with which the programs of the GNCSALW can be studied alongside with the vision of the ATT.

1.7. Literature Review

Scholarly articles and books which have emerged regarding Small Arms and Light Weapons as well as the domestication of the Arms Trade Treaty across the international system and specifically in Ghana are reviewed as follows.

1.7.1 The Usage of SALW and Overview of the ATT across the International System

In an article titled “Small Arms, Large Problem: The International Threat of Small Arms Proliferation and Misuse” Schroeder, & Stohl (2006) discussed the illicit proliferation and misuse of small arms and light weapons and made recommendations about how the international community, particularly member states, should curb the menace by

enforcing international agreements on illicit proliferation and misuse of small arms and light weapons. Specifically, the article focused on proceedings of the “UN Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects” which was held in New York, from 9 to 20 July 2001.

According to Schroeder & Stohl (2006), the illicit proliferation and misuse of small arms and light weapons is among the topmost pressing security threats in the contemporary international system. The authors indicate that through the illicit proliferation and misuse of small arms and light weapons, “tens of thousands of people are killed or wounded each year in conflicts that are fought primarily with these weapons and in crime-ridden areas outside of conflict zones. Also, these weapons became the weapons of choice for many terrorists because nearly half of the international terrorist incidents documented in the 2003 US Department of State report on global terrorism were perpetrated with small arms and light weapons” (Schroeder & Stohl, 2006). Due to these dangers of illicit proliferation and misuse of small arms and light weapons, governments across the international system “gathered in New York during June 26- July 7 in 2006 to address these dangers and marked the five-year anniversary of the inaugural UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects which was held in 2001” (Schroeder & Stohl, 2006). According to the authors, the UN Conference on the Illicit Trade in Small Arms and Light Weapons which was held 2001 resulted in an international Program of Action (PoA) on small arms and light weapons which was the first ever comprehensive global agreement on such arms. Schroeder & Stohl (2006) indicated that although the PoA had its limitations, the PoA has boosted international efforts to curtail the unrestrained proliferation and misuse of Small Arms and Light Weapons. These efforts include “increasing the number of signatories to relevant treaties, drafting best practice guidelines, destroying surplus stockpiles, strengthening national laws, and heightening awareness of the issue” (Schroeder & Stohl, 2006). The authors also assert that “through the PoA, progress has been made in certain areas as the global fight against the illicit proliferation and misuse of small arms and light weapons is concerned. Particularly noteworthy is the U.S.-led global campaign to eradicate the illicit trade in Man-Portable Air Defense Systems (MANPADS)” (Schroeder & Stohl, 2006).

Although the above advancement had been made through the PoA between 2001 and 2006, Schroeder & Stohl (2006) assert that there was still much more to be done to curb the menace of illicit proliferation and misuse of small arms

and light weapons across the international system. For example, the authors indicated that “reports of lost, stolen, and diverted small arms and light weapons across the world were daily reminders of the continued prevalence of weak export controls, poor stockpile security practices, and inadequate or non-existent border security. Particularly disheartening are arms shipments to war zones and dictators” (Schroeder & Stohl, 2006). The authors also indicated that since 2001 until 2006, UN investigators have documented numerous violations of arms embargoes on governments and armed groups in Liberia, Sierra Leone, the Sudan, the Democratic Republic of Congo, and Somalia. All these are indications that there was still much more to be done to curb the menace of illicit proliferation and misuse of small arms and light weapons across the international system.

In their concluding statements, the authors assert that the curbing or controlling of illicit trade and misuse of small arms and light weapons requires a global recommitment to implementing the PoA. The authors thus lamented that, thus far, implementation of the PoA has been very uneven. According to the authors, whereas some countries have fulfilled most of their obligations, others did not satisfy even the most basic requirements. Schroeder & Stohl (2006) therefore urged all countries across the globe to take full advantage of the opportunity provided by the PoA and make complete commitment to the PoA so as to curb the menace of illicit proliferation and misuse of small arms and light weapons across the international system.

The article of Schroeder & Stohl (2006) is very relevant to my study because the authors provided a historical overview and trend of international efforts and agreements that were made to curb the menace of illicit trade and misuse of small arms and light weapons prior to the adoption of the ATT. The work of Schroeder & Stohl (2006) will therefore guide my study to examine how the ATT should be implemented differently to be able to achieve more effective outcome as compared to earlier international agreement such as the PoA. Although the work of Schroeder & Stohl (2006) is relevant to my study, it is limited because its focus is not on ATT. My study however focuses on the ATT and specifically seeks to find out to what extent and in what ways the programs of the GNCSALW is aligned with the vision of the ATT.

In a thesis titled “the Arms Trade Treaty: An Interpretive Study” Huttunen (2014) conducted a study to analyse the Arms Trade Treaty (ATT); focusing specifically on the articles covering the scope of the treaty, the prohibitions and

export of arms across the international system. This thesis also examined the obligations regulating the import and transit of weapons and well as, trans-shipment States and States involved in brokering under the ATT. Starting with the origin of the ATT, Huttunen (2014) assert that the ATT was adopted by the United Nations General Assembly in April 2013 to control the import, export, transit and brokering of conventional arms which was virtually unregulated across the globe.

The ATT, according to the researcher, was not solely adopted by the UN alone but was a combined effort of UN Member States and civil society organizations, who drafted the ATT to create the highest possible common international standards that will regulate the import, export, transit and brokering of conventional arms in the international system. According to Huttunen (2014), whereas the ATT was lauded by some people as a powerful new tool which will curb the indiscriminate spread of conventional arms across the world, others also criticised the ATT and argued that it contains major loopholes which will make its implementation unsuccessful in States.

Specifically, regarding the findings of the thesis, the researcher indicated that out of the analysis of the study, the ATT is found to contain many novel and important elements, and it clearly has an operational heart that can curb the unregulated spread of conventional arms in the international system. According to Huttunen (2014), the ATT covers a wider range of conventional arms than previous international instruments that aims at regulating the transit of conventional arms. The researcher also asserts that, “the ATT addresses the imperative to follow the resolutions of the UNSC and international agreements, and deals with the connection between arms, ammunition, international crimes, serious humanitarian law and human rights violations, terrorism-related offences and acts of transnational organized crime” (Huttunen, 2014).

On the other hand, Huttunen (2014) indicated that the analysis of the study also brought out some shortfalls of the ATT. According to the researcher, the study found out that many supportive and autonomous weapon systems are excluded from the scope of the ATT. In addition, ammunition and parts of ammunitions are not fully integrated in the scope of the ATT and most of the prohibitions of the ATT just reaffirm pre-existing obligations. The researcher also posits that “the Treaty sets rather a high threshold for not authorizing export, and the obligations of importing, transit, trans-shipment and brokering States are quite undemanding” (Huttunen, 2014).

In the conclusion of the thesis, the author recommended that although the study has revealed the strength and shortfalls of the ATT, in order to determine the total worth of the ATT, further studies is required to evaluate the practical effects of the ATT on the behaviour of States Parties. Huttunen (2014) therefore suggested that future researchers should focus on how the ATT is practically implemented in individual state parties.

The thesis of Huttunen (2014) is very relevant to my work because, the researcher thoroughly discussed the origin of the ATT pointing out the fact that the ATT has both strength and shortfalls. This understanding will therefore guide my study to examine how the strengths and weaknesses of the ATT, as pointed out by Huttunen (2014), are influencing the programs and policies of the GNCSALW in an attempt of the Commission to regulate the usage and trading of small arms and light weapons (SALW). Although the thesis of Huttunen (2014) is relevant to my study, the thesis is limited because it does not examine how the ATT is practically implemented in States. This is the gap my study seeks to fill by founding out to what extent and in what ways the programs of the GNCSALW is aligned with the vision of the ATT.

1.7.2 The Usage of SALW and Overview of the ATT in Africa

In an article titled “Using the Arms Trade Treaty to Address Wildlife Poaching in East Africa: A Human Security Approach” Bolton (2015) discussed how the Arms Trade Treaty can be applied to curb the situation of increase in supply of weapons to wildlife poaching and trafficking networks in East Africa. According to the author, “there is a disturbing trend of militarization in anti-poaching efforts that threatens to exacerbate conflict by increasing arms flows to already destabilized contexts, marginalizing local capacities for peacebuilding and sustainable development in East Africa. It is as a result of this that this article sought to advocate for a human security and sustainable development-centered approach to wildlife crime through the opportunity provided by the ATT” Bolton (2015).

According to Bolton (2015), whereas there are no “one-size-fits-all” solutions to the wildlife crises in East Africa, the article “argues that the ATT can be used by East African (and arms exporting) States as one of many tools to strengthen rule of law, encourage respect for human rights in countering wildlife crime, curb the proliferation of weapons to poachers, monitor trafficking networks and empower local civil society advocacy for peace and environmental sustainability” (Bolton, 2015).

Specifically, on how the ATT can be used to curb the menace in East Africa, the author recommended that “East African States should accede to the ATT, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and establish effective systems to implement these two international norms. Also, the author recommended that particularly, states should enact measures to safeguard against the risk of certain kinds of shipments of arms, ammunition and relevant parts and components such as high calibre hunting rifles (and associated ammunition) and silencers which are being used by or diverted to wildlife poaching and trafficking networks” (Bolton, 2015).

In addition, the author also recommended that “the East African regional civil society and media should consider ways to encourage governments to use the ATT to engage in monitoring and advocacy on wildlife crime. The media should also call the attention of civil society in arms exporting States to the use of weapons in poaching” (Bolton, 2015). Finally, the author stated that “the UN General Assembly and ECOSOC should make reference to the ATT in any future resolutions of disputes in East Africa regarding the poaching and/or the illicit trade in wildlife and make references to poaching in ATT resolutions” (Bolton, 2015). The above mechanism, according to Bolton (2015) “will help East African states to curb the menace of the supply of weapons to wildlife poaching and trafficking networks in East Africa” (Bolton, 2015).

The article of Bolton (2015) is very relevant to my study because, the author was able to outline how the ATT can be practically applied by East African states to resolve the issue of proliferation of weapons to wildlife poaching and trafficking networks in East Africa. The guidelines given by the author (for instance, the East African regional civil society and media should consider ways to encourage governments to use the ATT to engage in monitoring and advocacy on wildlife crime) can be used by other African states including Ghana to curb the increase in the proliferation of and indiscriminate use of SALW within their borders. The article of Bolton (2015) will therefore guide my research to make some useful recommendations at the end of the study with regards to how the GNCSALW and other related organisations in Africa can use the ATT to practically curb the dangers of illicit trade and proliferation of SALW within their national borders and within the African region at large.

Although, the article of Bolton (2015) is very relevant to my study, the article is limited because the author only recommended that East African states should establish effective institutions which should implement the ATT and other international norms relevant to addressing the wild life crises in East Africa. The author did not specifically evaluate how any national organisation is implementing the ATT to curb the menace of illicit trade and proliferation of SALW. This is the gap that my study seeks to fill by founding out to what extent and in what ways the programs of the GNCSALW is aligned with the vision of the ATT.

In an article titled “Small arms and Light weapons proliferation and its implication for West African Regional security” Malam (2014) examined the impact that the proliferation of small arms has on the regional security of the African continent with a specific on the West-African sub-region. The article also assessed the effort of the African regional body and more specifically the West African sub-regional body in combating the menace of small arms. The author indicated that the findings of the article were based mainly on existing scholarly works both primary and secondary sources on the control of small arms and light weapons (SALW).

According to Malam (2014), “one of the fundamental obstacles to peace and security in West Africa is the presence and continued proliferation of small arms and light weapons. This proliferation of small arms, according to the author, constitutes a major source of destruction to lives and property, exacerbating inter-communal tensions leading to full-fledge conflicts in most West African communities”. Some of these conflicts as identified by the author include the civil conflicts that occurred in Côte d’Ivoire, Guinea Bissau, Togo, Liberia, Mali, Niger, Senegal, Sierra Leone and the Niger Deltas region of Nigeria.

The causes of this increase in the proliferation of small arms and light weapons within West Africa is attributed to porousness of most West African borders which makes it easy for entry and exit of arms, drugs, as well as human trafficking (Malam, 2014). In addition to the above, the author stated that the increase of this menace in West Africa is also caused by the high level of corruption in most West African countries which is also compounding the security challenges faced by individual West Africa states and the sub-region at large.

In her findings, Malam (2014) stated that one major factor that constrains the effort of individual states and the sub-regional group, (ECOWAS), from effectively controlling the transit, trading and usage of Small Arms in West Africa is the fact that most West African governments has failed to provide the needed security and protection to their citizens. According to the author, due to the failure in governance to provide the needed security in West African countries, the citizens compelled to look for an alternative means of protection and security. Specifically, Malam (2014) stated that “according some studies, the lack of confidence in security forces, understaffing or sometimes simply the inability of security agencies to carry out their duty effectively in many African countries informed the strong need by citizens to acquire arms in order to protect themselves and their property from armed violence”. This therefore explains the rise in the proliferation and unrestraint use of small arms and light weapons in most African countries.

In the conclusion of the article, the author recommended that as part of the efforts to combat “the challenges of the proliferation and unregulated usage of small arms and light weapons in West Africa, national governments should demonstrate their commitments not only in policy formulation, endorsement of agreements and codification, but also take practical actions to implement formulated policies and also meet their primary responsibility in providing social and economic security and development for their citizens” (Malam, 2014). The author also recommended that West African governments should imposed stricter measures and punishments on issues of corruption, especially in the security services, as corruption render fruitless most of the efforts put in place to combat small arms especially in West Africa.

The article of Malam (2014) is relevant to my studies because, the findings of the article indicates that although West African governments adopt policies to combat the challenges of the proliferation and unregulated usage of small arms and light weapons in West Africa, most of these governments are not committed to the formulated policies. This finding raise concerns as to whether West African governments are even committed to the implementation of the ATT in their individual states. The article of Malam (2014) therefore shows that there is the need to evaluate the implementation of the ATT in West African countries. This is exactly the objective that my study seeks to achieve by founding out to what extent and in what ways the programs of the GNCSALW is aligned with the vision of the

ATT. Although the article of Malam (2014) is relevant to my study, it is limited because it does not actually examine the implementation of the ATT in African countries. My study will however fill this gap.

