

The Contribution of the Lomé Charter to Combating Trafficking in Arms at Sea: Nigerian and South African Legal Perspectives

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Abstract : Many illegal activities take place on the sea, including trafficking in arms, which constitutes one of the major threats to maritime security. Indeed, the dissemination of arms has hampered the peaceful settlement of many States in Africa, fuelled disputes into armed conflicts, and contributed to the prolongation of armed conflicts in many African States. The absence of international standards on the importation, exportation, and transfer of conventional arms is a contributory factor to conflict, displacement of people, crime, and terrorism on the continent of Africa, which in turn undermines peace, safety, security, stability, and sustainable development. South Africa and Nigeria have taken steps to address the illicit arms, but, despite those steps, arms trafficking at sea continues. To suppress the illicit arms and to combat a number of other threats to maritime security around the continent of Africa, the majority of AU members in 2016 adopted the African Charter on Maritime Security and Safety and Development in Africa ("the Lomé Charter"). However, the Lomé Charter is yet to come into force. This paper set out the pre-existing international legal instruments on arms to ascertain the domestic laws of South Africa and Nigeria relating to arms with the relevant provisions of the Charter in order to establish whether any legal steps are required to ensure that South Africa and Nigeria comply with its obligations under the Lomé Charter should it decide to ratify it. The legal steps include cooperating in establishing policies, as well as a regional and continental institution, and ensuring the implementation of such policies. The paper concludes ratifying the Lomé Charter is a step in the right direction in suppressing arms trafficking at sea, in addition to filling those gaps or limitations in their relevant legislation.

Keywords : cooperation against arms trafficking at sea, Lomé Charter, maritime security, Nigerian and South Africa legislation on arms

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