



Towards prevention of unlawful proliferation of small arms and light weapons in Nigeria

Ebele Gloria Ogwuda

Research Fellow (LL.B, BL, LL.M (University of Abuja)), Nigerian Institute of Advanced Legal Studies, Supreme Court Complex, Abuja-Nigeria

Abstract

The unlawful proliferation of small arms and light weapons (SALW) has become one of the main security challenges Nigeria and the entire world is grappling with. The availability and trafficking of these weapons fuels political instability, communal clashes, insurgency, kidnapping, militancy, etc. and is also detrimental to national security and achieving sustainable development in Nigeria. It is against this backdrop that the paper evaluates the increasing and alarming proliferation of Small arms and light weapons (SALWs) in Nigeria. Laying the foundation for discussion, it clarifies key terms such as proliferation, small arms and light weapons. The paper also examines historical development of SALWs in Nigeria, causes of proliferation of SALW and implications for Nigeria, as well as existing legal/institutional framework on SALWs in Nigeria. Using the doctrinal approach, the paper posits that proactive laws and policies such as the whistleblowing policy on corruption will effectively reduce proliferation of arms.

Keywords: proliferation, small arms and light weapons, non-state actors

1. Introduction

The illegal proliferation of small arms and light weapons (SALWs) is presently one of the main security challenges Nigeria, Africa and indeed the entire world is grappling with^[1]. The availability and trafficking of these weapons fuel and strengthen political instability, communal clashes (e.g. Fulani/herdsmen clashes), terrorism, insurgency, kidnapping, militancy, and other forms of crime, which are detrimental not only to national security but also to sustainable development in Nigeria. The United Nations (UN) for instance, recently raised alarm over the proliferation of illegal small arms and light weapons (SALW) in Nigeria which is estimated at over 350 million. According to the UN, 70% of estimated 500 million of such trafficked weapons in West Africa is allegedly stored in Nigeria^[2]. Many people commended the Presidential Amnesty Programme that was put in place by the late President Musa Yar'Adua, as part of the administration's efforts to suppress the militancy activities that threatened to cripple oil exploration activities in the Niger Delta. What however left the entire country and indeed the International community in deep shock was the considerable amount of arms and ammunition that were mopped up from the region, during the surrendering exercise, which was one of the

necessary steps required for the grant of presidential amnesty^[3].

In October 2016, another set of arms was discovered in Rivers State, when 22, 430 militants, agitators, criminals, cultists, etc. embraced the amnesty offer of the State government, and surrendered about 1, 000 firearms, 7, 661 rounds of ammunition, and 147 explosives^[4]. What has however astonished many is the fact that there are always weapons to be surrendered to the appropriate authorities by discontented members of the public anytime the issue of amnesty or disarmament comes up. The weapons and arms at the disposal of non-state actors such as the Boko Haram fighters, Fulani herdsmen, kidnapers, etc. is also a source of worry and portends danger for the nation. It consequently brings to question, how these illegal firearms find their way into the hands of unlicensed and unauthorized users, including non-states actors^[5] and the complicit role played by security personnel at the country's borders and ports in fueling the proliferation of illegal SALWs in the country^[6].

Small arms basically first came into use towards the end of the 14th century. Hitherto, what existed were merely handful cannons, fired by placing a lighted match at the touch hole. A

¹ Osimen Goddy Uwa, Akintunde Bamidele Anthony, 'Small Arms and Light Weapons (SALW) Proliferation and Problem of National Security in Nigeria' (2015) 29 *JAGS* <http://www.iiste.org/Journals/index.php/IAGS/article/viewFile/19664/2016> 020 July, 2017

² 'Firearm Violence, Gun control and Small Arms' http://www.gunpolicy.org/firearms/topic/small_arms_in_nigeria 20 June, 2018

³ Eno-Abasi Sunday, Sulaimon Salau, 'Worries as Proliferation of Small arms, Light Weapons Burgeons' <https://guardian.ng/sunday-magazine/worries-as-proliferation-of-small-arms-light-weapons-burgeons> 20 July, 2017

⁴ *ibid*

⁵ Non-state actors is generally understood to mean any entity which is not basically a state and is often utilized when making reference to armed groups, terrorists, civil society, religious groups or corporation. For further reading see, Mohammed H Zarei, Azar Safari, 'The Status of Non-State Actors under the International Rule of Law: A Search for Global Justice' <http://www.culturaldiplomacy.org.pdf> accessed 24 November, 2017

⁶ *ibid*

stock was added much later- the match lock and the first real handgun^[7].

The existence of wide and porous borders with several unauthorized routes has made it almost impossible and difficult for Security personnel at border checkpoints to effectively intercept such arms trafficking. A lot of security agencies lack the requisite skills and facilities to adequately monitor and clamp down the operations of arms dealers. Also, corruption and bribery amongst security personnel drives illegal SALW trade. The lack of a comprehensive legal framework has also contributed to and escalated the ongoing trend^[8]. This is because the proliferation of illegal arms will continue to thrive in the absence of proactive laws to put in place checks against illegal production and trafficking of arms and similarly ensure effective investigation and prosecution of such heinous acts. The role of fully equipped and disciplined security personnel can also not be overemphasized.

This paper addresses the increasing and alarming proliferation of small arms and light weapons (SALW) in Nigeria and the underlying threat it poses to national security and sustainable development. It clarifies key terms such as proliferation, small arms and light weapons, and undertakes a historical survey of proliferation of SALWs in Nigeria, and also analyses existing legal framework and policies on SALWs in Nigeria as well as its causes and implications for the country. The paper argues that in order to effectively reduce proliferation of arms, there is need to have proactive laws and policies such as the whistleblowing policy on corruption, which is yielding positive results. It recommends an extension of the policy in dealing with proliferation of SALW as has been done in corruption, trafficking in persons and kidnapping in some States. The Policy will cover modalities for making disclosures concerning SALWs i.e. reporting mechanism, protective mechanisms for the protection of whistleblowers against reprisal attacks and adequate compensation for persons who make such disclosures. Effective policing by security agencies will also go a long way in facilitating the fight against proliferation of arms. It concludes with recommendations which are imperative in addressing, preventing, combating and exterminating the proliferation of SALWs.

2. Conceptual clarification of terms

2.1 Proliferation

Proliferation simply refers to rapid increase in the number or amount of something, growth, multiplication, spread, escalation, expansion or excessive spread^[9]. Proliferation when used within the context of SALW means the rapid increase, multiplication or spread of biochemical, nuclear and

other weapons of mass destruction to countries not initially involved in developing them^[10].

2.2 Small ARMS and light weapons

There is generally no universally accepted meaning of these terms. They have however been defined in some articles, International, regional and domestic instruments/laws which are examined under this section. Any reference to small arms and light weapons basically refers to lesser infantry weapons, such as firearms that an individual could carry and is generally restricted to revolvers, pistols, submachine guns, shotguns, carbines, assault rifles, rifle squad automatic weapons, light machine guns, general-purpose machine-gun, medium machine guns and hand grenades^[11]. Depending on the context in which it is used, it could also include heavy machine-guns, as well as smaller mortars, recoilless rifles and some rocket launchers^[12]. Furthermore the terms, 'small arms and light weapons' are sometimes used interchangeably with 'weapons', 'guns', 'arms', 'ammunitions' and 'firearms'. For instance, Article 3 of the UN Illicit Firearms Protocol^[13], defines firearms to include 'any portable barreled weapon that expels, is designed to expel or may readily be converted to expel a shot, bullet or projectile by the action of an explosive antique firearms or their replicas.