1.7.3 The Usage of SALW and Overview of the ATT in Ghana

In a book titled “Etu Mu Ye Sum: The Barrel of a Gun is Dark”, Wegener (2011), examined the phenomenon of proliferation of small arms and light weapons in Ghana and came out with useful findings that explained the realities and secrets of small arms and light weapons proliferation in Ghana. According to the author, although Ghana is noted as one of the secure Sub-Saharan African states and even has crime rates which are lower than those of certain highly industrialized countries, the positive trend of peace and security in Ghana seems to deteriorate as a result of the increase in firearm related crime rates within the country.

Explaining Ghana’s deteriorating security situation, Wegener (2011) assert that “the proliferation of weapons into the hands of unemployed youths in Ghana has, for instance, led to the phenomenon of land-youngster that use small arms with brutal force to enforce land claims on behalf of their employers”. According to the author, due to the proliferation of weapons, it has become a common phenomenon in Ghana for guards to be “frequently deployed to protect territory; a development that leads to shootings which regularly injure and kill people” (Wegener, 2011). This therefore is an indication that the proliferation of weapons in Ghana has increase firearm related crime rates within the country causing the positive trend of peace and security in Ghana to dwindle.

According to Wegener (2011), the review of scholarly works by certain authors revealed that this situation of the indiscriminate circulation of guns in Ghana has adverse economic impact on the activities of individuals in the country and implicit impacts on the country as a whole. For example, quantifiable interviews with market women in Madina in the north of Accra confirmed that many Ghanaians are restricted in the way they are doing business because they avoid travelling in the dark for the fear of attacks by gun men (Wegener, 2011, p6). The author also asserts that it has been reported by several authors that banks contemplated to close down as economic activities came to halt in different Ghanaian communities including Bawku, Yendi or Gushiegu in the northern parts of Ghana due to indiscriminate use of weapons during the chieftaincies disputes in these communities. On the part of the country,

Wegener (2011) indicated that tourism, which is the third biggest economic sector in Ghana, is very vulnerable as far as the situation of public security is concerned due to the rises in gun-related violence in the country and this has reflected in the decrease in the number of people choosing Ghana as their tourist destination. In substantiating this assertion, the author quoted Aning (2010) who stated that possible 21,000 tourists were restrained from travelling to Ghana as a result of increase in gun-related violence in the country.

In his conclusion, Wegener (2011) indicated that his article found out that “hard facts concerning the number of weapons circulating in Ghana are missing and too little attention is paid to the right role the Ghanaian state should play in the fight against small arms and light weapons and what resources are needed to effective. The author therefore recommended that the challenge in the fight against small arms is to lift the focus from the darkness of the barrel of a gun meaning the gun as an object to the obscure reasons why guns are hold in present-day Ghana” (Wegener, 2011 p 12).

The book of Wegener (2011) is very relevant to my studies because, the author critically revealed the fact that the proliferation of small arms and light weapons (SALW) weapons and the indiscriminate usage these weapons leading to a rise in firearm related crime rates is becoming a common phenomenon in Ghana. What is more alarming is the finding of the author which revealed that there seem to be a lack of the statistics on the total number of weapons circulating in Ghana and the Ghanaian states pays too little attention to the role its should play in the fight against small arms and light weapons within its borders. The findings of Wegener (2011) therefore give credence to my research which seeks to investigate and found out to what extent and in what ways the programs of the GNCSALW are aligned with the vision of the ATT. Although the book of Wegener (2011) is relevant to my studies it is limited because, the author did not specifically focus on studying how the GNCSALW is aligning its programs and policies to the ATT with the aim of combating the proliferation and indiscriminate use of SALW in Ghana. This is the gap that research seeks to fill.

In another article titled the “Armament and the prevailing influx of small arms and light weapons in Ghana”, Seidu (2016) also discussed the trend of trade and inflow of small arms and light weapons in Ghana. Unlike previous authors

who focused only on the dangers and challenges of small arms and light weapons, Seidu (2016) started his article by outlining the usefulness of small arms and light weapons. According to the author, the existence of small and light weapons in every country is a necessity because these weapons have made significant impact in the maintenance of both peace and security in nations and across continents. In continuation, the author posits that deducing from the history of nation states, small arms and light weapons had played very significant roles in deterring aggression, combating crime, maintenance of internal peace and security in almost every state in the international system.

Despite the positive contributions that SALW made to enhancement the promotion of national and international peace and security, Seidu (2016) mentioned that the proliferation of SALW has, to the largest extent, changed the role of small arms and light weapons in the conduct of local and international security in the contemporary international system. The proliferation of SALW has fuelled the development of coup d` etate and other forms of unconstitutional change of government in countries such as Syria, Iraq, Afghanistan, Nigeria, Mali, Cameroon and many others. It has also led to increase in civil wars, armed robbery, conflicts, terrorism and other violent related activities in many countries across the world (Seidu, 2016).

Particularly on Ghana, Seidu (2016) indicated that the “illicit transfer of small arms in the country is a potential threat to national peace, security and development”. According to the author, in order to combat proliferation of SALW and ensure domestic tranquillity within the borders of Ghana, it is very needful for the state to attach urgent importance to forging and promoting closer intelligence and security ties at the local, regional and continental level. The author also advised that Ghana’s Northern Borders including Mognori, Kulungugu, Yelwongo border in the Upper East Region, Hamili border in the Upper West, Elubo border in the Western Region, other borders and unapproved routes must be subjected to constant and rigorous checks by the security services. Finally, the other recommended that Thus Ghana may forge, expand and deepen intelligence or security ties with regional neighbours. The government of Ghana should equip and strengthen state institutions, with “strong economy, reduction in crime, create effective programs to re-integrate the youth and potential combatants into civil society, which may reduce the incentives for them to turn to banditry for survival, since their ideological, financial and mental gullibility are often used as a chance for recruitment” (Seidu, 2016).

In conclusion, the author indicated that it is very urgent and needful for Ghana to take pragmatic measures to curb the menace of the proliferation and indiscriminate use of SALW in the country to prevent the current peace and stability being enjoyed in the country from deteriorating into armed conflicts as it occurred in Liberia, Sierra Leone, Ivory Coast, Libya, Mali and other African countries.

The article of Seidu (2016) is very relevant to my article because, unlike the work of the earlier authors which were reviewed, Seidu (2016) expounded on the fact that the existence of SALW in a state is very necessary in order to deter aggression, combat crime, and maintain internal peace and security. It is when these SALW became proliferated and get into the wrong hands that its usage began to have adverse impact on peace and security. The work of Seidu (2016) will therefore guide my study to find out whether or not the policies and programs of the GNCSALW are designed to educate Ghanaians on the usefulness of the existence of SALW and the situation under which SALW can have negative ramifications. Also, the recommendation made by Seidu (2016) for the Ghana government to strengthen state institutions to combat the proliferation of SALW suggests that some state institutions are not empowered to carry out their mandate. This recommendation will therefore guide my study to investigate and find out whether or not the GNCSALW have been empowered with the needed resources to be able to align its programs and policies with the vision of the ATT.

Although the article of Seidu (2016) is very useful to my studies, the article is very limited because it does not investigate GNCSALW using the opportunity provided by the ATT to curb the menace of proliferation and indiscriminate use of SALW in Ghana. My research will however fill this gap.

In a recent study conducted by Anyasah (2015) and titled “The Nexus between Proliferation of Small Arms and Armed Robbery in Ghana”, the author examined the link between proliferation of small arms and armed robbery in Ghana and discussed how the manufacturing of small arms at Alavanyo, a community in the Volta region of Ghana, contributes to the phenomenon studied. According to Anyasah (2015), a total of 39 respondents were interviewed to collect the adequate data needed for the study. The study adopts the qualitative approach and qualitative data analysis to arrive at its findings.

The findings of the study indicate that most blacksmiths in Ghana engage in illegal manufacturing of small arms to obtain money to meet their needs. In addition to the above, the study found out that “porous border, excessive use of arms by the police, blacksmiths activities, corruption, conflicts in parts of the country and weak arms control mechanism are some of the factors responsible for massive small arms proliferation in Ghana” (Anyasah, 2015).

On the side of armed robbers, the study found out that armed robbers in Ghana use locally manufactured small arms according to the statistics of the Ghana Police Criminal Data Services Bureau. “The study was however not able to find a one-on-one relationship between the proliferation of small arms and armed robbery, though, some of the convicted armed robbers reportedly used small arms” (Anyasah, 2015). Also, none of the convicted armed robbers disclosed that they got their guns from Alavanyo. In conclusion, the author recommended that the governments of Ghana should establish “a defence industry under the Ministry of Defence to oversee the local manufacture of guns by blacksmiths in Ghana Anyasah, 2015).

The study of Anyasah (2015) is relevant to my study because, the findings of the study shows that there are blacksmith in Ghana who are manufacturing small arms although they are not legally allowed to manufacture arms. This is an indication that the ATT is not enforced in Ghana. The study of Anyasah (2015) therefore shows that there is a need to investigate and found out to what extent and in what ways the programs of the GNCSALW is aligned with the vision of the ATT. This is exactly what my study seeks to do.

Although the thesis of Anyasah (2015) is relevant to my study, the thesis is limited it does not specifically focus on the work of the GNCSALW to find out how they are implementing the ATT to curb the illicit manufacturing and proliferation of SALW in Ghana. My dissertation will therefore fill this gap.

1.7.4. Summary of Literature Review

As illustrated throughout the literature reviewed above, it is evident that some scholarly works have been done to discuss the international efforts been made to curb the illicit trade and proliferation of SALW prior to the adoption of the ATT. Other scholarly works also focused on the history and origin of the adoption of the ATT. Other authors also worked on the application of the ATT in some African countries. Finally some scholarly works were also done to examine the illicit manufacturing and proliferation of SALW in Ghana. It is however clear that no major research work has been done to evaluate the work of a national organisations, such as the GNCSALW, to find out how these

state institutions are implementing the ATT to achieve the goal of the international community in combating the danger of illicit trade and proliferation of SALW across the international system. This is the gap in the literature on ATT and illicit trade and proliferation of SALW that this dissertation seeks to fill. This dissertation will therefore fill this gap by finding out to what extent and in what ways the programs of the GNCSALW is aligned with the vision of the ATT.

1.8 Sources of Data

The data for this study was collected from both primary and secondary sources. Primary data was collected through interviews, reports and participant observation from GNCSALW and other relevant institutions as well as different Articles of the Arms Trade Treaty. On the other hand, secondary data was collected through books, journal articles, dissertation and newspaper reportage. The researcher undertook content analysis of these secondary data.

1.9 Research Methodology

This study adopts a qualitative approach. Qualitative approach is defined as a research design which enable its users to make knowledge claims based primarily on the various meanings of people's experiences which are "socially and historically constructed, with the aim of developing a theory/pattern or advocacy/participatory perspectives or the two" (Creswell, 2013).

Lindlorf & Taylor (2002) also defined qualitative approach as a research design which helps its users to identify and explain the views, actions and attitudes of people living in a particular social setting and find out the meanings they make of such views, actions and attitudes (Lindlorf & Taylor, 2002).

In addition to the above, Amenorhu (2018) also explains that qualitative approach enables its users to ask probing questions which require respondents to answer in their own words, rather than compelling respondents to choose from a fixed set of responses.

Specifically, the choice of a qualitative approach for this study is justified on the grounds that the approach is able to help the researcher to identify, explore, and explain the attitudes, actions, and perceptions of people within a social setting, and the meanings they make of their actions (Lindlorf & Taylor, 2002). This approach therefore enabled the

researcher to engage the staff of the GNCSALW; the Personnel of the Customs Division of the Ghana Revenue Authority (GRA); and a team of four international ATT experts from the German Federal Office for Economic Affairs and Export Control (BAFA) and Expertise France (EF) on how the ATT is being actualised in Ghana.

The above explanations from the authors cited above therefore influenced the researcher to choose qualitative method for this study.

1.9.1 Interview Sampling Strategy

The sampling method that was used for the research is a chain-link approach which was terminated at the point of saturation. Chain-link approach (also known as snowball sampling) “is a non-probability sampling technique that is used by researchers to identify potential subjects in studies where subjects are hard to locate” (Avrachenkov, Neglia, & Tuholukova, 2016). In other words, “this is a type of sampling technique where existing study subjects recruit future subjects from among their acquaintances. Thus, the sample group is said to grow like a rolling snowball. As the sample builds up, enough data are gathered to be useful for research” (Bagheri, & Saadati 2015).

Researchers therefore use “this sampling method if the sample for the study is very rare or is limited to a very small subgroup of the population. This type of sampling technique works like chain referral. After observing the initial subject, the researcher asks for assistance from the subject to help identify people with a similar trait of interest” (Bagheri, & Saadati 2015). Due to the fact that the experts and stakeholders who are targeted to be interviewed were difficult to recruit for an interview as a result of the nature of their work and tight schedule, the use of chain-link approach enabled the researcher to solicit the required data from recommended experts where interviews were terminated at the point of saturation.

1.9.2 Sampling Population

The population for this study consists of the staff of the GNCSALW and other stakeholders who were recommended by the staff of the GNCSALW. The stakeholders recommended by the GNCSALW include the Personnel of the Customs Division of the Ghana Revenue Authority (GRA); and a team of four international ATT experts from the German Federal Office for Economic Affairs and Export Control (BAFA) and Expertise France (EF).

1.9.3. Sampling Size

Specifically, one (1) staff of the GNCSALW was interviewed. Thereafter, the staff of the GNCSALW who was interviewed recommended that the researcher should participate in a two (2) day training program organised in Ghana for Ghanaian customs officers by the European Union, implemented by the BAFA and EF as part of EU's Arms Trade Treaty Outreach Project (ATT OP II). The researcher therefore participated in this two (2) day training which was made up of nineteen (19) customs officers from all the regions of Ghana; 3 staff of the GNCSALW; a team of four international ATT experts from BAFA and EF; the project manager of BAFA; the event and procurement manager of BAFA; and the head of cooperation at the Delegation of European Union to Ghana. The training session was therefore made up of 29 participants excluding the researcher. After the training session, the data reached a point of saturation. As a result, the researcher terminated the interviews.