From the foregoing, it can be stated unequivocally that small arms are firearms which are manufactured to expel shots or could easily be transformed for that particular purpose. According to the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials, 2006^[14], small arms is defined as arms destined for personal use and include: firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or a mine; revolvers and pistols with automatic loading; rifles and carbines; machine guns; and assault rifles. Section 2 of the Firearms Act^[15] which is the Interpretation section of the Act also incorporates the meaning of Firearm. It provides thus:

firearms means any lethal weapon of any description from which any shot, bullet or other missile can be discharged, and includes a prohibited firearm, a personal firearm and a muzzle-loading firearm of any of the categories referred to in Parts I, II and III respectively of the Schedule hereto,

⁷ Okeke VOS, Oji R O, 'The Nigerian State and the Proliferation Small Arm and Light Weapons in the Northern Part of Nigeria' (2014) 4(1) *JESR* www.mcsr.org/journal/index.php/jesr/article/download/1859/1858 24 July, 2017

⁸ Seth Ohene-Asare and Others, 'Trafficking of Small Arms and Light Weapons (SALW) in West Africa: Routes and Illegal Arm Caches between Ghana, Togo, Benin and Nigeria' http://globalinitiative.net/wp-content/uploads/2017/01/fes_trafficking-in-small-arms-and-light-weapons-in-west-africa-routes-and-illegal-arm-caches-between-ghana-togo-benin-and-nigeria.pdf 23 July, 2017

⁹ 'Proliferation' <http://www.dictionary.com> 23 August, 2017

¹⁰ 'The English Dictionary 3.4.1' <http://www.wiktionary.org> cited in Araromi M A and Others, 'Moratorium on Proliferation of Small Arms and Light Weapons and Communal Conflicts in Nigeria' (Unpublished Institutional Paper presented at the Nigeria Association of Law Teachers (NALT) Conference held at Nnamdi Azikiwe University Awka, Anambra State on 11-16 June, 2017)

¹¹ Okeke, (n 7)

¹² *ibid*

¹³ The Protocol Against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunitions is a Supplement to the United Nations Convention Against Transnational Organized Crime, 2000. It was adopted by the General Assembly on May 31, 2001. For further reading visit <http://treaties.un.org> 22 August, 2017

¹⁴ The Convention is the West African sub-regional benchmark for regulating SALW. Cited in Helen Chuma Okoro, 'Proliferation of Small Arms and Light Weapons in Nigeria: Legal Implications' in Epiphany Azinge and Fatima Bello (eds), *Law and Security in Nigeria* (NIALS Press 2011) 259

¹⁵ Cap F28 LFN 2004

and any component part of any such firearm^[16].

The aforementioned definition was reproduced in the case of *Olatunji v State*^[17]. Where the appellant was charged with the unlawful possession of a hand grenade. The term, 'small arms and light weapons' could furthermore refer to any weapon that can be handled and, manipulated by one or two persons. 'Light weapons' consist of heavy machine-guns, mortars of up to 100mm, and portable anti-craft/aircraft systems, while 'small arms' connotes a sub-category of light weapons consisting of automatic/semi-automatic weapons of up to 20mm for instance, self-loading pistols, revolvers, carbines, rifles and machine-guns. Ammunition and explosives are also listed under this term^[18]

Firearms as seen earlier in the paper cover a wide range of weapons which are basically utilized for warfare and defense either acquired for legal or illegal purposes by state and non-state actors for security, local and private reasons. These reasons could be for safety, hunting, national security, self-defense, crime, etc^[19]. However, for the purpose of this paper, it used in the light of illegal multiplication of small arms and light weapons used to perpetuate crime and other vices.

3. Proliferation of salws in Nigeria: a historical perspective

The possession of guns by non-state actors in Nigeria is not a new phenomenon as it predates the colonial epoch. They were introduced by the Europeans before colonialism to carry out legal and illegal trade of persons (slave) in Africa. Afterwards, guns, ammunition, weapons and other arms were utilized by Europeans to actualize their imperial desires when they conquered and forced Africans into colonialism^[20]. The gunboat diplomacy was readily used by the British to coerce African chiefs into entering several treaties with them. The West African Frontier Force (WAFF) was set up and used by the British to fight the British-Aro War of (1901-1902), and suppress other acts of resistance in Nigeria, West Africa, and Africa generally^[21]. These antique weapons or arms e.g. locally made guns and gun powder were subsequently utilized by the locals for hunting purposes and traditional festivities.²² They consequently became signs of strength and power, and were exhibited at funerals, burials, ceremonies and customary festivals, etc. amongst the locals^[23].

In contemporary times, guns and other types of SALWs have undergone some transformation as regards functionality,

lethality, sophistication, ubiquity and motive behind ownership. They are now weapons used to perpetuate all forms of crime as opposed to their previous perception as just ornaments of prestige, or utilized solely for hunting and other mundane missions^[24] The 1959 Firearms Act was apparently passed to control the alarming rate of arms proliferation in Nigeria towards independence. The Nigerian police records after the civil war revealed a disturbing upsurge in occurrences of violent misconducts linked with SALWs as opposed to the era before the war^[25]. The inability of the Nigerian government to implement a robust disarmament and arms destruction program after the civil war (1967-1970) intensified the proliferation of guns and illegal arms trafficking. It has however been observed that there were growing concerns regarding the proliferation of arms which dates back to the period before the civil war and the passage of the Firearms Act but became more intensified after the civil war^[26].

In addition, proliferation of SALWs has been associated with the period leading to the return of peace keeping forces and likewise one of the legacies of militarization of Nigeria. Guns from returnee soldiers from peacekeeping missions and unrecorded rifles from the collapsed strike force under the command of Al-Mustapha during General Sani Abacha's military administration were reabsorbed into the society^[27].

On the overall, evidence abounds of the proliferation of SALWs in Nigeria. As far back as 2002, the quantity of SALWs in Nigeria was projected by several reports and studies to be approximately 1 and 3 million. This included arms in lawful possession of the military, the police and those that were in the hands of members of the public. A recent research has disclosed that 80% of SALWs in civilian possession were illicitly acquired given the stringent regulations^[28]. At the National Consultation on Physical Security and Stockpile Management which was organized under the auspices of the United Nations Regional Centre for Peace and Disarmament and the Presidential Committee on Small Arms and Light Weapons (PRESCOM) in 2016, it was noted that 350 million out of 500 million SALWs in West Africa are domiciled in Nigeria. A considerable amount of these arms are not only unlawfully possessed but are also acquired to carry out criminal activities^[29].

4. The increasing trend of proliferation of salws: reasons and implications for Nigeria

Generally, the proliferation of small arms and light weapons around the world and particularly in Africa has over time developed at an alarming rate which has put the security and stability of the entire African continent in jeopardy. SALWs have become useful instruments in the hands of terrorist groups, vicious groups and other non-state actors to wreak havoc on the state and more significantly on citizens whom the state ordinarily owe a duty to protect by reducing the ability to fulfill its security mandate. The United Nations

¹⁶ The Act goes further to define ammunition in the same section as any firearm and any component of any such ammunition, but does not include gun powder or trade powder not intended or used as such a component part. This definition in the opinion of the researcher is inadequate given the use of the word 'ammunition' in defining same and should thus be considered for review.

¹⁷ [2003] 14 NWLR (Pt. 839) 138 at pp 165-166

¹⁸ B E N Thom-Otuya, 'Proliferation of Small Arms and Light Weapons in Niger Delta: A Threat to National Security in Nigeria' <https://thomotuyaben.files.wordpress.com/2013/01/proliferation-of-small-arms.pdf> 22 July, 2017

¹⁹ *ibid*

²⁰ Okeke, (n 7)

²¹ *ibid*. The Royal Niger Company (RNC) which was later renamed United African Company (UAC) supported the British Government in coercing recalcitrant communities into surrendering.

²² Araromi and Others, (n 10)

²³ *Supra* n 20

²⁴ *Supra* n 22

²⁵ *ibid*

²⁶ Okoro, (n 14) 278

²⁷ Araromi and Others, (n 10)

²⁸ Okeke, (n 7)

²⁹ Araromi and Others, (n 10)

Security Council in 2002 opined that:

the destabilizing accumulation and uncontrolled spread of small arms and light weapons in many regions of the world increases the intensity and duration of armed conflict, undermines the sustainability of peace agreements, impedes the success of peace building, frustrates efforts aimed at the prevention of armed conflict, hinders considerably the provision of humanitarian assistance and compromises the effectiveness of the Security Council discharging its primary responsibility for the maintenance of international peace and security^[30].

Proliferation of small arms and light weapons has been one issue that has formed part of the international agenda since 1998. In the international scene, it is a security challenge that is threatening the existence of emerging nations especially in Africa- a phenomenon that is undermining their peace and development^[31]. The horrid intrastate wars that destroyed several developing countries in the 1990s were fought mainly with small arms and light weapons. For instance in Rwanda's genocide, approximately a million people were killed in less than a month with machetes and AK-47 guns^[32]. Similarly, in Liberia where the civil war lasted for more than a decade, over 250,000 people were killed with small arms and light weapons which also displaced nearly half of the population^[33]. Nigeria is not also left out as the activities of the infamous Boko Haram sect,³⁴ Fulani herdsmen/farmers' conflict and other agitating groups have led to the death (which was achieved through SALWs and other unconventional means) and internal displacement of so many Nigerians. In a recent research carried out by the Nigeria Stability and Reconciliation Program (NSRP) and the Nigerian Institute of Advanced Legal Studies (NIALS), it was reported that since the inception of the Boko haram activities in 2009, approximately 20,000 people have lost their lives while approximately 3 million people have been internally displaced^[35]. In 2016, Mercy Corps reported that the Fulani herdsmen/farmers clashes have led to the death of thousands of rural dwellers in the last two decades^[36].

Kofi Anan, the former UN Secretary General in his 2000 Millennium Report to the United Nations (UN) General

Assembly, described the proliferation of SALWs thus:

The death toll from small arms dwarfs that of all other weapons systems—and in most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms, indeed, could well be described as “weapons of mass destruction” ... Small arms proliferation is not merely security issue; it is also an issue of human rights and of development. The proliferation of small arms sustains and exacerbates armed conflicts. It endangers peacekeepers and humanitarian workers. It undermines respect for international humanitarian law. It threatens legitimate but weak governments and benefits terrorists as well as the perpetrators of organized crime^[37].

The foregoing problem has become a continued cause for concern and worry in spite of concerted efforts at the international and regional level to assuage it, culminating in the loss of many lives and destruction of properties in many African States. These existing security challenges, as well as small arms proliferation, and their effects stagnates the development of the continent^[38].

For the past two decades, Nigeria has particularly been overwhelmed with violent conflicts as well as inter and intra-communal clashes, ethnic conflicts, inter-regional tensions, religious riots, political conflicts e.g. agitations from the Indigenous people of Biafra (IPOB), Niger Delta Avengers, Movement for the Emancipation of Niger Delta (MEND), etc. and also more recently the activities of the Boko Haram Sect and Fulani herdsmen/farmers conflicts. Nigeria has become a huge market for local, regional and international arms dealers and syndicates; a primary destination of SALW flows and the center of illegal trafficking.

The Government's inability to provide adequate security has culminated in people resorting to self-help by taking up arms and consequently driving the largest proliferation and use of SALWs^[39]. Proliferation and misuse of SALWs, no doubt, threatens personal security, weakens good governance, contributes to human rights violations, and undermines social justice, development and peace all over the world^[40]. The said proliferation of SALWs and its misuse by both State and non-state actors have provided a platform for the violation of human rights both entrenched in International and Regional Instruments as well as the Constitutions of various States^[41]. For instance, killing people with firearms or SALWs obviously deprives them of their right to life whether at the hands of State actors or via extra-judicial killings or use of excessive force, or through criminals, vigilantes or rioters.⁴² The killings in Niger Delta as a result of the activities of the Niger Delta Avengers, MEND, and in the North East through the activities of the Boko Haram Sect, Fulani

³⁰ Quoted in Michael I. Ogu, 'Proliferation of Small Arms and Light Weapons in Africa: Cause or Effect?' http://paperroom.ipsa.org/papers/paper_33138.pdf 23 July, 2017

³¹ *ibid*

³² Matt Schroeder, Rachel Stohl, 'Small Arms, Large Problem: The International Threat of Small Arms Proliferation and Misuse' https://www.armscontrol.org/act/2006_06/SmallArmsFeature 23 August, 2017

³³ *ibid*

³⁴ The Militant group, *Jama'atu Ahlis Sunna Lidda'awatiwal-Jihad* (JAS) popularly known as Boko Haram started perpetrating extreme violence with intensified operations in the North East since 2009

³⁵ NSRP/NIALS, 'Dealing with the Past: Justice, Reconciliation and Healing in the North East of Nigeria' (NSRP/NIALS Nigeria 2017) 6

³⁶ Mercy Corps is a global humanitarian organization. The research was funded by the British Department for International Development (DFID). For further reading see, 'Nigeria Loses \$14 Billion Annually to Herdsmen-Farmers Clashes-Report' <https://www.premiumtimesng.com> 25 November, 2017

³⁷ Quoted in Okoro, (n 14) 257

³⁸ Ogu, (n 30)

³⁹ Seth Ohene-Asare and Others, (n 8)

⁴⁰ *ibid*

⁴¹ See Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria which embodies the fundamental human rights to life, dignity of human person, fair hearing, etc.