The total sample size of this study is therefore 30. This consist of a semi-structured interview with a staff of GNCSALW and a participant observation at the (2) day training program organised in Ghana for Ghanaian custom officers by the European Union which consist of 29 participants.

1.9.4 Data Analysis

The data collected was transcribed and categorised into themes base on the objectives of the research. The researcher then used thematic analysis to analyse the data in order to critically investigate to what extent and in what ways the programs of the National Commission of Small Arms and Light Weapons and the Customs Division of Ghana Revenue Authority (GRA) are aligned with the vision of the ATT.

1.9.5 Ethical Consideration

In accordance with the ethics of research, prior to the interview and participant observation, the researcher informed the respondents about the objectives of the research and also sought the consent of the respondents signifying their willingness to take part in the interview and for them to be observed at the training session for the required data.

1.10 Arrangement of Chapters

The study was organized into four chapters.

Chapter one comprised of the general Introduction.

Chapter two looked at the historical details of the ATT adoption and its current status; Ghana's experience as a state party to the ATT; and institutional experiences.

Chapter three, which consist of the data analysis, focuses mainly on the domestication of the Arms Trade Treaty in Ghana.

Chapter four entailed Summary of findings, Conclusions and Recommendations.

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CHAPTER TWO

HISTORICAL OVERVIEW OF THE ATT ADOPTION AND ITS CURRENT STATUS, GHANA AS A STATE PARTY TO THE ATT AND INSTITUTIONAL EXPERIENCES.

2.0. Introduction

This chapter focuses on the historical overview of the ATT and its adoption by various States across the international system. The chapter also outlines the content of the text of the ATT; the overview of the ATT in Africa and West Africa; Ghana's experience as a State Party to the ATT; and specifically discuss the efforts of the GNCSALW in implementing the ATT in Ghana.

2.1 The Historical Overview of the ATT

The Arms Trade Treaty (ATT) refers to “a multilateral treaty that regulates international trade in conventional weapons. The treaty entered into force on 24 December 2014 and it is currently ratified by 103 states and further signed by additional 32 states which are yet to ratify the treaty” (Casey-Maslen, Clapham, Giacca, & Parker, 2016). The treaty, “which main objective is to regulate the international trade of conventional weapons for the purpose of contributing to international and regional peace; reducing human suffering; and promoting co-operation, transparency, and responsible action by and among states, was negotiated in New York City at a global conference under the auspices of the United Nations (UN) from 2nd –27th July 2012 but was finally adopted on 2nd April 2013 by the UN General Assembly due to the failure of states to reach an agreement on the final text of the treaty at the global conference in July 2012” (Woolcott, 2014).

According to Woolcott (2014), the ATT is “the first legally-binding instrument that was ever negotiated by the United Nations to establish common standards for the international transfer of conventional weapons”. Woolcott (2014) also posits that “the quest for the development of common international standards for the trade of conventional arms across the international system has been a long time in the making, starting from the League of Nations draft convention on the arms trade which was never adopted. Also, despite the fact that international law, during the Cold War, developed prohibitions on the transfer of chemical, biological and nuclear weapons, there was no progress made with respect to

the development of common international standards for the trade of conventional arms across the international system”. The ATT is therefore the first legally-binding instrument as far as international standards for the trade of conventional arms across the international system is concerned.

According to Mahmoud (2012), “the origin of the ATT can be traced to the late 1980s, when civil society actors and Nobel Peace Prize Laureates voiced their concerns about the unregulated nature of the global arms trade and its impact on human security”. Specifically, Mahmoud (2012) indicated that the ATT is part of a larger global effort which was started in 1997 by Dr Óscar Arias, former Costa Rican President and the 1987 Nobel Peace Prize laureate. In 1997, Arias led a group of Nobel Peace Prize laureates in a meeting in New York to propose to the world a code of conduct that should regulate the trade in arms. This group of Nobel Peace Prize laureates consist of “Betty Williams, Elie Wiesel, Dalai Lama, José Ramos-Horta, representatives of International Physicians for the Prevention of Nuclear War, Amnesty International, and the American Friends Service Committee” (Mahmoud, 2012). The main objective of the above group was to proposed ethical standards for the trade of arms which should eventually be adopted by the international community. As a result, for the period of 16 years (1997 to 2013), the Arias Foundation for Peace & Human Progress (which was founded in 1988 with the monetary proceeds of the Nobel Peace Prize, awarded to President Oscar Arias Sánchez of Costa Rica for his efforts to achieve “a firm and lasting peace” in Central America) has played diverse and instrumental role leading to the final adoption of the Arms Trade Treaty on 2nd April 2013 by the UN General Assembly (Greene & Marsh 2013).

Specifically with regards to the various stages leading to the final adoption of the ATT, Eskeland & Herby (2001) indicated that the Arias Foundation for Peace & Human Progress as well as other stakeholders or proponents of ATT made a major landmark with the adoption of a non-legally binding program of action at the United Nations Conference on the Illicit Trade in Small Arms in 2001. This program, according Eskeland & Herby (2001), was formally called the “Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects”. The above assertion was also confirmed by Mr. Peter Woolcott, who was Permanent Representative of Australia to the United Nations in Geneva and Ambassador for Disarmament. According to Woolcott (2014), progress in the United Nations was first realised in the area of small arms and light weapons after

“a consensus decision to address small arms and light weapons was achieved at the United Nations Conference on the Illicit Traffic in Small Arms and Light Weapons in All Its Aspects, which took place from 9 to 20 July 2001. The 2001 Conference resulted in the non-binding United Nations Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Its Aspects” (Woolcott, 2014).

After the landmark in 2001, Greene & Marsh (2013) “indicated that the document of the ATT was then put forward in 2003 by a group of Nobel Peace Laureates and was first addressed in the UN in December 2006 when the General Assembly adopted resolution 61/89 towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms” (Greene & Marsh, 2013). As indicated by Woolcott (2014), this first United Nations General Assembly resolution on an arms trade treaty which was adopted in 2006 was sponsored by seven Governments which include the governments of “Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the United Kingdom of Great Britain and Northern Ireland” (known as the “co-authors” of the ATT). The governments of the above countries sponsored the resolution following a massive civil society campaign supported by the group of Nobel Peace Prize Laureates. Specifically, the UNGA resolution 61/89 “recognised that the absence of common international standards on the import, export and transfer of conventional arms was a contributory factor to conflict, the displacement of people, crime and terrorism as well as undermining peace, reconciliation, safety, security, stability and sustainable development”. According to Greene & Marsh (2013), UNGA resolution 61/89 requested the Secretary-General to “establish a group of governmental experts, on the basis of equitable geographical distribution, to examine the feasibility, scope, and draft parameters for the proposed document of the ATT as a legal instrument, and to transmit the report of the group of experts to the General Assembly for consideration at its sixty-third session”.

On 28 September 2007, “the Secretary-General appointed a Group of Governmental Experts (GGE) from twenty eight (28) countries including Algeria, Argentina, Australia, Brazil, China, Colombia, Costa Rica, Cuba, Egypt, Finland, France, Germany, India, Indonesia, Italy, Japan, Kenya, Mexico, Nigeria, Pakistan, Romania, Russia, South Africa, Spain, Switzerland, Ukraine, the United Kingdom, and United States to examine the feasibility, scope, and draft parameters for the proposed document of the ATT as a legal instrument under the chairmanship of Ambassador

Roberto García Moritán of Argentina” (Greene & Marsh, 2013). The group met three times in 2008, and published a final report on the proposed document of the ATT. This assertion is also confirmed by Woolcott (2014) who posits that “following recommendation of the GGE, the United Nations General Assembly decided to establish an Open-Ended Working Group (OEWG) to further consider the matter”. According to Woolcott (2014), “the OEWG, which was opened to all states, held two meetings on the proposed arms trade treaty in 2009, again with Ambassador Moritán as Chair, producing a procedural report with no recommendations”. The UN General Assembly, at the end of 2009, therefore decided by resolution A/RES/64/48 to convene a Conference on the Arms Trade Treaty in 2012 so as to discuss and elaborate on the proposed document of the ATT as “a legally binding instrument on the highest possible common international standards for the transfer of conventional arms” (UN General Assembly, 2011). The ATT was however not adopted at the 2012 UN General Assembly Conference on the ATT which was held in New York City due to the impossibility of UN members states on reaching an agreement on the final text. A new meeting for the conference was therefore scheduled for 18th to 28th March 2013. The ATT was however finally adopted by the UN General Assembly which was convened on 2nd April 2013. According Woolcott (2014) “the ATT was adopted as a resolution by a 154-to-3 vote with 23 abstentions. North Korea, Iran, and Syria voted in opposition. China and Russia, among the world's leaders in weapon exports, were among the 23 nations that abstained. Cuba, India, Indonesia, Myanmar, Nicaragua, Saudi Arabia, and Sudan also abstained. Armenia, Dominican Republic, Venezuela, and Vietnam did not vote.”

2.2 The Content of the of Text of the ATT

The text of the ATT started with a preamble which indicates that: “the States Parties to the treaty been guided by the purposes and principles of the Charter of the United Nations; recalling Article 26 of the Charter of the United Nations which seeks to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world’s human and economic resources, inter alia, emphasised the desirability of achieving universal adherence to the Treaty and determined to act in accordance with the principles of the treaty” (UN, 2013). The implementation of the ATT by member states is therefore expected to be done in accordance to 8 main principles which are stated in the text of the treaty just after the preamble. After indicating the principles which are expected to

guide the implementation of the ATT in member states, the Articles of the treaty are outlined. The ATT is made of a total of 28 Articles.

Article 1 of the ATT is centred on the objective and purpose of the treaty. According to the text of the treaty, the objective of the ATT is to “establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms; prevent and eradicate the illicit trade in conventional arms and prevent their diversion; for the purpose of: contributing to international and regional peace, security and stability; reducing human suffering; promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties” (UN, 2013).

Article 2 of the ATT on the other hand covers the scope of the ATT. Specifically, Article 2 of the treaty stipulates that “this treaty shall apply to all conventional arms within the following categories: (a) Battle tanks; (b) Armoured combat vehicles; (c) Large-calibre artillery systems; (d) Combat aircraft; (e) Attack helicopters; (f) Warships; (g) Missiles and missile launchers; and (h) Small arms and light weapons” (UN, 2013). Article 2 of the ATT also indicated that “for the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as transfer” (UN, 2013). Finally, Article 2 of the ATT also state that the “Treaty shall not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party’s ownership” (UN, 2013).

Having outlined, the objective and the purpose of the ATT in Article 1 as well as the scope of the treaty in Article 2, the rest of the 26 Articles of the ATT cover different provisions about international trade and transport of small arms and weapons. For example, whereas as Article 3 stipulates which type of arms and weapons that should constitute the Ammunition/Munitions of States across the international system, Article 4 which is titled Parts and Components is centred on the transfer of parts and components of arms and weapons from once place another. Article 5 is centred on the procedures for the general implementation of the ATT at the national level by State Parties, Article 6 focused on the prohibitions of the treaty, Article 7 focused on export and export assessment of arms and weapons, Article 8 focused on import of arms and weapons, Article 9 focused on transit or trans-shipment of arms and weapons, Article

10 Brokering of trade involving arms and weapons, Article 11 focused the prevention of diversion of arms and weapons by those individuals or states that engage in the transfer of arms and trade across the international system. Article 12 of the ATT focused on how records should be kept in all party states concerning the ATT, Article 13 is required party states of the ATT to on report to the ATT Secretariat of measures undertaken in order to implement this Treaty on national basis, Article 14 focused on measures of enforcing the ATT at national basis, Article 15 which titled International Cooperation required States Parties to cooperate with each other, consistent with their respective security interests and national laws, to effectively implement the Treaty. Article 16 titled International Assistance enjoined states to seek for international assistance during the implementation of the ATT.

Article 17 of the ATT focus on the procedures involve in convening of Conference of States Parties by the ATT Secretariat, Article 18 is centred on the functions of the ATT Secretariat which main objective is to assist States Parties in the effective implementation of the Treaty, Article 19 is focused on procedures for dispute settlement among State Parties, Article 20 is centred on procedures for the Amendments of the Article, Article 21 contains the procedures for Signature, Ratification, Acceptance, Approval or Accession by States which want to join the ATT, Article 22 focused on the conditions necessary for the treat to enter into force in States Parties. Article 23 outlines the conditions under which States asked for exemptions from or provisional Articles of the treaty, Article 24 covers the duration and procedure of withdrawal from the treaty by a State Party, Article 25 covers procedures for reservations under the treaty, Article 26 focus on the relationship with other international agreements, Article indicates the 27 depositary as the Secretary General of the United Nations and Article 28, the final Article of the ATT, stipulate that the original authentic text of the ATT shall be in Arabic, Chinese, English, French, Russian and Spanish.

2.3 Adoption of the ATT by Various States

The adoption of the ATT by states across the world was not straightforward. States approached the negotiations from a wide range of perspectives. Whereas some States perceived the ATT as a good international instrument to curb the atrocities of the world, other States perceived the ATT as a means to reduce their national income. “For instance,

States which were affected by armed violence and instability which were exacerbated as a result of illicit arms transfers perceived the adoption of the ATT as a practical benefit to their national security and the security of their communities through a strong and well implemented ATT. On the other hand, States that exports arms and weapons as well as transit and trans-shipment States perceive the ATT as a framework to allow their defence industries to participate more transparently in the legitimate international arms trade and a levelled playing field with an agreed set of standards. As a result, these States wanted to ensure that any new regulatory burdens, such as the ATT, were not excessive” (ATT, 2013).

Although there was a disagreement among States with regards to the agreement on the text of the ATT, the political will to reach a consensus on the adoption of the ATT by States was never a foregone conclusion. According to Erickson (2015) for instance, “most importantly, due to the fact the United Nations had not seen success in negotiating a multilateral arms control agreement since the 1990s, the adoption of the ATT by an overwhelming majority of States in the General Assembly was, therefore, a historic achievement for the United Nations and multilateralism”.