⁴² Okoro, (n 14) 296

herdsmen/farmers conflicts, etc. are all typical illustrations of the failure of the State to protect its citizenry in contravention of the provisions of section 14(2) of the 1999 Constitution which provides that the security and welfare of the people shall be the primary responsibility of government. Although this provision falls within Chapter II which is non-justiciable, section 33 which is under Chapter IV of the Constitution, guarantees right to life which is the foundation of all fundamental rights.

The proliferation and misuse of SALWs has some connection with the prevailing intra-state armed conflicts and violence and could thus be regarded as the immediate cause of conflicts. As observed in the forward to the Report of the Panel of Government Experts on Small Arms ^[43] “while not themselves causing the conflicts in which they are used, the proliferation of small arms and light weapons affects the intensity and duration of violence and encourages militancy rather than a peaceful resolution of unsettled differences.” ^[44] This undoubtedly creates a rancorous circle whereby insecurity leads to an increased demand for arms by both State and non-state actors ^[45].

SALWs raise serious concerns in conflict situations, the most obvious being the high death toll. This comprises deaths directly caused by the use of SALWs and indirect causes of armed conflict resulting in diseases, malnutrition, starvation, and displacement. There are also socio-economic problems like poverty, trauma and underdevelopment. The devastating effect of SALWs is also seen in the lives of people in situations of non-conflict ^[46].

Corruption, uneven distribution of resources, violence, and unemployment also contribute immensely to the proliferation of small arm and light weapons which provides a fertile ground for criminal activities that threatens the peace, security and economic development of Nigeria to thrive.⁴⁷ These factors create a situation where possession of arms becomes vital and is also perceived as a source of empowerment and means of livelihood ^[48].

Several reports of lost, stolen, and diverted small arms and light weapons are all pointers to the continued existence of weak export regulations/controls, poor stockpile security practices, and porous borders. Some of these reports were as a result of investigations carried out by the UN since 2001 regarding gross violations of arms embargoes on governments and armed groups in Liberia, Sierra Leone, the Sudan, the Democratic Republic of Congo, and Somalia. This is even more disheartening where these arms are shipped to war zones and political dictators ^[49]. The Operatives of the Tin-Can Island Command of the Nigeria Customs Service, NIS recently intercepted a syndicate that specializes in smuggling weapons into the country. In the course of the raid, 1,100 pump action riffles loaded in a 20 foot container were

discovered ^[50]. This brings to question how these weapons found their way into Nigeria in the first place and what they were intended for. The ineffective management of Nigerian borders and the stockpile mismanagement by security agencies whereupon weapons intended for government are hired out or sold to criminals and other non-state actors needs to be seriously looked into in order to address this misnomer.

Further to the foregoing is the issue of politics and governance in Nigeria. In Nigeria and some other parts of Africa, politicians resort to violence and other unconventional means to acquire or retain power and amass wealth. These nefarious acts are carried out with SALWs. In pursuing their political interests, armed groups, governments and political leaders are all involved one way or the other in the creation and arming of non-state actors ^[51].

The availability of SALWs may possibly prolong fighting, increase human and material losses, diminish the willingness of warring parties to find a middle ground or solutions to their differences, thwart the efforts of international and non-governmental organizations from engaging in conflict prevention, management and resolution, may cause severe challenges for the nations within the conflict milieu, and probably activate regional violence, and so on ^[52].

5. Existing legal and institutional framework on salws in Nigeria

The International community has made concerted efforts by mapping out strategies geared towards addressing the issue of SALWs which are implemented both at the international, regional and national levels. In addition, they have articulated detailed guidelines and rules to assist nation-States to develop effective legal framework to address the phenomenon of SALWs. Although these Instruments expressing these standards lack legal impetus, there are still persuasive as States are obliged to respect them ^[53]. The obligations imposed by these international laws with regard to SALWs involve developing proactive laws for combating SALWs and also ensuring effective enforcement.

It is important to point out that Nigeria has ratified some of these international and regional instruments regulating the proliferation of SALWs and as such is morally or legally bound by them. Against the backdrop of the humanitarian issues connected with SALWs, it becomes a matter of international interest for Nigeria to tackle the issue of SALW proliferation and misuse ^[54], the various laws, policies and regulations on SALWs are examined hereunder, and in no particular order.

5.1 The eco was moratorium

The Moratorium on the importation, exportation and

⁴³ The report was submitted by UN Secretary General to the fifty-second session of the General Assembly on 27th August, 1997

⁴⁴ Supra n 42

⁴⁵ ibid

⁴⁶ ibid

⁴⁷ Thom-Otuya, (n 18)

⁴⁸ Seth Ohene-Asare and Others, (n 8)

⁴⁹ Schroeder, (n 32)

⁵⁰ Evelyn Usman, Godwin Oritse, ‘Customs uncovers 1,100 weapons’ <https://www.vanguardngr.com/2017/09/breaking-customs-uncovers-1100-weapons/> 29 september, 2017. The weapons were said to have been shipped from Turkey and were concealed inside a container with the Bill of Lading indicating that the contents were wash hand basins

⁵¹ Seth Ohene-Asare and Others, (n 8). Most politicians and government officials allegedly acquire and stock SALWs before party primaries and general elections are conducted

⁵² Ogu, (n 30)

⁵³ Okoro, (n 14) 297

⁵⁴ ibid

manufacture of light weapons in ECOWAS member states which was signed on October 31, 1998 was the first initiative or attempt at the sub-regional level to combat the proliferation of SALWs. Its adoption was as a result of the devastating effect of SALWs proliferation in the sub-region and the threat to peace and security of the sub-region^[55]. Article 1 makes the Moratorium binding on ECOWAS Member States and stipulates that same shall apply to import, export and manufacture of light weapons. Article 4 of the Moratorium mandates member States to establish National Commissions which will be constituted by representatives of relevant agencies in order to guarantee effective implementation of the Moratorium at the national level^[56]. This provision led to the establishment of the National Committee on the Control of Small Arms and Light Weapons (NATCOM) in Nigeria in July 2000^[57]. In 2001, the NATCOM destroyed a stockpile of arms including ammunition (1,257 weapons) worth 50 million naira which were confiscated by the security agencies^[58]. A code of Conduct for implementing the Moratorium was signed in December, 1999 to provide a stringent waiver procedure for any ECOWAS Member State seeking to import, export or manufacture light weapons during the period of enforcement of the Moratorium. Under the Code, ECOWAS Members are required to seek prior approval or authorization before importing light weapons for the purposes of peace keeping, hunting, sporting in any geographic area within the purview of the Moratorium. The Moratorium which was planned for a renewable period of three years was subsequently renewed in 2001 and 2004 respectively. The effectiveness of the Moratorium was undermined by its non-binding nature, poor monitoring regime and weak governance. This culminated in the adoption of the ECOWAS Convention in 2006^[59].

5.2 The United Nations programme of action on small arms and light weapons (unpoa), 2001

The UNPoA which was adopted by all UN member States in 2001 is one of the earliest international instruments on SALWs. It provides a framework to counter illicit trade in SALWs. Since its adoption, the UN has worked towards supporting its enforcement at national, regional and international levels^[60]. As stated in its Preamble, the UNPoA seeks to address the uncontrolled spread of SALW, which have “a wide range of humanitarian and socio-economic consequences and poses a serious threat to peace, reconciliation, safety, security, stability and sustainable development.” Article II (2) enjoins nation States to put in place “adequate laws, regulations and administrative procedures to exercise effective control ...over the export, import and transit of small arms^[61]. It has however been

observed that the Instrument does not specifically stipulate what constitutes ‘adequate laws’ or ‘effective control’ of SALWs. It is also not legally binding^[62] as it is merely persuasive or a moral obligation on nation States. It nevertheless provides an important international standard for evaluating the adequacy or otherwise of any national regulatory framework for SALWs.

5.3 The bamako declaration, 2000

The approval of a Moratorium on the importation, exportation and manufacture of light weapons in ECOWAS member states was exceptional and consequently propelled the African Union (AU) to adopt a common African position on the Proliferation of small arms. This was done in December, 2000 and the Declaration is popularly known as the Bamako Declaration, 2000^[63]. Under the Declaration, States are enjoined to put in place specific laws with definite structures and machinery to handle the issue of SALWs. It also encourages them to boost the capacity of their national law enforcement mechanisms and security outfits and personnel^[64]. This Declaration which is a common African approach towards fighting illicit proliferation, circulation and Trafficking of SALWs reawakened the Nigerian government’s commitment which was done by entering into bilateral cooperation with its neighbors such as Benin Republic, Niger, Chad and Cameroon. The aim of such cooperation was to take proactive measures to ensure cross-border cooperation and enhance security at the borders. This resulted in the creation of Joint commissions. Some of these joint Commissions include; Chad-Nigeria Joint Commission, Benin-Nigeria Joint Commission, Cameroon-Nigeria Joint Commission, Lake Chad Basin Commission, joint border patrols between Nigeria and Republic of Benin, etc^[65].

5.4 The ecowas protocol relating to the mechanism for conflict prevention, management and resolution, peace-keeping and security

The Protocol which was adopted in Lome (Togo) on 10 December 1999 is aimed at assisting the regional body to ensure peace and security within the West African sub-region. The Protocol in Articles 50 and 51 underscores the responsibilities of ECOWAS in controlling small arms and light weapons to maintain sub-regional security^[66]. They include establishing effective measures to control the importation, exportation, manufacture as well as eradicating the flow of small arms, registering and controlling the

⁵⁵ Supra n 53

⁵⁶ For further reading see, ‘ECOWAS Moratorium and Code of Conduct’ www.pois.org/.../ECOWAS/Moratorium%20and%20Code%20of%20Conduct.pdf 24 november, 2017

⁵⁷ Okeke, (n 7)

⁵⁸ *ibid*

⁵⁹ ‘Economic Community of West African States (ECOWAS)’ <http://www.smallarmssurvey.org/tools/ro-poa/profiles-of-regional-organizations/africa/ecowas.html> 24 november, 2017

⁶⁰ ‘UN Programme of Action on Small Arms and Light Weapons’ <http://www.reachingcriticalwill.org/disarmament-fora/salw> 10 october, 2017

⁶¹ Quoted in Okoro, (n 14) 298

⁶² *ibid*

⁶³ Araromi and Others, (n 8). The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons was adopted on 1 December, 2000 by the AU which was concerned with the widespread proliferation of small arms and light weapons that threatened peace and security, democratization, development and human rights. It thus initiated a process in 1999 which culminated into the convening of the first Organisation of African Unity (OAU) Ministerial conference on SALWs in Bamako Mali from November 30 to 1 December, 2000. For further reading see, ‘African Union’ <http://www.poa-iss.org> 10 october, 2017

⁶⁴ *ibid*

⁶⁵ Okeke, (n 7)

⁶⁶ ‘2006 ECOWAS Convention’ <http://www.weaponslaw.org/instruments/2006-ecowas-convention> 11 october 2017

movement and use of legitimate arms stock, detecting, collecting and destroying all illicit weapons and also encouraging Member States to collect and destroy all surplus weapons ^[67]. Furthermore, under the Protocol, ECOWAS is also expected to take all the necessary measures towards combating illicit trafficking and circulation of small arms. These measures include developing a culture of peace, training for military, security and police forces, enhancing weapons control at border posts, establishing a database and regional arms register, collecting and destroying surplus illegal weapons, facilitating dialogue with producers and suppliers, reviewing and harmonizing national laws and administrative procedures ^[68].

ECOWAS's role under the Protocol (which is sometimes referred to as the Organization's Constitution on Collective Security) cannot be overemphasized because for the first time, an international organization which formally entrenched the doctrine of humanitarian intervention also legalized the use of force to either restore or prevent the overthrow of a democratically elected government ^[69]. Following its adoption, ECOWAS could consequently undertake peace keeping missions and interfere in internal conflicts of Member States ^[70]. The Protocol was for instance instrumental to ECOWAS' peace keeping missions in Sierra Leone and Liberia ^[71].

6. The United Nations arms trade treaty

The United Nations Arms Trade Treaty to which Nigeria is also a state party is the first global, legally binding instrument to regulate the transfer of conventional arms. It was adopted by the United Nations General Assembly on 2 April 2013 and entered into force on 24 December 2014 ^[72]. The Treaty outlines its scope which includes the types of conventional arms and transfers it covers; prohibited transfers of these conventional arms in certain circumstances and the requirement on states parties to establish a formal control regime to regulate transfers at the national level as well as the requirement on state parties to report on the exports and imports that take place or that was authorized ^[73]. Nigeria was the first African country to ratify the treaty, and this signified

its willingness to join the global society in ensuring strict control of the international trade in conventional arms. It should be noted, however, that this treaty has not been domesticated to give it force of law in Nigeria as required by section 12 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended).

6.1 The ecowas convention on small arms and light weapons, their ammunition and other related materials

The ECOWAS Convention (a regional instrument) which was adopted on 14 June 2006 ^[74] is a legally binding Instrument regulating the manufacture, trade, possession, and disposal of small arms and light weapons, firearms, ammunition as well as landmines, bombs, and missile systems. It builds on an earlier 1998 Moratorium on the importation, Exportation, and Manufacture of SALWs in West Africa. In its preamble, the Convention makes reference to a number of Instruments, specifically the ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management and Resolution, Peace-Keeping and Security that was adopted in Lome on 10 December 1999. The Convention also refers to the Wassenaar Arrangement ^[75] which calls for cooperation from arms producers in implementing the Convention ^[76]. The Convention similarly institutionalizes the National Commission to synchronize the fight against the proliferation of illegal SALWs at the national level ^[77]. Nigeria is the only ECOWAS Member State yet to comply with this provision even though it is a signatory to this Convention. However, there is a Bill currently before the National Assembly seeking to establish a National Commission for the Prohibition of the Importation of Small Arms and Light Weapons to combat the spread of illegal weapons among its citizenry. It has been stated that the passage of the Bill into law will go a long way in addressing the security challenges created by the illicit proliferation of SALWs in Nigeria ^[78].