According to the Arms Trade Treaty Secretariat, after a series of negotiation as outlined in the historical overview above, “the ATT was adopted by the UN General Assembly on 2 April 2013 with 154 votes in favour, 3 votes against, and 23 abstentions” (ATT Secretariat, 2019). Thereafter, the treaty “opened for signature on 3 June 2013 and entered into force on 24 December 2014 following its ratification, acceptance or approval by 50 states, in accordance with Article 22(1)) of the ATT” (ATT Secretariat, 2019). As of 24th June 2019, the ATT Secretariat indicate that , the ATT has 104 State Parties with Iceland being the first State to deposit its national instrument on 2nd July 2013 signifying its readiness to implement the ATT and Canada been the 104th State which deposit its national instrument on 19th June 2019. Apart from the State Party to the ATT, there are additional 33 States which are also signatories to the ATT but are yet to become State Parties of the ATT through ratification. Apart from the above statistics, the ATT Secretariat also mentioned that there are additional 57 Members States of the UN which have not signed the ATT and as a result, have not yet joined the ATT (ATT Secretariat, 2019).

2.4. Historical Overview of the ATT in Africa

An article published by Beachey (1962) indicates that African countries had been trying to regulate the undesirable flow of arms into the continent even before the adoption of the ATT in 2013. For example, some initiatives by African countries such as the Bamako Declaration on an “African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons aim at eradicating the dumping of excess weapons. Also, the Best Practice Guidelines of the Nairobi Protocol had been in place for affected African countries. However, African countries were not able to adequately implement the above initiatives to stop the illicit trade and proliferation of arms and weapons in Africa” (Beachey, 1962). The adoption of the ATT is therefore very significant to stop the ascendancy in illicit trade and the proliferation of arms and weapons on the continent of Africa. Dye (2009) however confirms that the above initiatives and others by African leaders have contributed significantly to the constructing of the ATT in 2013.

In Africa, the main institution that spearheads the effective implementation of the ATT is the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) (UNREC, 2019). Established in 1985 by resolution A/Res/40/151/G and situated at Togo, the United Nations Regional Centre for Peace and Disarmament in Africa has been given the mandate by the UN General Assembly “to provide, upon request, substantive support for initiatives and other efforts of Member States of the African region towards the realization of measures of peace, arms limitations and disarmament in the region. Also, the UNREC was further mandated to cooperate with the African Union and to coordinate the implementation of regional activities in Africa leading to peace, arms control and disarmament” (UNREC, 2019). Since the ATT aims at promoting peace and arms control across the globe, the UNREC assist individual African countries to implement the ATT activities at the national level.

According to the UNREC, its core efforts consist of promoting universalization of disarmament and arms-control instruments and assisting African States in their effective implementation, with a view to curtailing illicit trafficking and proliferation of arms, enhancing governmental control over national stocks, and increasing national and regional security and stability. The centre achieves the above through, five main approaches which include the promotion of

regional and sub-regional cooperation and coordination; technical assistance; capacity building; outreach and advocacy; and disarmament and non-proliferation education.

As indicated by ATT Secretariat, currently, there are 24 African countries which are State Parties to the ATT. 14 other African Countries also signed the ATT but are yet to become States Parties through ratification. 14 other African countries African countries are yet to join the ATT.

2.5. The ATT and the West African Sub-Region

According to a report published by an organisation known as the Research and Information on Peace and security (GRIP), as of 31 May 2016, 11 of the 15 members of Economic Community of West African States (ECOWAS) had ratified the ATT and three others are Signatories (Research and Information on Peace and security, 2019). Mauritania, the one non ECOWAS country in West Africa, became a States Party to the ATT in September 2015. According to this report, the high level of support for the ATT across West Africa reflects a long history of arms proliferation and armed violence, and an equally long track record of sub-regional action on arms control. For example, the report indicated that ECOWAS put in place a moratorium on small-arms imports in 1998. This means that its members could not import small arms and light weapons and munitions without notifying and obtaining permission from the ECOWAS secretariat. By 2006 the moratorium had become embedded in the legally binding Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials. ECOWAS has therefore made significant efforts to push ECOWAS members towards ratification and implementation of the ATT since its adoption in 2013. The report also indicated that ECOWAS promoted the creation and development of national commissions in member states to get involved on the ATT. The report however indicated that public reporting on the ATT, in the West African region, thus far has been limited. As of 31 May 2016, only Sierra Leone has made their Initial Report publicly available. It is therefore expected that individual West African countries, including Ghana, effectively publicize the ATT and its activities within their countries through the implementation of programs and projects that can help achieve the vision of the ATT in West Africa as a whole.

2.6. Ghana as a State Party to the Arms Trade Treaty

According to ATT Secretariat, Ghana was the 79th country to become a State Party to the ATT. Ghana signed the ATT on 24th September 2013, deposited its national instrument on 22nd December 2015 and ratified the ATT on 21st March 2016 (ATT Secretariat, 2019). After becoming a signatory to the ATT in September 2013 and later a State Party after ratification in March 2016, Ghana has contributed to the progress of the ATT across the globe and specifically in Africa. For example, according to H.E. Frank Okyere (Ambassador of the Embassy of the Republic of Ghana in Japan who represented Ghana at the Fourth Conference of State Parties to The Arms Trade Treaty (ATT) held in Tokyo, Japan from 20-24 August 2018), Ghana, as a State Party to the ATT, has place special value and emphasis on the need for the ATT universalization especially in Africa and advocates for more African States to adhere to the treaty and faithful implementation so as to fully realised ATT's promise of reducing human suffering across the globe and specifically in Africa region (Okere, 2018).

According to the Ambassador, Ghana is a strong supporter of the regional approach for the universalization for the ATT and wish to call for its consideration. Ghana have demonstrated its support for the regional approach for the universalization by hosting the COARM Second Regional Workshop on Arms Transfer Controls and Arms Diversion in October 2017 in Accra. According to H.E. Ambassador Frank Okyere, this Regional meeting which was organized in collaboration with the European Union and the German Federal Office for Economic Affairs and Export Controls (BAFA) is an example of Ghana's fruitful and effective actions to promote the universalization of the ATT in Africa and is indeed a significant achievement, for the ATT Universalization. The Ambassador iterated that Ghana has been a partner country of the EU ATT Outreach programme being implemented by BAFA and EF since 2015 and the Ghana-EU collaboration in implementing this Outreach programme has successfully produced significance outcomes which include the ratification of the ATT by Ghana's parliament; enhanced Capacity of various Implementing Agencies in Ghana; improved inter-agency collaboration for the implementation of the ATT in Ghana; Sustained political Interest; and a Robust domestic Legal review to incorporate the ATT underway.

In his final statements, H.E. Ambassador Frank Okyere indicated that Ghana as a state believes in the fact that Article 5 of the ATT, which enjoined States Parties to faithfully implement the ATT at the National level, is the back bone of the treaty. Ghana has therefore heeded to the provisions of Article 5 of the ATT and is currently adopting various measures to implement the ATT effectively (Okyere, 2018). For example, Okyere (2018) made reference to the fact that with the support of the ATT Voluntary Trust Fund (VTF) Fund, Ghana has completed a consultation process for A National Control List, a list of weapons and ammunition that will be allowed to enter or leave the country. The list is currently undergoing the required administrative procedures to be enacted as a Legislative Instrument (Okyere, 2018). Also, the Ambassador indicated that Ghana have initiated a consultation process to adopt an institutional legal regime for the implementation of the ATT in Ghana. This is expected to complement the adoption of a National Control List.

The above statements of H.E. which was presented on behalf of the Ghanaian State, at the Fourth Conference of State Parties to The Arms Trade Treaty (ATT) held in Tokyo, Japan in August 2018, are indications that Ghana as a State party to the ATT is contributing significantly to facilitate the implementation of the ATT across the entire international system, within the African region and specifically within the boundaries of Ghana. Specifically, at the national level, the GNCSALW is the institution mandated to spearhead the effective implementation of the ATT in Ghana.

2.7. Ghana National Commission of Small Arms and Light Weapons (GNCSALW) and the ATT

The GNCSALW is a “Commission established by an Act of Parliament; Act 736 of 2007, to advise on the issue and possession of small arms and light weapons (particularly the control of their illegal proliferation; production, trade, transfer and cross boundary movement which leads to their easy availability, accessibility, misuse and the fuelling of crime) and to provide for related matters” (GNCSALW, 2019). The Commission is also by extension “mandated to

coordinate national implementation of the ECOWAS Convention, United Nations Firearms Protocol, UN Programme of Action (UNPoA), the ATT & other International Instruments on Small Arms and Light Weapons (SALW) and report on Ghana's compliance of the obligations therein. This is expected to lead to a reduction in illegal importation, exportation, manufacture, trade, circulation and trafficking of small arms, as well as their misuse in the country" (GNCSALW, 2019).

To achieve the above objectives, the ATT performs several functions which include "setting in place of programmes of action to prevent, combat and eradicate the illicit trade in small arms and light weapons; education and sensitizing of the public and providing information on the dangers of small arms and light weapons in order to discourage their illicit production and circulation; ensuring that obligations under the Economic Community of West African States are complied with; advising the Minister for the Interior on the formulation of policies and strategies as contained in the ECOWAS Convention on Small Arms and Light Weapons and any other relevant international conventions to which Ghana is a party or has acceded to; receiving and studying periodic reports from the Ghana Police Service on the registration and licensing of arms; and performing any other functions related to the objectives of the Commission" (GNCSALW, 2019).

Specifically, with the implementation of the ATT in Ghana, it is important to indicate that the GNCSALW has initiated several strategies to effectively enforce the provisions of the TTA in Ghana. For example, it is the commission that drafted the Legislative Instrument (LI) which H.E. Ambassador Frank Okyere is undergoing administrative procedures to be passed into law in Ghana. In a news article published in June 2019 by Joy News, Mr Leonard Tettey, the Programme Manager at the NCSALW, was for instance reported to state that the LI for the Control List, which was drafted by the Commission in 2017, is yet to be sent to Cabinet for approval (Joy News, 2019). The news report continued to indicate that the LI drafted by the GNCSALW for the Control List is expected to cover a comprehensive and elaborate list of weapons and ammunition that are allowed in and out of the country. "This drafted LI in line with the enforcement of the provisions of the Arms Trade Treaty, an international instrument that regulates the trade in conventional arms and ensures peace, safety and global security" (Joy News, 2019).

Apart from drafting the LI that should enforce the implementation of the ATT in Ghana, the GNCSALW has also organised various sensitization and education programmes throughout Ghana to enlighten Ghanaians about the provisions of the ATT and its importance in ensuring the stability of peace and security in Ghana (GNCSALW, 2019).

2.8. Conclusion

This chapter focused on the historical overview of the ATT and its adoption by various States across the international system. The chapter also outlined the content of the text of the ATT; the overview of the ATT in Africa and West Africa; Ghana's experience as a State Party to the ATT; and specifically discussed the efforts of the GNCSALW in implementing the ATT in Ghana.

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CHAPTER THREE

DOMESTICATION OF THE ARMS TRADE TREATY IN GHANA

3.0. Introduction

This chapter outlines the analysis of data gathered from the respondents and discuss the findings of the study. The analysis of data and discussion of research findings are done according to the questions and objectives of the study. Specifically, the analysis of data and the findings of the study are in line with the 1st, 2nd, 3rd and 4th research questions which respectively seeks to ascertain the aspects of the ATT that are relevant to the Ghanaian context and experience; the architecture of the domestic institutions put in place to manifest the vision of the ATT; the management principles underpinning the domestic institutions put in place to manifest the vision of the ATT; and the extent to which the answers to these preceding questions have inured toward the achievement of the vision of the ATT in Ghana.

The 1st, 2nd, 3rd and 4th specific objectives of the study also seek to:

1. To investigate the aspects of the ATT which are relevant to the Ghanaian context and experience.
2. To examine the architecture of the domestic institutions which are put in place to manifest the vision of the ATT.
3. To ascertain the management principles that underpin the institutions identified in [ii] above.
4. To determine the extent to which what i-iii have inured toward the achievement of the vision of the ATT.

Using the objectives above as themes, the researcher employs thematic analysis to analyse the responses provided by the respondent during the semi-structured interview session as well as the data gathered during the participant observation. The data analysis and the discussion of research findings are done as follows.

3.1. The Aspects of the Arms Trade Treaty That Are Relevant To the Ghanaian Context and Experience.

As stated by Mahmoud (2012), the ATT is “part of a larger global effort which aims at regulating the international trade of conventional weapons for the purpose of contributing to international and regional peace; reducing human suffering; and promoting co-operation, transparency, and responsible action by and among states”. For this global effort to be achieved, it is very important for the individual State Parties to contextualise the provisions in the ATT into their domestic laws so as to control the illicit trade of arms within their borders. In doing this however, individual countries cannot apply all the provisions in the ATT in their domestic laws since all the provisions in the ATT might not be relevant to their individual context. It is therefore important for State Parties to assimilate or extract the relevant provisions in the ATT that are applicable in their domestic context. In line with this, the researcher sought to find out the specific Articles or provision(s) of the ATT that is/are relevant to the Ghanaian context and how Ghana has contextualised such provisions into its domestic laws in order to achieve the vision of the ATT in Ghana. The responses of the respondents with regard to the above question are analysed as follows.

3.1.1. The Control of Arms Transfer in Ghana

As noted by Birch (2015), an important requirement for the domestication of the ATT is the need for State Parties to exercise effective control over international arms transfers into their boundaries. This because, “such controls play an essential role in preventing illicit transfers of conventional arms, including small arms and light weapons (SALW)” (Birch, 2015). Due to this, States Parties to the ATT are expected to adopt a national framework to control the transfer of arms from/into their jurisdiction. This requirement is indicated in Article 5 of the ATT. Article 5 (2) of the ATT for instance indicated that,

“Each State Party shall establish and maintain a national control system, including a national control list, in order to implement the provisions of this Treaty”.