One cannot but ask at this juncture what Law the proposed institutional framework will implement? Is it the existing obsolete Laws on firearms? This is because the Bill in question seeks to establish a National Commission for the prohibition of SALWs when Nigeria is yet to take any bold step towards enacting a robust and comprehensive Law prohibiting SALWs.

6.2 Protocol against the illicit manufacturing of and trafficking in firearms

The Protocol which was adopted in 2001 and came into force

⁶⁷ 'Protocol relating to the mechanism for conflict prevention, Management and Resolution, Peace-keeping and Security' www.zifberlin.org/fileadmin/uploads/.../ECOWAS_Protocol_ConflictPrevention.pdf 12 October 2017

⁶⁸ *ibid*

⁶⁹ Aisha Abdullahi, 'An Appraisal of the Concept of Collective Security under International Law' <http://kubanni.abu.edu.ng:8080/jspui/bitstream/123456789/5867/1/AN%20APPRAISAL%20OF%20THE%20CONCEPT%20OF%20COLLECTIVE%20SECURITY%20UNDER%20INTERNATIONAL%20LAW.pdf> 24 November, 2017

⁷⁰ *ibid*

⁷¹ Thomas Jaye, Stella Amadi, 'ECOWAS & the Dynamics of Conflict and Peace building' http://funag.gov.br/loja/download/1038-Role_of_Regional_Integration_in_Conflict_Prevention_Management_and_Resolution_in_Africa_The.pdf 24 November, 2017

⁷² 'The Arms Trade Treaty - Small Arms Survey' <http://www.smallarmssurvey.org/fileadmin/docs/Q-Handbooks/HB-04-ATT/HB4-ATT-implementation.pdf> 13 October, 2017

⁷³ *ibid*. See Articles 2 and 3 of the Treaty. The categories of arms covered by the Treaty are listed in Article 2(1). They include: battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles and missile launchers, and small arms and light weapons.

⁷⁴ The Convention came into force on 29 September 2009

⁷⁵ The Wassenaar Arrangement on Exports Controls for Conventional Arms and Dual-Use Goods and Technologies which is commonly known as the Wassenaar Arrangement is a multilateral export control regime with 41 participating states many former Comecon (Warsaw Pact) countries. For further reading see, 'The Wassenaar Arrangement' <http://www.wassenaar.org> 11 October, 2017

⁷⁶ '2006 ECOWAS Convention', (n 66)

⁷⁷ Okoro, (n 14) 300

⁷⁸ 'House Passes Bill On Small Arms Commission' <<https://www.thenigerianvoice.com/thread/11856/109454/1>> accessed 24 November 2017. The Bill was sponsored by Hon. Nnenna Elendu-Ukeje. See also the Long title to the Bill. It is important to note that the Bill empowers the said Commission to deal with importation of SALWs. What about exportation, manufacture or trafficking in such SALW?

on 3 July 2005 is a supplementary Protocol to the United Nations Convention against Transnational Organized Crime, 2000^[79]. Article 4 stipulates that the Protocol shall apply to the prevention of illicit manufacturing of and trafficking in firearms and ammunition as well the investigation and prosecution of offences specified in Article 5^[80]. Nigeria being a party to the Protocol is committed to preventing and combating the illegal trafficking in firearms and also obliged to put in place effective control, security and disposal mechanisms to prevent theft, diversion into illegal circles, adopting a system of licensing to guarantee effective manufacturing, trafficking, marking, record and tracing of firearms within the confines of the Law^[81].

6.3 The international instrument to enable states to identify and trace illicit small arms and light weapons

This Instrument was adopted in recognition of tracing which is crucial to preventing, combating and eradicating illegal SALWs^[82]. Articles 1 and 2 stipulate the purpose of the Instrument. It provides under Article 1 that the objective of the Instrument is to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. This is intended to help States establish a mechanism to facilitate the identification and tracking of illicit SALWs^[83]. Furthermore, this Instrument seeks to promote and facilitate international cooperation and assistance in marking and tracing and to enhance and complement the effectiveness of existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects^[84]. It obliges state parties in accordance with their constitutional process to put in place laws, (where there are none) regulations and administrative procedures needed to ensure the effective implementation of the Instrument^[85].

It will appear from the foregoing that what all the International and Regional Instruments examined (to which Nigeria is a state party) have in common is that they all enjoin state parties to put in place national laws and an effective enforcement machinery to fight proliferation of small arms and light weapons. Nigeria as a state party has consequently failed by not enacting any proactive law and implementing any action plan/policy on SALWs.

6.4 Firearms ACT^[86]

The Firearms Act which was enacted in 1959 is the principal

⁷⁹ See Article 1 of the Protocol. For further reading, see 'Protocol Against the Illicit Manufacturing of and Trafficking in Firearms' https://treaties.un.org/doc/source/RecentTexts/18-12_c_E.pdf 12 October, 2017

⁸⁰ *ibid*. The offences stipulated in Article 5 are transnational in nature and involve an organized criminal group.

⁸¹ Araromi and Others, (n 10)

⁸² Okoro (n 14) 299

⁸³ 'International Instrument to Enable States to Identify and Trace Illicit Small Arms and Light Weapons' <https://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf> 16 October, 2017. See Article 2

⁸⁴ *ibid*

⁸⁵ Article 24

⁸⁶ CAP F28 LFN 2004. The Firearms Act is a national legislation thus making firearms a matter under the Exclusive Legislative List in the 1999 Constitution which means that it is only the Federal Government (National Assembly) that can make laws with respect to its regulation.

national law regulating SALWs^[87]. It prohibits illegal possession, transfer, manufacture, assembly, repair, shortening, and trading as well as import and export of firearms in sections 3, 4,5,8,9, 17, 18, 22, and 26. The Act prescribes punishment for the said offences under section 27 of the Act. With respect to section 3 which prohibits possession of firearms; section 17 which prohibits importation and exportation of firearms and ammunition other than through prescribed ports; section 18 which is still on importation and exportation and section 22 which prohibits the manufacture, assembly or repair of firearms, a minimum of ten years imprisonment is prescribed as sentence. Similarly, regarding sections 4 & 8 on restriction of possession of personal and certain firearms; section 9 (on any dealing in arms or ammunition); section 19 (on importation of personal firearms) and section 26, the term of imprisonment is for a period not exceeding five years. For other offences under the Act, the punishment is a paltry sum of one thousand naira as fine or imprisonment for a term of two years or both.

The foregoing law, which was enacted way back in 1959, with no substantive amendment to it since then, is outdated and can no longer deal with the current realities on SALWs given the light penalties prescribed under the Act for dealing in arms and ammunition. Enacting a new law/ policy to adequately tackle or reduce incidences of theft, loss, diversion, importation/exportation of SALWs has thus become imperative.

The Firearms Regulations is a complementary regulation made pursuant to section 32 of the Firearms Act. It provides amongst other things for the duration and renewal of licenses (section 3), marking and stamping of firearms (sections 7 and 42) revocation of license (section 9), application for registration as a dealer (section 12), procedure for the grant of the relevant licenses, sale and transfer of weapons by a registered dealer, etc. Section 27 outlaws acts violating certain provisions of the Regulations and consequently provide penalties^[88].