In accordance to the above provision of the ATT, Ghana as a State Party to the ATT has set up a national control system in order to actualize the objective of the ATT. This national control system includes “legislations, regulations and administrative procedures for the control of exports of conventional arms from Ghana; legislations, regulations and administrative procedures for the control of importation of conventional arms into Ghana; legislation, regulations,

administrative procedures to regulate transit or transshipment of conventional arms through Ghana; legislation, regulations, administrative procedures to regulate the activities brokers or brokering of conventional arms; the competent national authority/ies for the control of exports; the competent national authority/ies for the regulation of imports; the competent national authority/ies for the regulation of transit/transshipment; the competent national authority/ies for the regulation of brokers and/or brokering activities; and finally, a national control list of conventional arms subject to transfer controls. According to the international ATT Secretariat at Geneva, Switzerland, Ghana has met some of the requirements of a national control system and still in the process of meeting some of these requirements” (ATT Secretariat, 2014). The details of Ghana’s national control system include the following.

Exportation of Arms and Ammunitions

As defined by Coetzee (2014), export of arms and ammunitions means to take “ammunition and/or licensed or registered firearms out of one country to another country, or cause them to be taken out of a country to another country through any harbour, airport or other place on board any vessel or aircraft, or by any other means of conveyance”. Another short definition is “to send or take or transfer registration or ownership of conventional arms from a State to any place outside of the territory of that State” (Coetzee, 2014). With regards to legislations, regulations and administrative procedures for the control of exports of conventional arms from Ghana, the international ATT Secretariat indicated that although Ghana does not currently export arms or weapons, the Ghanaian Arms and Ammunitions Act (Act 118) of 1962; the Africa Defense (Ghana) Act (Act 313) of 1965; the Armed Forces Act (Act 105) of 1962; Public Order Act, (Act 491) of 1994; and Criminal Code Act (Act 29) of 1960 are the legislations and regulations that the government of Ghana has instituted to control the exports of conventional arms from Ghana to other country. Articles 1, 2 and 3 of the Arms and Ammunitions Act (Act 118) of 1962 for instance respectively focus on regulation about export of arms and munitions of war; export of firearms and ammunitions; and prohibition of exports. Specifically, Article 1 of the Arms and Ammunitions Act (Act 118) of 1962 stipulate that,

“no person shall export arms of war or munitions of war except in accordance with a permit granted by the Minister”

Also, Article 2(1) stated that

“no person shall export any firearms and ammunition except under a licence granted by the prescribed authority”

In addition to the above, the Criminal Code Act (Act 29) of 1960, inter alia, stipulate that illicit trafficking in explosives, firearms and ammunition is a punishable offence in Ghana. These legal provisions therefore indicate that Ghana as state has put in place effective control system as far the exportation of arms and weapons are concerned.

Importation of Arms and Ammunition

According to Coetzee (2014), importation of arms and ammunition refers to the “brining firearms and or ammunition, or cause them to be brought, from outside the country into the country, and includes the bringing thereof into the country at any harbour, airport or other place on board any vessel, aircraft or other means of conveyance, irrespective of whether or not the firearms and or ammunition are off-loaded from such a vessel, aircraft or other means of conveyance for conveyance through the country to any place outside the country or for any other purpose, or are intended to be so offloaded”. Concerning legislations, regulations and administrative procedures for the control of import of conventional arms and weapons into Ghana, the Ghanaian Arms and Ammunitions Act (Act 118) of 1962; the Africa Defense (Ghana) Act (Act 313) of 1965; the Armed Forces Act (Act 105) of 1962; Public Order Act, (Act 491) of 1994; and Criminal Code Act (Act 30) of 1960 are the legislations and regulations that the government has put in place to control the import of conventional arms into Ghana (ATT Secretariat, 2014). In the Arms and Ammunitions Act (Act 118) of 1962 for instance, Articles 4 to 17 are centred on various regulations about the importation of arms and weapons into Ghana and how these imported arms and weapons can be safely stored, transported, transferred or repaired within the borders of Ghana.

Specifically, Article 4 covers regulations on the control of import of arms and ammunitions into Ghana; Article 5 covers regulations on prohibitions of importing or possessing arms and weapons in Ghana; Article 6 focus on regulations about the possessions of arms or ammunition without authority; Articles 7 covers regulations about the prescribed ports in Ghana through which arms and weapons can be imported into the country; Article 8 focus on regulations about depositing and withdrawing of imported arms and ammunitions in public warehouses in Ghana, Article 9 focus on regulations about restrictions on withdrawal of imported arms and ammunitions from public

warehouses; Article 10 focus on regulations about the storing of arms and ammunitions private warehouses; Article 11 focus on regulation about the person(s) in charge of private warehouses where imported arms and ammunitions are kept; Article 12 focus on the regulations about the withdrawals of imported arms and ammunitions from private warehouses.

Article 13 focus on regulations about the registration and stamping of firearms in Ghana; Article 14 covers regulations about the transport of firearms within Ghana; Article 15 focus on regulations about the transfer of firearms within the borders of Ghana; Article 16 focus on manufacturing and assembling of firearms in Ghana; and Article 17 focus on regulations about the repair of firearms in Ghana. All the above legal provision about the importation of arms and ammunitions into Ghana, as stipulated in Arms and Ammunitions Act (Act 118) of 1962, shows that Ghana as a state has put in place effective control system as far as the importation of arms and weapons are concerned.

Transit or Transshipment of Conventional Arms and Weapons

According to Coetzee (2014), “transit takes place when conventional arms that have been dispatched from the place of export in the exporting State has not yet been received by the importing State. ‘Arms-in-transit’ is a term used to describe the process whereby arms enter and leave an intermediary State prior to entering the territory of the final recipient State. Arms-in-transit are typically under the supervision of the customs authority”. Also, transshipment in the context of arms transfer control, “is the transfer of conventional arms from the exporting State to the importing State via other destinations, and involves a change or changes in the type of transport during the transfer process. Transshipment usually takes place in transport hubs and or designated customs areas” (Coetzee, 2014). With regards to legislation, regulations, administrative procedures to regulate transit or transshipment of conventional arms and weapons, the Ghanaian Arms and Ammunitions Act (Act 118) of 1962; the Africa Defense (Ghana) Act (Act 313) of 1965; the Armed Forces Act (Act 105) of 1962; Public Order Act, (Act 491) of 1994; and Criminal Code Act (Act 31) of 1960 are the legislations and regulations that the government has put in place to control the transit or transshipment of conventional arms and weapons passing through the borders of Ghana (ATT Secretariat, 2014). Transit or transshipment means transit of arms and weapons through Ghana or transshipment with a view to re-

exportation of the goods in question or transshipment of those goods for use as stores. In explaining other procedures established to control transit and transshipment of arms and weapons in Ghana, Mr James Wartemberg, an officer of the GNCSALW, who took part in the EU's ATT training held for Ghana Customs Officers in Accra stated that,

“any movement of arms and weapons from another country through the ports of Ghana and on to an overseas destination usually need a transit or transshipment licence from the Export Control Organisation. As a result, any country using the port of Ghana as a transit must obtain permission from the Ministry of Foreign Affairs and the NCSALW” (Wartemberg, 2019).

This therefore shows that Ghana has established an effective control system as far as transit or transshipment of conventional arms and weapons through the borders of Ghana are concerned.

Brokering of Conventional Arms and Weapons

As defined by Coetzee (2014), brokering refers to the facilitating of a transfer of arms and ammunitions from country to another by a person known as the broker. “Brokering of arms and ammunitions usually takes the form of facilitating a transfer of arms and ammunitions from country A to another country B by a person or broker under the jurisdiction of country A. It may also take the form of facilitating a transfer of arms and ammunitions to country A from another country B by a person or broker under the jurisdiction of country B. Thirdly, it can be in the form of facilitating a transfer between two foreign countries by a person or broker under the jurisdiction of third country. Finally, it can also be in the form of facilitating of a transfer between country X and Y by a person with the citizenship of another country but operating from outside that country” (Coetzee, 2014).

Concerning brokers or brokering of conventional arms and weapons into Ghana, there is currently no legislation, regulations, or administrative procedures established to regulate the activities of brokers/brokering in Ghana (ATT Secretariat, 2014). As explained by Mr Karamjit Bolina, a member of the team of four international ATT experts who facilitated the EU's ATT training held for Ghana Customs Officers in Accra, brokers of conventional arms and weapons are individuals or groups who buy and transfer arms and weapons from one country to another. On the other hand, dealers of arms and ammunitions are those that sells arms and ammunitions in their country. Mr Karamjit Bolina indicated that currently in Ghana, there are no brokers of arms and ammunitions. There are however dealers

of arms and ammunitions. This there explains why there is no legislation about brokering/brokers in Ghana. Although there is no specific domestic law governing brokering of arms and ammunitions, the ATT is not silent on brokering. Specifically, Article 10 of the ATT states that,

“each State Party shall take measures, pursuant to its national laws, to regulate brokering taking place under its jurisdiction for conventional arms covered under Article 2 (1). Such measures may include requiring brokers to register or obtain written authorization before engaging in brokering”.

As Article 10 of the ATT prescribed above, any individual person or a group of people who want to engage in brokering of arms and ammunitions in Ghana is expected to register and obtain a written authorization from the GNCSALW and any other relevant institution(s) prior to the engagement in brokering of arms and ammunitions in Ghana. This therefore point to the fact that although, there no specific domestic legislation to regulate brokering of arms and ammunitions in Ghana, largely due to the fact that there are currently no brokers of arms and ammunitions in the country, Ghana can depend on Article 10 of the ATT to deal with any issue concerning brokering of arms and ammunitions in Ghana.

3.1.2 National Control List of Conventional Arms Subject to Transfer Controls in Ghana.

The national control list refers to a list of items and technologies that every State Party to the ATT is expected to declare to be subject to transfer controls within its borders. The ATT specifically required State Parties to come out with a control list as part of their national control system for implementing the ATT domestically. Particularly Article 5(2) of the ATT states that,

“each State Party shall establish and maintain a national control system, including a national control list, in order to implement the provisions of this Treaty”

As indicated in the above provision of the ATT, the control list is a critical component of the national control system which is needed to impose effective control over arms transfers and to build confidence in the arms control process within the borders of State Parties and for that matter, the world at large. Article 5(4) of the ATT also stipulate that,

“each State Party, pursuant to its national laws, shall provide its national control list to the Secretariat, which shall make it available to other States Parties. States Parties are encouraged to make their control lists publicly available”

As indicated in Article 5(4) above, the ATT requires States Parties to make their national control list publicly available and to be transparent in their efforts to control the import and export of controlled material. The national control list of each State Party is expected to be provided to the ATT Secretariat, which shall in turn make it available to other State Parties. This is because “without a control list, companies, individuals and legal entities might inadvertently engage in transferring material that should be licensed. It could also happen that materials not included in the list might be subjected to a licence application if the contents of the list remain unknown. Also, should the control list be unclear or ambiguous it could impact negatively on the credibility of the licensing system, which in turn could result in a situation where brokers of arms and ammunitions will try and avoid or circumvent the system if they believe that they will not be identified” (Coetzee, 2014). In order to have a very effective control list, Coetzee (2014), therefore suggest that the control lists of State Parties should be as detailed as possible. Most importantly, it is very necessary that individual State Parties list individually controlled items and also provide detailed categories for the controlled goods that should enters into their borders. Also, the lists must be kept up to date and in line with modern trends and concerns based on the situation of each State Party (Coetzee, 2014).

It is disappointing to however not that Ghana as State Party has however not yet had a control list. In an interview with Mr Leonard Tettey, the Programme Officer of the NCSALW and the Officer in charge of the ATT programs and projects in Ghana, he stated that

“although the NCSALW in consultation with experts from the security services and relevant ministries, departments and agencies came out with an approved control list and submitted the document cabinet in 2017, the list is yet no approved by cabinet”

As explained by Mr Leonard Tettey, the parliament of Ghana is expected to pass a Legislative Instrument (LI) for the control list which will approve a list of weapons and ammunition that will be allowed to enter or leave the country. The list is expected to comprise weapons, ammunition, their parts, components and any material that could be used in the manufacture, assemble or repair of weapons or ammunition.

Although the NCSALW drafted the LI for the Control List in 2017 and submitted it to parliament, there has been a delay in the passage of the Legislative Instrument (LI) by parliament and its approval by cabinet. Mr Tettey however

explained that Ghanaian Customs Officers needed the LI document in order to ensure that every weapon that entered the country was subject to authorisation. The implication of the absence of a Control List is that there are no restrictions on the weapons coming in and out of the country. As a result, anybody can bring anything and it is based on the discretion of Ghanaian Customs authorities to either allow it into the country or not.

From observation at the two (2) days training programme organized in Ghana for customs officers by the European Union, it is clear that the absence of the Control List in Ghana is very detrimental for the country and undermines the implementation of the ATT. For example, according to Mr James Wartemberg, an officer of the NCSALW, who was present at the EU's ATT training in Accra, the lack of political will towards the domestication of treaties on humanitarian laws in relation to weapons, such as the ATT, can affect Ghanaian State negatively. As cited by Mr James Wartemberg

“currently, if a non-state actor is seen manufacturing or using chemical weapons, there are no laws in the country to deal with that situation”

The delay of the Ghanaian parliament and cabinet in approving and passing the LI for the Control List is therefore a major setback for the Ghanaian state as far as the implementation of the ATT in Ghana is concerned.

3.1.3 Competent National Authorities for the Implementation of the ATT in Ghana

Article 5(5) of the ATT provides that 5

“each State Party shall take measures necessary to implement the provisions of this Treaty and shall designate competent national authorities in order to have an effective and transparent national control system regulating the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4.”

In accordance to the above provision, every State Party to the ATT is required to designate national institution(s) that will serve as authorities to control and regulate the exportation of arms and ammunitions, to control and regulate the importation of arms and ammunitions, to control and regulate transit/transshipment activities regarding arms and ammunitions; and to control and regulate brokering or the activities of brokers under its jurisdiction. Also, Article 5(6) of the ATT stated that,

“each State Party shall designate one or more national points of contact to exchange information on matters related to the implementation of this Treaty. Each State Party shall notify the Secretariat, established under Article 18, of its national point(s) of contact and keep the information updated”.

Each State Party is also therefore expected to designate a national point of contact to correlate with the international ATT Secretariat at Geneva, Switzerland on matters concerning the implementation of the ATT.

In Ghana, the NCSALW is the designated institutions that coordinate the activities the country with regards to the implementation of all treaties on humanitarian laws in relation to weapons, arms and ammunitions, including, the ATT (Tettey, 2015). The GNCSALW therefore serve as the National coordination agency (authority) for implementing the ATT in Ghana. Being the National Coordinating Agency, the Executive Secretary of the Commission, who is currently Mr Jones Applerh, is the national point of contact in exchanging information with the ATT Secretariat in Geneva, Switzerland on matters related to the implementation of ATT in Ghana.

The NCSALW however cooperate with different institutions in the implantation of the ATT in Ghana. Key among these institutions are the Customs Division of the Ghana Revenue Authority, the Ghana Police Service, the National Security, and the Ministry of Foreign Affairs and Regional Integration. The architecture of these institutions, including the NCSALW, as well as the various functions performs by these institutions towards the implementation of the ATT in Ghana is analyse as follows.

3.2. The Architecture and Management Principles of the Domestic Institutions Which Have Been Set Up to Actualize the Provisions of the ATT.

As indicated in Article 5(5) of the ATT, each State Party is expected to designate competent national authorities for the effective implementation of the provisions of the ATT so as to have an effective and transparent national control system that will regulate the transfer of conventional arms covered under Article 2 (1) and of items covered under Article 3 and Article 4. Ghana as a state party has therefore designated some domestic institutions to be responsible for the implementation of the ATT in Ghana. The architecture of the various institutions is outlined as follows.

3.2.1 The Architecture and Management Principles of the NCSALW.

According to the Ghanaian Act 736 of 2007, the Act that established the GNCSALW (GNCSALW), the Commission is an agency that operates under the Ministry of Interior. As a result, the Interior Minister has an oversight responsibility over the Commission and specifically gives general directives in writing on matters of policy concerning the commission (Parliament of Ghana, 2007). The Commission however has its own governing body which is distinct from that of the Ministry of Interior. As indicated in Article 4(1) of Act 736 of 2007, the Commission is expected to be governed by a board which should be made up of

“the chairperson; two representatives of the Armed Forces who should not be below the rank of a colonel or its equivalent, one of whom shall be from Defence Intelligence; one representative from the Ministry of Foreign Affairs not below the rank of a deputy Director; one representative from the Attorney General’s office not below the level of Principal State Attorney; and one representative from the Civil Society; one representative of the National Security Council; two police officers, one of whom shall be from the Criminal Investigation Department; one representative of the Customs, Excise, and Preventative Service not below the rank of Deputy Commissioner, the Executive Secretary of the Commission; and two other persons of whom is nominated by the President”.

In line with the above constitutional provision, the current board of the Commission consist of Rev. Dr. Paul Frimpong-Manso as the Chairman; Mr. Jones Borteye Applerh who is the Executive Secretary of the Commission; Major. Gen. W. Omane Agyekum representing the Ghana Armed Forces, Col. GKT Sam also representing the Ghana Armed Forces; Mrs. Audrey Naana Abayena representing the Ministry of Foreign Affairs and Regional Integration; Mr. Dominic A. Agyeman of the Ministry of the Interior; Mrs. Florence Mullen-Ansah representing the Ministry of Justice & Attorney-General’s Department; Mr. Baffour Doyi Amoa representing the Civil Society of Ghana; Col. Michael Kwadwo Opoku, representing the National Security; COP Christian Tetteh Yohuno representing the Ghana Police Service; COP Mr. Bright Oduro also representing the Ghana Police Service; Mr. Peter Clave Nantuo representing the Ghana Immigration Service; Alhaji Seidu Iddrissu Iddisah representing Customs Excise and Preventive Service; and finally, Mr. Gabriel Nsoh Ade Agana and Alex Kofi Appiah-Agyapong who are both Nominees of the President on the board (Ministry of Interior, 2017).

The main responsibility of the board of the commission is to take decisions to ensure that the mandate of the commission is effectively implemented in Ghana. Apart from its board, the NCSALW also has regional and district

offices which perform functions that are determine and directed by the board (NCSALW Act 736, 2007). Finally, at the national front, the activities of the Commission are coordinated by a Secretariat which is headed by the Executive Secretary of the Commission.

Specifically, on the manifestation of the vision of the ATT in Ghana, the first and foremost responsibility of the GNCSALW is to serve as Ghana's National Coordinating Agency and the National Point of Contact which exchanges information relating to the implementation of the ATT in Ghana with the international ATT Secretariat which is situated at Geneva, Switzerland. This responsibility of the GNCSALW is in line with Article 5 (6) of the ATT which state that,

“each State Party shall designate one or more national points of contact to exchange information on matters related to the implementation of this Treaty. Each State Party shall notify the Secretariat, established under Article 18, of its national point(s) of contact and keep the information updated.”

The above responsibility of the GNCSALW is particularly performed by the Executive Secretary of the Commission. According to Mr Leonard Bortey Tettey, the Program Officer of the Commission and the officer in charge of the ATT in Ghana, the Secretariat of the Commission assists the Executive Secretary to perform the above responsibility, as indicated by Article 5 (6), through the submission of periodic reports to the ATT Secretariat in Geneva, Switzerland (Tettey, 2019). Mr Tettey also indicated that the ATT Secretariat in Accra ensures that trade in conventional arms is conducted in compliance with the NCSALW Act (Act 736) of 2007 so as to attain the vision of the ATT in Ghana.

From the participant observation at the two (2) days training programme organized in Ghana for customs officers by the European Union, it is clear that the NCSALW performs other functions to ensure that the vision of ATT is attained in Ghana. Some of these functions include “educating and sensitizing the Ghanaian public about the ATT; organising programmes of actions to prevent combat and eradicate the illicit trade in small arms and light weapons in Ghana; receiving and studying periodic reports from the Ghana Police Service on the registration and licensing of arms; establishing the necessary processes and structures to control trade in conventional arms effectively; establishing the guidelines, structures and processes that are required to scrutinise and assess applications for the issuing of permits concerning the trade of arms and weapons in Ghana; authorise or refuse the issue of any permit; ensuring that the

conditions under which a permit is issued are complied with; keeps a register of persons involved in the trade in conventional arms; keeps a register of every permit issued; and liaising with relevant government agencies to enforce the ATT in accordance with NCSALW Act (Act 736) of 2007, which is the national legislation according to which the ATT should be enforced in Ghana” (Tettey et al, 2019).

Concerning the recruitment of the members of the board of the Commission, Article 4(2) of NCSALW Act (Act 736) of 2007 stated that,

“the members of the Commission shall be appointed by the President in accordance with article 70 of the Constitution”

Also, Article 4(3) of NCSALW Act (Act 736) of 2007 also indicate that,

“the President shall, in making appointments under this section, have regard to the knowledge, expertise and experience of the persons and in particular their knowledge in matters relevant to the functions of the Commission”.

Concerning the appointment of the Executive Secretary of the Commission, Article 11(2) of the NCSALW Act (Act 736) of 2007 stated that,

“the President shall, in accordance with article 195 of the Constitution, appoint a person with administrative or managerial experience as the Executive Secretary of the Commission”.

With regards to the recruitment of the staff of the Secretariat of the Commission, Article 12(1) of the NCSALW Act (Act 736) of 2007 postulates that,

“the President shall in accordance with article 195 of the constitution appoint other staff of the Commission that are necessary for the proper and effective performance of its functions”

As enumerated above, it is clear from the various provisions of the NCSALW Act (Act 736) of 2007 that all the members of the board of the Commission, the Executive Secretary of the Commission and the staff of the Commission are appointed by the president. This therefore means that the management as well as the staff of the Commission are all politically appointed. As a result, the decision of the board, which is the management of the Commission, can be heavily influenced by the president and its political party. Particularly with regards to the tenure of office of the members of the board, Article 5(1) of the NCSALW Act (Act 736) of 2007 stated that,

“every member of the board other than the Executive Secretary of the Board shall hold office for a period not exceeding two years and is eligible for re-appointment”

Similarly, Article 5(5) of the NCSALW Act (Act 736) of 2007 stated that,

“the president may by letter addressed to a member of the board revoke the appointment of that member”

The above provisions of the NCSALW Act (Act 736) of 2007 therefore show that the president has enormous power to influence the members on the board (management) of the NCSALW. This can undermine the effectiveness of the work of the Commission since the decision of the management or the board can easily be influence by the president that appoints the individual members onto the board. This is therefore a setback in the management structure of the GNCSALW.

Despite the setback identified above, the GNCSALW has done it best in implementing several programs towards the achievement of the objectives of the ATT in Ghana from 2013 till data. The GNCSALW however does not do this in isolation. In its attempts to implement the ATT, the Commission works in collaborations with other domestic institutions to enforce and implement the objectives of the ATT in Ghana. These institutions include the Ghana Customs Excise and Preventive Service (CEPS); the Ghana Police Service; the National Security; and the Ministry of Foreign Affairs and Regional integration. The architecture and management principles of these various institutions as well as the functions they perform towards the attainment of the ATT are discussed as follows.

3.2.2 The Architecture and management principles of the Customs Excise and Preventive Service (CEPS)

The Customs Excise and Preventive Service (CEPS) is “the Government of Ghana agency which is responsible for the monitoring, regulation and inspection of exports into Ghana. According to the Customs, Excise and Preventive Service (Management) Act (PNDCL 330) of 1993, CEPS is been governed by a board known as the Revenue Agencies Governing Board. This Board consists of the chairman, the Governor of the Bank of Ghana, the executive secretary of the Board, the Commissioner of the Customs, Excise and Preventive Service, the Commissioner of the Internal Revenue Service, the Commissioner of the Value Added Tax Service, one representative of the Ministry of Finance not below the rank of a Director, and four other persons, at least two of whom are women” (CEPS, 2019).

As stated by Mr Alhaji Seidu Iddrisu Iddisah, the Deputy Commissioner Preventive of the Ghana Customs, who took part in the EU's ATT training in Accra, the "CEPS is responsible for the collection of Import Duty, Import VAT, Export Duty, Petroleum Tax, Import Excise and other taxes, levies and fees. The Customs Division (CEPS) also ensures the protection of revenue by preventing smuggling. This is done by physically patrolling the borders and other strategic points, examination of goods, and search of premises, as well as scrutinizing documents relating to goods". Specifically, Mr Iddisah stated that,

"as a frontline institution at the country's borders, Customs Division also plays a key role in surmounting external aggression and maintaining the territorial integrity of Ghana. Customs Division is therefore an integral part of the country's security network".

Also, Mr Paul Achaab, a Senior Custom Officer that was present at the EU ATT training mentioned that,

"the Customs Division performs agency duties on behalf of other government organizations and Ministries by seeing to the enforcement of laws on import and export restrictions and prohibitions"

The statement above, which was made by Mr Achaab, therefore explains the collaboration that exists between the NCSALW and the Customs Excise and Preventive Service in manifesting the vision of the ATT in Ghana. From the discussion at the EU ATT training for instance, it is clear that the NCSALW collaborates with Customs Officers to ensure that every weapon that enters Ghana is subjected to authorisation. Customs Officers therefore expected to use a Control List (a comprehensive and elaborate list of weapons and ammunition that are allowed in and out of the country) to either allow or prevent weapons from entering into the country (Alhaji, 2019). In line with this, Mr Paul Odetei Annan, a Senior Custom Officer who was present at the EU ATT training mentioned that,

"Ghana Customs plays its role in implementing the ATT in Ghana at the point of entry and exit at Ghanaian borders."

Currently, the Control List is yet to be approved and pass into law. As a result, Custom officers in Ghana currently use their discretion to either allow or prevent an arm or ammunition from entering into the country (Tettey, 2019). This unavailability of the Control List is a major setback to the work of Customs Officers in implementing the ATT in Ghana because since Customs Officers currently need to use their discretion in allowing or preventing arms and ammunition into the country, arms and ammunition dealers can smuggle arms and ammunitions that are harmful to

the security of Ghana into the country easily without being found out. There is therefore an urgent need for cabinet and parliament to speed up work on the approval and passage of the Control List into law.

As quoted in Article 4(1)(j) of Act 736 of 2007, the Presidents appoints one representative of the Customs, Excise and Preventative Service (CEPS) who is not below the rank of Deputy Commissioner to be a board member of the NCSALW. This appointee therefore serves as the link between the Commission and CEPS. Currently, the Custom Officer that serves on the board of the Commission is Alhaji Seidu Iddrissu Iddisah, the Deputy Commissioner Preventive of the Ghana Customs. This appointment is however political and can be revoke by the president through a letter as stated in Article 5(5) of the NCSALW Act (Act 736) of 2007. The politics attached to the appointment of a member of the Ghana customs into the membership of the board of the NCSALW therefore have a high tendency of affecting the effectiveness of the appointee, and as such, the work of the Ghana customs as a whole in implementing the ATT in Ghana.

3.2.3 The Architecture and management principles of the Ghana Police Service

Another major institution that collaborates with the NCSALW in implementing the ATT in Ghana is the Ghana Police Service. Just like the NCSALW, “the Ghana Police Service is one of the Public Sector Organisations (PSOs) under the Ministry of the Interior. The Ghana Police Service was created by the colonial administration, during the Gold Coast era, to produce an enabling environment for commerce through the maintenance of law and order as well as the arrest and prosecution of people who fall foul of the laws. After independence, the Police Service received legal backing through the Police Service Act, (Act 350) of 1970. Also, Chapter seven of the 1992 Constitution continued to firm up the existence of the Ghana Police Service” (Ministry of the interior, 2019). According to the Section 3 of the Ghana Police Force Act, (Act 350) of 1970, the membership of the Ghana Police Service comprises of:

“Inspector-General of Police; Commissioners of Police; Deputy Commissioners of Police; persons holding posts, or being of ranks, created under the Act; and persons holding posts created by or under any other enactment, being posts which are designated by that enactment as Police Force posts. [As substituted by The Police Service (Amendment) Decree, 1974 (NRCD 303) s.2]”

Administratively, “the Service is regimental and it is headed by the Inspector-General of Police who reports directly to the Minister of the Interior. The Inspector-General of Police is assisted in the day to day administration of the

Service by the Schedule Officers and the Regional Commanders” (Ministry of the interior, 2019). In terms of operations, the Ghana Police Service has a division that operates in each of the region in Ghana and have three separate divisions; “the Division responsible for the seaport and industrial hub of Tema; the Railways, Ports and Harbours Division and the Marine Police Unit which exists to handle issues that arise from the country's offshore oil and gas industry” (Ghana Police Service, 2019).