6.5 Criminal Code ACT^[89]

The Criminal Code is the extant substantive law on criminal law in the Southern Nigeria except Lagos which has its own Criminal Code Law Lagos State, 2011. Even though the term 'small arms and light weapons' cannot be found in the Code, it however defines 'firearms' which is not any different from the definition of firearms in the Firearms Act.⁹⁰ It also contains some penalties for unlawful possession of arms. Under section 428, the punishment for unlawful possession of arms belonging to the Nigerian armed forces is a fine of 40 naira (less than half of \$1US) and also payment of double the

⁸⁷ Okoro, (n 14) 302

⁸⁸ *ibid*

⁸⁹ CAP C38 LFN 2004

⁹⁰ Section 403B defines firearms and offensive weapons. It provides that for the purposes of sections 402, 403 and 403A of the Code "firearms" includes any canon, gun, flint-lock gun, revolver, pistol, explosive or ammunition or other firearm, whether whole or in detached pieces. "offensive weapon" means any article, apart from a firearm, made or adapted for use for causing injury to the person or intended by the person having it for such use by him and it includes an air gun, air pistol, bow and arrow, spear, cutlass, matchet, dagger, cudgel, or any piece of wood, metal, glass or stone capable of being used as an offensive weapon.

value of all or any of the several articles in the person's possession. It has been argued that this weakens any reasonable attempt or effort towards fighting the plague of proliferation of SALWs ^[91] given the penalty which is not commensurate with the offence.

6.6 The robbery and firearms (special provisions) act ^[92]

The Act similarly bothers on firearms possession and provides punishment for gun-related offences. Illegal possession of firearms under the Act attracts a fine of N20, 000 or a minimum of ten years imprisonment, or both. The Act also prescribes a death penalty by hanging or firing squad as punishment for armed robberies, and life imprisonment for attempted robbery which involves the use of firearms ^[93].

Other relevant Laws regulating firearms in Nigeria include: the Defense Industries Corporation of Nigeria Act, 1964,⁹⁴ Police Act ^[95] and the Penal Code ^[96].

What can be garnered from the national framework of laws examined is that Nigeria's key statutes on firearms are flexible enough to cover the types of weapons envisaged as SALWs. They are notwithstanding insufficient in terms of scope, application and penalties/fines for dealing with the present day menace of proliferation of SALWs. They also fall below the accepted International standards for combating proliferation of illegal arms, implementation of the provisions is inhibited by corrupt practices and ill-equipped institutional/enforcement machinery as shown by the low success rate in the prosecution of persons caught with illegal weapons. The laws do not similarly reflect some of the important measures considered germane by the International/Regional community in the fight against unlawful arms proliferation ^[97].

The Institutional frameworks for implementing these legislations are National Committee on the Control of Small Arms and Light Weapons (NATCOM), the Police, the Presidential Committee on Small Arms and Light Weapons (PRESCOM) and the Courts for the prosecution of offenders. The Police are the Central agency responsible for enforcing the regulatory framework for SALWs by issuing licenses for non-prohibited firearms (singles and double-barrels), and the licensing of gun dealers. The Department of State Services and Nigeria Customs also deals with issues of SALWs regulation. Agencies such as the Nigeria Drug Law Enforcement Agency (NAFDAC) are also not left out as they report any suspicious act to the appropriate authorities in discharge of their duties ^[98]. The National Security and Civil

Defense Corps (NSCDC) register and monitor private security outfits which occasionally have and utilize licensed firearms. The NATCOM which was set up as a specialized institution for SALWs regulation consisted of all security and intelligence agencies situated in the Ministry of defense. Due to its inaction, the Committee's office was shut down and dissolved by the Ministry in 2012 ^[99].

The nagging question that will perhaps be asked at this juncture is which institution(s) is solely responsible for containing SALWs proliferation in Nigeria and under what law(s) are they expected to effectively function given the inadequate laws on firearms presently in operation? Despite the Federal Government's efforts towards effective control such as the ban ^[100] on all licensing of all firearms to reduce arms circulation, several amnesty/disarmament programs, mopping up of arms across States, collaboration with the international community, symposia to sensitize people on the dangers of SALWs proliferation, the problem still persists. A more practical approach in the fight against proliferation of SALWs may perhaps be more effective and long lasting.

7. Recommendations/Conclusion

Having established that the proliferation of SALWs is growing at an alarming rate and has contributed immensely to the security challenges Nigeria and the entire world is presently facing, it becomes apposite at this point in the paper to proffer suggestions that will reduce the practice to the barest minimum in Nigeria:

- a. The Nigerian government needs to enact a single, comprehensive and robust legal framework on SALWs which will incorporate International standards for combating proliferation of illegal arms and also establish a body that will be saddled with the responsibility of ensuring effective implementation of the provisions of the law. This will guarantee successful prosecution and secure conviction of SALWs offenders. The current law on firearms which is the Firearms Act, 1959 has proven to be inadequate or ineffective given its scope, application and the outdated penalties/fines in tackling the current realities on SALWs ^[101]. As stated earlier in the paper, the Bill before the National Assembly is not a proposed legislation on SALWs but a Bill seeking to establish a National Commission (Institutional framework) for the prohibition of SALWs. The paper posits that the passage of the Bill is like putting the cart before the horse because the Commission will either act in isolation or rely on Laws which do not reflect the contemporary issues of SALWs. Until a substantive Law prohibiting any dealings in SALWs in Nigeria with clearly defined penalties for violations is enacted, Nigeria may continue to suffer the devastating consequences of SALWs.
- b. The whistleblowing policy on corruption should be extended to the fight against proliferation of small arms and light weapons in Nigeria as has been done in

⁹¹ Pontian Okoli, 'A Legal Inquiry into the Proliferation and Control of Small Arms in Nigeria' (2014) 3 *IJCS* www.lifescienceglobal.com/pms/index.php/ijcs/article/viewFile/1708/1071 15 October, 2017

⁹² CAP R11 LFN 2004

⁹³ Okoro, (n 14) 304. See sections 1-3 of the Act

⁹⁴ See section 9 which provides that nothing in the Firearms Act shall be interpreted as precluding the Corporation from importing, manufacturing, assembling, repairing or disposing of firearms and ammunition.

⁹⁵ CAP P 19 LFN 2004. The Act makes reference to firearms with respect to the provision of arms for the Police Force.

⁹⁶ CAP P3 LFN 2004. The relevant sections on firearms are sections 97, 298 and 248 of the Code.

⁹⁷ Okoro, (n 14) 305

⁹⁸ Seth Ohene-Asare and Others, (n 6). Government licensed dealers are similarly to sell non-prohibited firearms which are licensed for gaming. They include single and double barreled shotguns and sports guns.

⁹⁹ *ibid*

¹⁰⁰ The ban was carried out in 2004 and since then, illicit arms are still in circulation

¹⁰¹ PRESCOM is currently canvassing for the repeal of the Firearms Bill before the National Assembly

kidnapping in some States and trafficking of persons. This will motivate people with useful information to approach the appropriate authorities and reports such acts. Since the introduction of the policy in December, 2016, there have been proactive information/reporting of corrupt practices. The paper is hopeful that this will douse to a large extent the illicit trafficking and all forms of dealing in arms when adopted.