Specifically, about the implementation of the ATT in Ghana, the Ghana Police Service collaborates with the NCSALW to monitor activities on licencing and registration of arms and ammunition in Ghana. This collaboration is done through the submission of quarterly reports on the activities regarding the licencing and registration of arms and ammunition from the Ghana Police Service to the NCSALW. This submission of quarterly report is in line with Article 13 (2) of the NCSALW Act (Act 736) of 2007 which state that,

“the Inspector-General of Police shall provide the Commission with quarterly returns of activities on the registration and licensing of arms and ammunitions”

Through the submission of the quarterly report, the Ghana Police Service collaborates with the NCSALW to know the number of registered and unregistered arms and ammunition that are in circulation in Ghana. For example, if the report from the Police Service indicated that the Police Service seized a significant number of unregistered arms and ammunitions in Ghana, then this can suggest that there is illicit trade of arms and ammunitions as well irregular proliferation of arms and ammunitions in the country. The NCSALW and all the stakeholders of the ATT, including the Security Services, will therefore be required to implement pragmatic measures towards the curbing of illicit trade and irregular proliferation of arms and ammunitions in Ghana.

With regards to the participation of the Ghana Police Service in the management structure of the NCSALW, Article 4(1) (h) of the NCSALW Act (Act 736) of 2007 reveals that the president appoints two police officers to be part of the members of the board of the Commission. Specifically, the article postulate that,

“the presidents shall appoint two police officers from the Police Service, one of whom shall be from the Criminal Investigation Department, to be part of the board of the commission”.

Currently, the two police officers serving on the board of the NCSALW are COP Christian Tetteh Yohuno and COP Mr. Bright Oduro, who is from the Criminal Investigations Department (CID) of the Ghana Police Service as required by Article 4(1) (h) of the NCSALW Act (Act 736) of 2007.

As quoted in Article 4(1)(j) of Act 736 of 2007, the Presidents appoints one representative of the Customs, Excise and Preventative Service (CEPS) who is not below the rank of Deputy Commissioner to be a board member of the NCSALW. These appointments are however political and can be revoke by the president through a letter as stated in Article 5(5) of the NCSALW Act (Act 736) of 2007. The political nature of these appointments can influence the effective participation of the appointees, and as such, the participation of the Ghana Police Service as a whole, in their collaboration with the NCSALW in the implementation of the ATT in Ghana.

3.2.3 The Architecture and management principles of the Ministry of Foreign Affairs and Regional integration.

Another relevant institution that works with the NCSALW in implementing the ATT in Ghana is the Ministry of Foreign Affairs and Regional Integration. “The Ministry of Foreign Affairs and Regional Integration is the principal organ of state responsible administratively and executively for the initiation, formulation, co-ordination and management of Ghana’s Foreign Policy” (Ministry of Foreign Affairs and Regional Integration, 2019). It comprises of “the Headquarters, fifty (50) Diplomatic and Five (5) Consulate Generals/Consular Missions as well as three (3) Subvented Organizations, which include the Legon Centre for International Affairs and Diplomacy (LECIAD), the National African Peer Review Mechanism Governing Council (NAPRM-GC) and the All African Students Union (AASU)” (Ministry Of Foreign Affairs and Regional Integration, 2019).

The Ministry was “established in 1957 with Dr. Kwame Nkrumah, then leader of Government Business, as the first Foreign Minister. The name of the Ministry has undergone various changes in Ghana’s recent history. Its current name, Ministry of Foreign Affairs and Regional Integration, was designated in 2009 to emphasise the importance of regional integration as a foreign policy objective” (Ministry of Foreign Affairs and Regional Integration, 2019). Administratively, the Ministry is headed by the Minister for Foreign Affairs and Regional Integration and her Deputies as well as the Chief Director, to whom the Bureaux of the Ministry headed by Directors report.

Out of the numerous functions performed by the Ministry, the relevant with regards to the implementation of the ATT in Ghana is its legal and consular function. Through this function, “the Ministry of Foreign Affairs and Regional Integration participates in the negotiation and interpretation of international agreements. They also prepare instruments of ratification, co-ordinates issues arising from Ghana, monitors the legislative proposals and administrative practice of the Ministry and compile the Ghana Treaty Series” (Ministry of Foreign Affairs and Regional Integration, 2019).

Particularly on the role of the Ministry of Foreign Affairs and Regional Integration in implementing the ATT in Ghana, Mr Francis Akaba, a Custom Officer who was present at the EU ATT training program for Custom Officers in Accra stated that,

“the government of countries that ships arms and ammunition through the port of Ghana informs the Ministry of Foreign Affairs and Regional Integration about their transit/transshipment and the Ministry intends inform the National Security and other Security Services as well as the NCSALW”

This therefore reveals that the Ministry of Foreign Affairs and Regional Integration deals with the transit/transshipment of arms and ammunitions that passes through the ports or borders of Ghana.

With regards to the participation of the Ministry of Foreign Affairs and Regional Integration in the management structure of the NCSALW, Article 4(1) (c) of the NCSALW Act (Act 736) of 2007 reveals that the president appoints one representative of the Ministry of Foreign Affairs, not below the rank of Deputy Director, to be part of the members of the board of the Commission. Specifically, the article postulates that,

“the presidents shall appoint one representative of the Ministry of Affairs not below the rank of Deputy Director to be part of the board of the commission”.

Currently, the representative of the Ministry of Foreign Affairs and Regional Integration on the board of the NCSALW is Mrs. Audrey Naana Abayena. This appointment is however political and can be revoke by the president through a letter as stated in Article 5(5) of the NCSALW Act (Act 736) of 2007. The political nature of this appointment can influence the effective participation of the appointee, and as such, the Ministry as a whole, in its collaboration with the NCSALW in the implementation of the ATT in Ghana.

3.3 The Extent to Which Domestic Institutions Have Helped Ghana to Achieve the Vision of the ATT.

According to Article 1 of the ATT, the treaty was adopted to attain two main objectives which include,

“establishing the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms; and Prevent and eradicate the illicit trade in conventional arms and prevent their diversion”

Article 1 of the ATT also state that the treaty was adopted for the purpose of:

“contributing to international and regional peace, security and stability; Reducing human suffering; and Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties”.

This means that the attainment of the objectives of the ATT is expected to translate into attaining the purpose reason for which the ATT is adopted. From all the information gathered by the researcher, it is clear that in Ghana, the NCSALW (NCSALW) is the main institution designated to coordinate all the activities of other relevant institutions in the country with regards to the implementation of the ATT so as to actualize the relevant provisions of the ATT in the country leading to the attainment of the objectives and purpose of the ATT as stated in Article of the ATT above (Tettey, 2015).

The NCSALW therefore serve as the National Authority for the implementation of the ATT in Ghana. The NCSALW however works in collaboration with other Ghanaian institutions such as the Customs Division of the Ghana Revenue Authority, Armed Forces; the Ghana Police Service, the National Security, and the Ministry of Foreign Affairs and Regional Integration; in carrying out various responsibilities towards the actualization of the vision of the ATT in Ghana. More importantly, the board of the NCSALW (which serves as the management) of the Commission is composed of representatives from all the above institutions. Through the use of domestically established structures, such as legislations, regulations and administrative procedures, the above institutions, including the NCSALW, have therefore helped Ghana to chalk some successes as far as the actualisation of the vision of the ATT in Ghana is concerned. For example, in fulfilment of Article 5 (2) of the ATT which state that, each State Party shall establish

and maintain a national control system, in order to implement the provisions of the ATT, the board of the NCSALW (which is made up of representatives from all the above and other institutions) have serve as the national control system in Ghana which uses various domestic legislations, regulations and administrative procedures to ensure that the provisions of the ATT which relevant to the Ghanaian context are being actualised in Ghana.

For instance, with regards to controlling and regulating the exportation of arms and ammunitions from Ghana, although Ghana does not currently export arms or weapons, the board of the NCSALW has identified and documented specific Articles and provisions of the Ghanaian Arms and Ammunitions Act (Act 118) of 1962; the Africa Defense (Ghana) Act (Act 313) of 1965; the Armed Forces Act (Act 105) of 1962; Public Order Act, (Act 491) of 1994; and Criminal Code Act (Act 29) of 1960 as regulations that Ghana can effectively use to control the exportation of arms and ammunitions from Ghana (ATT Secretariat, 2019).

Similarly, with regards to controlling and regulating importation of arms and ammunitions in Ghana, the board of the NCSALW has identified and documented specific Articles and provisions of the Ghanaian Arms and Ammunitions Act (Act 118) of 1962; the Africa Defense (Ghana) Act (Act 313) of 1965; the Armed Forces Act (Act 105) of 1962; Public Order Act, (Act 491) of 1994; and Criminal Code Act (Act 30) of 1960 are the legislations and regulations that the government has put in place to control the import of conventional arms into Ghana (ATT Secretariat, 2019).

Also, with regards to controlling and regulating transit or transhipment of conventional arms and weapons through the borders or ports of Ghana, the board of the NCSALW have identified and documented specific Articles and provisions of the Ghanaian Arms and Ammunitions Act (Act 118) of 1962; the Africa Defense (Ghana) Act (Act 313) of 1965; the Armed Forces Act (Act 105) of 1962; Public Order Act, (Act 491) of 1994; and Criminal Code Act (Act 31) of 1960 to control the transit or transhipment of conventional arms and weapons passing through the borders or ports of Ghana (ATT Secretariat, 2019).

With regards to controlling and regulating brokering or the activities of brokers in Ghana however, there is currently no legislation, regulations, or administrative procedures established to regulate the activities of brokers/brokering in Ghana (ATT Secretariat, 2019). This is due to the fact that currently, there are no brokers of arms and ammunitions

in Ghana. Ghana has only dealers of arms and ammunitions as explained by Mr Karamjit Bolina, a member of the team of four international ATT experts who facilitated the EU's ATT training held for Ghana Customs Officers in Accra (Bolina, 2019). Although there is no specific domestic law governing brokering of arms and ammunitions in Ghana, Article 10 of the ATT can be used to control or regulate brokering of arms in Ghana. Specifically, the Articles state that,

“each State Party shall take measures, pursuant to its national laws, to regulate brokering taking place under its jurisdiction for conventional arms covered under Article 2 (1). Such measures may include requiring brokers to register or obtain written authorization before engaging in brokering”.

Just like the case of the lack of domestic legislation to guide brokering or the activities of brokers, Ghana is also yet to legally come out with a Control List. The Control list is however an integral component and an important requirement of the ATT which is needed to be part of the national control system each State Party to the ATT, including Ghana. According to Article 5(4) of the ATT, the Control List is needed to impose effective control over arms transfers and to build confidence in the arms control process within the borders of State Parties and for that matter, the world at large. The unavailability of a Control List in Ghana is very detrimental to the peace and stability of the country because any dealer of arms and ammunitions can import arms and ammunitions that is not needed in the country due to the danger it may posed. The lack of Control List in Ghana is therefore a major setback to the actualisation of the vision of the ATT in Ghana. As explained Mr Leonard Tettey, the Programme Officer of the NCSALW and the Officer in charge of the ATT programs and projects in Ghana, the NCSALW drafted the Legal Instrument (LI) for the Control List and submitted it to Parliament and Cabinet since 2017 but the LI document is yet to be approved. It is therefore important that Both Parliament and Cabinet speedup proceedings in passing the LI for the Control List into law in order to ensure that every weapon that entered the country is checked against the approved Control List of Ghana and duly subject to authorisation.

From the information gathered by the researcher, it is clear that Ghana has set up a very effective structure to perform different responsibilities collaboratively towards the effective implementation and attainment of the vision of the ATT in Ghana. The structures established by Ghana to actualise the ATT in the country is done in accordance with

Article 5(5) of the ATT which required each State Party to build competent national structures for the effective implementation of the provisions of the ATT. In adherence to Article 5(5), Ghana therefore established effective legal structures (legislations) as well as institutional structures (organisation) which enforce the legislations in order to actualise the vision of the ATT in Ghana. The main institutional structure for the actualisation of the ATT in Ghana is the board of the NCSALW. This structure consist of representatives of key institutions which include the Ghana Armed Forces; the Ministry of Foreign Affairs and Regional Integration; the Ministry of the Interior; the Ministry of Justice & Attorney-General's Department; the Civil Society of Ghana; the National Security; the Ghana Police Service; the Ghana Immigration Service; the Ghana Customs Excise and Preventive Service; Nominees of the President from the Ghanaian Populace; and the NCSALW. This structure is very representative of all the major organisations that deals with arms and ammunitions in Ghana. As a result, the structure is adequately composed to effectively lead the actualisation of the vision of the ATT in Ghana.

Despite the fact that Ghana's institutional structure which is responsible for the actualisation of the ATT is well composed, there is a major challenge with the structure. This challenge is due to the fact that all members of the structure are politically appointed and their membership can also be politically terminated. Specifically, with regards to the recruitment/appointment of the membership of the board, concerning the recruitment of the members of the board of the Commission, Article 4(2) of NCSALW Act (Act 736) of 2007 stated that,

“the members of the Commission shall be appointed by the President in accordance with article 70 of the Constitution”

Also, with regards to the tenure of office of the board members of the commission, although Article 5(1) of the NCSALW Act (Act 736) of 2007 stated that every member of the board, other than the Executive Secretary, shall hold office for a period not exceeding two years and is eligible for re-appointment, Article 5(5) of the NCSALW Act (Act 736) of 2007 stated that,

“the president may by letter addressed to a member of the board revoke the appointment of that member”

The above provisions of the NCSALW Act (Act 736) of 2007 reveal that there is too much politics attached to the formation of the institutional structure established to actualise the vision of the ATT in Ghana. Due to the politics

attached to the appointment and removal of the members of the board of the Commission, the president has enormous power to influence the decisions of the members on the board. This can undermine the effectiveness of the work of the Commission as an institutional structure which is established to actualise the vision of the ATT in Ghana. This is therefore a setback in the management structure of the board of the GNCSALW.