- c. Effective collaboration with the International community and other relevant agencies should be encouraged. Nigeria as a state party should also endeavor to fulfill its obligations under International instruments on SALWs.
- d. The Customs Service and other relevant agencies at the border points should develop effective protocols that would make the inflow and outflow of illicit weapons a herculean task ^[102].
- e. Lastly, the rehabilitation, reorientation and retraining of law enforcement and security agencies and their personnel is imperative as this will go a long way in effectively addressing, preventing, combating and eliminating the proliferation of SALWs in Nigeria.

8. References

1. Helen Chuma Okoro. Proliferation of Small Arms and Light Weapons in Nigeria: Legal Implications' in Epiphany Azinge and Fatima Bello (eds), Law and Security in Nigeria (NIALS, 2011).
2. NSRP/NIALS. Dealing with the Past: Justice, Reconciliation and Healing in the North East of Nigeria' (NSRP/NIALS Nigeria, 2017).
3. Osimen Goddy Uwa, Akintunde Bamidele Anthony, 'Small Arms and Light Weapons (SALW) Proliferation and Problem of National Security in Nigeria, 2015, 29 *JIGS* <http://www.iiste.org/Journals/index.php/IAGS/article/viewFile/19664/20160> 20 July, 2017
4. Firearm Violence. Gun control and Small Arms' http://www.gunpolicy.org/firearms/topic/small_arms_in_nigeria, 2018.
5. Eno-Abasi Sunday. Sulaimon Salau, 'Worries as Proliferation of Small arms, Light Weapons Burgeons' <https://guardian.ng/sunday-magazine/worries-as-proliferation-of-small-arms-light-weapons-burgeons>, 2017.
6. Mohammed H Zarei, Azar Safari. The Status of Non-State Actors under the International Rule of Law: A Search for Global Justice' <http://www.culturaldiplomacy.Org.pdf> accessed, 2017.
7. Okeke VOS, Oji RO. The Nigerian State and the Proliferation Small Arm and Light Weapons in the Northern Part of Nigeria. 4(1) *JESR*, 2014, www.mcser.org/journal/index.php/jesr/article/download/1859/1858.
9. Seth Ohene-Asare and Others. Trafficking of Small Arms and Light Weapons (SALW) in West Africa: Routes and Illegal Arm Caches between Ghana, Togo, Benin and Nigeria' http://globalinitiative.net/wp-content/uploads/2017/01/fes_trafficking-in-small-arms-and-light-weapons-in-west-africa-routes-and-illegal-arm-caches-between-ghana-togo-benin-and-nigeria.pdf, 2017.
10. Proliferation <http://www.dictionary.com>, 2017.
11. Araromi MA. Others Moratorium on Proliferation of Small Arms and Light Weapons and Communal Conflicts in Nigeria' (Unpublished Institutional Paper presented at the Nigeria Association of Law Teachers (NALT) Conference held at Nnamdi Azikiwe University Awka, Anambra State on, 2017.
12. 'The Protocol Against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunitions, 2017, <http://treaties.un.org>
13. Thom-Otuya BEN. Proliferation of Small Arms and Light Weapons in Niger Delta: A Threat to National Security in Nigeria' [https:// thomotuyaben. Files. wordpress.com/2013/01/proliferation-of-small-arms.pdf](https://thomotuyaben.Files.wordpress.com/2013/01/proliferation-of-small-arms.pdf), 2017.
14. Michael I. Ogu Proliferation of Small Arms and Light Weapons in Africa: Cause or Effect?' http://paperroom.ipsa.org/papers/paper_33138.pdf 23 July, 2017
15. Nigeria Loses \$14 Billion Annually to Herdsmen-Farmers Clashes-Report, 2017, <https://www.premiumtimesng.Com>.
16. Evelyn Usman, Godwin Oritse. Customs uncovers 1,100 weapons' <https://www.vanguardngr.com/2017/09/breaking-customs-uncovers-1100-weapons/> 29 September, 2017.
17. ECOWAS Moratorium and Code of Conduct' www.pois.org/.../ECOWAS/Moratorium%20and%20Code%20of%20Conduct.pdf, 2017.
18. Economic Community of West African States (ECOWAS)' <http://www.smallarmssurvey.org/tools/ro-poa/profiles-of-regional-organizations/africa/ecowas.html>, 2017.
19. UN Programme of Action on Small Arms and Light Weapons' <http://www.reachingcriticalwill.org/disarmament-fora/salw>, 2017.
20. African Union' <http://www.poa-iss.org>, 2017.
21. ECOWAS Convention' <http://www.weaponslaw.org/instruments/2006-ecowas-convention> 11 October 2017
22. 'Protocol relating to the mechanism for conflict prevention, Management and Resolution, Peace-keeping and Security' www.zifberlin.org/fileadmin/uploads/.../ECOWAS_Protocol_ConflictPrevention.pdf, 2017.
23. Aisha Abdullahi. An Appraisal of the Concept of Collective Security under International Law' <http://kubanni.abu.edu.ng:8080/jspui/bitstream/123456789/5867/1/AN%20APPRAISAL%20OF%20THE%20CONCEPT%20OF%20collective%20security%20under%20international%20law.pdf>, 2017.
24. Thomas Jaye, Stella Amadi. Ecowas & the Dynamics of Conflict and Peace building, 2017, http://funag.gov.br/loja/download/1038-Role_of_Regional_Integration_in_Conflict_Prevention_Management_and_Resolution_in_Africa_The.pdf.
25. The Arms Trade Treaty. Small Arms Survey' <http://www.smallarmssurvey.org/fileadmin/docs/Q-Handbooks/HB-04-ATT/HB4-ATT-implementation.pdf>,

¹⁰² 'Alarming Arms Proliferation in Nigeria' <https://www.dailytrust.com.ng/news/editorial/alarming-arms-proliferation-in-nigeria/158542.html> 10 October, 2017

- 2017.
26. The Wassenaar Arrangement' <http://www.wassenaar.org>, 2017.
 27. House Passes Bill On Small Arms Commission' <<https://www.thenigerianvoice.com/thread/11856/109454/1>> accessed, 2017.
 28. xxviii. 'Protocol against the Illicit Manufacturing of and Trafficking in Firearms, 2017, https://treaties.un.org/doc/source/RecentTexts/18-12_c_E.pdf 12.
 29. xxix. International Instrument to Enable States to Identify and Trace Illicit Small Arms and Light Weapons' [https://www.unodc.org/documents/organized-crime/Firearms/ ITI.pdf](https://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf) 16, 2017.
 30. xxx. Pontian Okoli, 'A Legal Inquiry into the Proliferation and Control of Small Arms in Nigeria, 2014, 3 IJ CS www.lifescienceglobal.com/pms/index.php/ijcs/article/viewFile/1708/1071 15 october, 2017
 31. xxxi. Alarming Arms Proliferation in Nigeria, 2017, <https://www.dailytrust.com.ng/news/editorial/alarming-arms-proliferation-in-nigeria/158542.html>.