Despite the setback identified above, the GNCSALW has done it best in implementing several programs towards the achievement of the objectives of the ATT in Ghana from 2013 till date. Some of the successes chalked by the GNCSALW towards the attainment of the vision of ATT in Ghana includes the drafting of the Legal Instrument for the Control List which should approve a list of weapons and ammunition that will be allowed to enter or leave the country in consultation with experts from the security services and relevant ministries, departments and agencies in 2017. Another major achievement of the GNCSALW is the consistent ATT training programs that the Commission organises for major stakeholders in Ghana in partnership with international organisations such as the EU. An example is the two (2) days training program organised in Ghana for Ghanaian customs officers by the European Union from 23rd to 24th July, 2019. This achievement of the Commission is in line with Article 16 (1) and (2) of the ATT. Specifically Article Article 16 (1) state that,

“in implementing this Treaty, each State Party may seek assistance including legal or legislative assistance, institutional capacity building, and technical, material or financial assistance. Such assistance may include stockpile management, disarmament, demobilization and reintegration programmes, model legislation, and effective practices for implementation. Each State Party in a position to do so shall provide such assistance, upon request”.

Whereas as Article 16 (2) of the ATT postulate that,

“each State Party may request, offer or receive assistance through, inter alia, the United Nations, international, regional, sub regional or national organizations, non-governmental organizations, or on a bilateral basis”.

The successful training programs that the GNCSALW organises for major stakeholders of the ATT in Ghana in consultation with international organisations, such as the EU, is therefore in line with the ATT as indicated above.

3.4 Conclusion

This chapter outlined the analysis of data gathered from the respondents and discussed the findings of the study. Using thematic analysis, the analysis of data and discussion of research findings were done according to the questions and objectives of the study. This chapter therefore answers the 1st, 2nd, 3rd and 4th research questions and also help the study to achieve its 1st, 2nd, 3rd and 4th objectives. The next chapter, chapter four, will outline the Summary of Research Findings, Conclusions and Recommendations of the study.

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CHAPTER 4

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.0 Summary of Findings

The data gathered from the study revealed that Ghana has established both legal and institutional structures for the effective actualization of the part of the ATT that are relevant to the Ghanaian context. Specifically, most of the structures established are geared towards the accomplishment of Articles 7, 8 and 9 of the ATT which respectively focuses on exportation, importation and transit/transshipment of arms and ammunition in Ghana. Out of this three, Articles 8 and 9 are currently the most relevant to the Ghanaian context since Ghana does not currently export arms or weapons. There is however no domestic legal structure set for the actualization of Article 10 of the ATT which focuses on brokering of arms and ammunitions. The lack of a domestic legal structure for the actualization of Article 10 is attributed to the fact that, there are currently no brokers of arms and ammunitions in Ghana. The country only has dealers of arms and ammunitions.

The study also found out that in accordance with Article 5 of the ATT, Ghana has established a national control system which consists of both legal structures and institutional structures to actualize the vision of the ATT in the country. The documented legal structures consists of some specific articles and provisions of the Ghanaian Arms and Ammunitions Act (Act 118) of 1962; the Africa Defense (Ghana) Act (Act 313) of 1965; the Armed Forces Act (Act 105) of 1962; Public Order Act, (Act 491) of 1994; and Criminal Code Act (Act 29) of 1960. On the other hand, the institutional structure is the board of the NCSALW which is made of major stakeholder institutions such as the Ghana Armed Forces; the Ministry of Foreign Affairs and Regional Integration; the Ministry of the Interior; the Ministry of Justice & Attorney-General's Department; the Civil Society of Ghana; the National Security; the Ghana Police Service; the Ghana Immigration Service; the Ghana Customs Excise and Preventive Service; Nominees of the President from the Ghanaian Populace; and the NCSALW.

Although the country has fulfilled the requirement of Article 5 of the ATT through the establishment of both legal and institutional structures, the State is yet to come out with its Control List as required by Article 5(4) of the ATT. The national control list refers to a list of items and technologies that every State Party to the ATT is expected to declare to be subject to transfer controls within its borders. The unavailability of a Control List in Ghana is very

detrimental to the peace and stability of the country because since there are no restrictions on the weapons coming in and out of the country, any dealer of arms and ammunitions can import any dangerous arms and ammunitions into the country which can be deadly if any conflict occurs in Ghana.

To add to the above, the study also found out that the institutional structures that Ghana has established in adherence to Article 5(5) of the ATT is very representative of all the major organizations that deal with arms and ammunitions in Ghana. As a result, the structure is adequately composed to effectively lead the actualization of the vision of the ATT in Ghana.

Despite the fact that Ghana's institutional structure (the board of the NCSALW) which is responsible for the actualization of the ATT is well composed, the membership of the structure is politically appointed by the president of Ghana and their appointment can be politically terminated by the president. This political association with the board of the GNCSALW (GNCSALW) provides the presidents with the tendency to influence the decisions of the members on the board. This can therefore undermine the effectiveness of the work of the Commission as an institutional structure which is established to actualize the vision of the ATT in Ghana.

Finally, the study found out that despite the setback identified above, the board of the GNCSALW has done it best in implementing several programs towards the achievement of the objectives of the ATT in Ghana from 2013 till date. Very key among its achievements are the drafting and submission of the Legal Instrument for the Control List to Parliament and Cabinet in 2017 and periodic organization of ATT training programs for major stakeholders in Ghana in partnership with international organizations such as the EU which is in line with Article 16 (1) and (2) of the ATT.

4.1. Conclusion of the Study

The study concludes that the institutional structure (the board of the GNCSALW) that Ghana has established, in adherence to Article 5 of the ATT, as parts of its national control system for the actualization of the vision of the ATT are very representative of all the major organizations that deals with arms and ammunitions in Ghana. As a result, this structure is adequately composed to effectively lead the actualization of the vision of the ATT in Ghana. Despite the fact that Ghana's institutional structure which is responsible for the actualization of the ATT is well composed, there is a major challenge with the structure. This challenge is due to the fact that all members of the structure are

politically appointed by the President and their membership can also be politically terminated by the president. The president therefore has a high tendency of influencing the decision of the structure in his favour or the favour of his political party.

Also, the delay on the part of the Cabinet and Parliament of Ghana in approving and passing the Legal Instrument for the Control List which used be use to either permit or prevent the entrance of arms and ammunitions into the country is very detrimental to the peace and stability that Ghanaians are enjoying. There is therefore an urgent need for the Cabinet and Parliament to speed up proceedings on the approval and passing of the Legal Instrument for the Control List into Law.

Finally, despite the potential challenge identified with regards to the board NCSALW, the board have chalked some successes in the implementation of the ATT. Key among its achievements are the drafting and submitting of the Legal Instrument for the Control List to Cabinet and Parliament for approval and the periodic organization of training ATT training programs that the for major stakeholders in Ghana in partnership with international organizations such as the EU.

4.3. Recommendations of the Study

Based on the findings of the study, the recommendations of the study are as follows:

To start with, the Cabinet and Parliament should, as a matter of agency, speed up proceedings on the approval and passing of the Legal Instrument for the Control list into law. This is urgently needed to be done because, the unavailability of the control list undermines the effectiveness of implementation of the ATT in Ghana. The unavailability of the control list could, for instance, result into situation where entities (such us arms and ammunitions dealers) will try and avoid or circumvent the system if they believe that they will not be identified. Due to the fact that Ghana is approaching an election year in 2020 and there is a possibility of tension to rise, the Control List is urgently needed to prevent the entrance of deadly weapons which could destroy lives and properties in terms of any situation of conflict.

Secondly, the government of Ghana should develop domestic legal structures that can be used to regulate aspects of the ATT which are not currently relevant to the Ghanaian context prior to the period in which those aspects will

become relevant to Ghanaian context. As found out in the study, there are currently no domestic legislation to regulate brokering of arms and ammunitions in Ghana. Also, as indicated by Mr. Leonard Tettey, the Programme Officer and the Officer in charge of the ATT at the at the NCSALW Secretariat in Accra, if a non-state actor is seen manufacturing or using chemical weapons in Ghana, there are currently no laws in the country to deal with such a situation. The government should not wait for the country to find itself in such situations before enacting laws to deal with them. The parliament of Ghana should therefore enact a comprehensive national legislation to incorporate all lapses in the legal structure of Ghana as far as the implementation of the ATT in the national context is concern.

To add to the above, the institutional structure (the board of the NCSALW) should be insulated from the political association that it is currently surrounded with. Whiles Article 4(2) of NCSALW Act (Act 736) of 2007 which stated that the members of the board of the Commission shall be appointed by the President in accordance with article 70 of the Constitution can be maintained, Article 5(5) of the NCSALW Act (Act 736) of 2007 stated that, the president may, by letter addressed to a member of the board, revoke the appointment of that member should be changed. This is because, once the members appointed by the president unto the board are aware that the president can revoke their membership, it will be difficult for them to take a decision against the interest of the president and his political party even if that decision will be in the best interest of Ghana. The president can therefore appoint the membership of the board, but the members once appointed should be allow to serve on the board permanently.

Finally, during the two (2) day training program organized in Ghana for Ghanaian customs officers by the European Union, the researcher observed that one major challenge constraining the efforts of the Ghanaian Customs from effectively implementing the ATT is their inadequate training on identifying some military equipment as well as some arms and ammunitions. Some Custom Officer do not even know some weapons that dealers import into the country. This problem is more exacerbated since there is even no Control List for the Customs Officers use as a standard in checking weapons, arms and ammunition that are brought into the country. This study therefore recommend that ATT trainings should be inculcated as part of the training at CEPS academies (Custom training schools) throughout the country. Through this mechanism, Customs Officers will be well abreast with the provisions of the ATT, weapons, arms and ammunitions that should be allowed or not allowed into the country.

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C. PARTICIPANT OBSERVATION

PARTICIPANT OBSERVATION WITH 30 PARTICIPANTS AT (2) DAYS TRAINING PROGRAM ORGANIZED IN GHANA FOR GHANAIAN CUSTOMS OFFICERS BY THE EUROPEAN UNION:

Alhaji, I. et al, Participant Observation. Participants at the two (2) days training program organized in Ghana for Ghanaian customs officers by the European Union, Marriot Hotel, Accra, Greater Accra Region, Ghana. Tuesday 23rd July and Wednesday 24th July 2019.

Wartemberg, J. et al, Participant Observation. Participants at the two (2) days training program organized in Ghana for Ghanaian customs officers by the European Union, Marriot Hotel, Accra, Greater Accra Region, Ghana. Tuesday 23rd July and Wednesday 24th July 2019.

APPENDICES

APPENDIX I

SIMILARITY INDEX RECEIPT

INTERNATIONAL AGREEMENT AND DOMESTIC INSTITUTIONS: A STUDY OF THE ARMS TRADE TREATY IN GHANA

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APPENDIX II

INTERNATIONAL AGREEMENT AND DOMESTIC INSTITUTIONS:

A STUDY OF THE ARMS TRADE TREATY IN GHANA

My name is Nicholas Nti. I am an MA Student from the Legon Centre for International Affairs and Diplomacy (LECIAD), University of Ghana. I am conducting a research on the above topic for the purposes of my dissertation. Kindly assist me by providing your responses to each question. All responses will be treated with strict confidentiality and used for academic research purposes only because this interview is in line with Chatam House Rules which states that “when a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed”. Kindly respond as sincerely as possible. Thank you for your assistance. I am very grateful.

INTERVIEW GUIDE:

Office/ Position/ Status of respondent:

Number of years at post:

Objective 1. To investigate the aspects of the Arms Trade Treaty which are relevant to the Ghanaian context and experience.

1. How will you describe the ATT from your perspective?
2. How is the ATT relevant to the curbing of illicit arms trade and the proliferation of arms and weapons in Ghana?
3. Which specific Articles or provision(s) of the ATT is/are relevant to the Ghanaian context?

Objective 2. To examine the architecture of the domestic institutions which are put in place to manifest the vision of the ATT.

4. Article 5 of the ATT enjoins all State Parties to effectively implement the ATT at the domestic level. In Ghana, which institution(s) are established to ensure that the vision of the ATT is achieved in the country? Which function of this institution(s) is/are relevant to the attainment of the vision of the ATT in Ghana?
5. What is the composition of the institution(s) identified above?
6. Apart from the institutions identified above, which other stakeholder(s) complement the efforts of the above institutions to ensure the effective implementation of the ATT in Ghana?
7. How does your institution work in collaboration with other institution to achieve the vision of the ATT in Ghana?

Objective 3. To ascertain the management principles that underpin the institutions identified in [ii] above.

8. How is the management of the Ghana National Commission on Small Arms and Light Weapons and other institutions identified above recruited?
9. Are the management politically appointed?
10. Is the tenure of the management subjected to changes in government? If not, how are they insulated from political interference?

Objective 4. To determine the extent to which what i-iii have inured toward the achievement of the vision of the ATT.

11. From your perspective, how does the institutions put in place in Ghana facilitate the achievement of the vision of ATT in the country?
12. Do you think the composition of the institutions identified in Q5 enable the institutions to adequately performs their functions towards the achievement of the ATT's vision in Ghana? Why?

13. Do you think that the way the management of the identified institutions are composed affect the ability of the institutions to help Ghana achieve the vision of the ATT?

Why?

14. Do you think that the tenure of office of the management of the identified institutions affect the ability of the institutions to help Ghana achieve the vision of the ATT?

Why?

Objective 5. Identification of other Relevant Respondents for Interview

15. Can you please recommend other relevant individuals, institutions or stakeholders whose views or information will be relevant to the attainment of the objectives of my study?

Thank you very much. I am very grateful.