

CROSS-BORDER ILLEGAL TRANSFER OF SMALL ARMS AND LIGHT WEAPONS: THE NIGERIA'S EXPERIENCE

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ABSTRACT

Small arms and light weapons are currently assumed the most lethal instruments across regions and states. Their proliferation is rather negative; poses threats to security and development particularly in developing parts of the world. Nigeria therefore, like other developing countries, has been experiencing influx of illegal SALW for decades. It is on this context that this paper sets to examine the implications of illegal transfer of SALW in Nigeria. The paper relies on documentary sources of data collection which entails the use of information from the books, journal articles, Newspapers and other documented materials. It observes that porosity of the borders of most countries, ineffective security measures, corruption within the government officials including security personnel and the debilitating economy of African countries play a vital role towards increased illicit transfer of SALW. The paper indicates that illegal transfer of small arms and light weapons has immensely contributed to the rising insecurity situation in Nigeria; intensifies kidnapping across the country, armed banditry in the north-west and insurgency in the north-east. The Nigerian state has participated into several international and regional initiatives and also established national acts and protocols for the control of proliferation of illegal small arms. Nevertheless, the responses were found to be outdated and ineffective mechanisms that can significantly deal with the issue of illegal transfer of SALW. The paper therefore, recommends for political will towards the issue thereby improving the strategy of border control and committing the resources needed for the fight against illegal transfer of SALW. It also urges for all the relevant stakeholders that include, the politicians, government officials, security personnel and community leaders to understand the importance for the control of the spread of illegal arms for sustainable security situation in the country.

Keywords: *Small Arms, Light Weapons, Illicit Transfer, Conflict, organized Crimes*

Introduction

The phenomenon of the proliferation of small arms and light weapons is a particular one that essentially came to the attention of global society in the end of the Cold War. This is so, due to realization of the threat it poses to human society. The proliferation of small arms and light weapons has manifested during the Cold War and become so extensive across regions and states after the war. Consequently, significant distribution of arms was made by the contending powers during the war to their allies in Asia, Africa and Latin America (Eloma, Ugwumba & Abang, 2014). These circulated weapons have not been controlled by states thereby become spread and found not only in the hands of security personnel but also in the hands of none state-actors. The illegal circulation of SALW does not in any manner positive to peace and security in various countries especially in Africa and other developing parts of the world. Proliferation of SALW across various regions and countries has become highly instrumental to conflict and criminal activities especially in developing nations. Illicit transfer of these weapons is a challenge to global peace and security. It is on this context that the United Nations took a responding step thereby urging for global, regional and national responses towards addressing the menace of illicit circulation of SALW. This is given to the fact that the threat of SALW is greater than that of weapons of mass destruction that devastated Hiroshima and Nagasaki (Annan, 2010).

Meanwhile, in spite of all the effort to combat the illegal trafficking of small arms and light weapons, these kinds of weapons are persistently circulating across the world especially in the developing countries of Africa, Asia and Latin America (Bashir, 2014). Out of the 640 million small arms and light weapons circulating worldwide, it is estimated that 100 million are in African continent (Okeke, 2014; Edeko, 2011) Illegal arms dealers and traffickers contribute enormously in the increasing flow of SALW not only in Nigeria and Africa but, in the entire global society. In Africa, it is more, due to certain political, security and economic factors. Socio-cultural factors are in some parts of the continent also pertinent in the widespread of small arms and light weapons. It obviously gets its ways by the poor economic condition,

corruption, ineffective security measures and weak political commitments in most African countries. The continuing circulation of SALW poses a serious threat and challenge to the continent; exacerbating human suffering, threatens peace, security, and sustainable development. It has been described as one of the current security challenges in Nigeria. The country has become a source, transit, recipient and destination of illegal small arms and light weapons (Okeke & Oji, 2014; Malam, 2014). It is on this background that this paper intends to examine illicit transfer of small arms and light weapons within the context of Nigerian state. The paper is divided into six sections while section one, consists the introduction of the paper, section two is on small arms and light weapons conceptual perspectives, section three of the paper covers methodology, section four discusses illegal small arms and light weapons in Nigeria, while the fifth section of the paper concerns Nigerian government and the episode of SALW and the last section of it, provides conclusion of the paper.

Small Arms and Light Weapons Conceptual Perspectives

Generally, small arms and light weapons are two categories of weapons that nowadays become the most useful tools for conflict and other violent crimes such as organized crimes like terrorism, insurgency and militant activities. Small arms on the other hand, are in specific, those weapons that can be used and handle by an individual or single person. They those weapons that are particularly firearms and other destructive devices such as incendiary bombs, gas bombs, and landmines that includes the pistols, machine guns, light machine guns and rifles (Gerald & Caleb, 2015:12). Small arms are weapons such as sub-machine guns, landmines, grenades, pistols, and light missiles (Small Arms Survey 2016). Riviere (2016) perceives small arms as anything from pistol to light machine guns, classified as weapons of choice for criminal activities, suicide, and a constant motivator to violence and crimes. United Nations Coordinating Action on Small Arms (2006) broadly termed small arms as “weapons designed for personal use that include handguns (self-loading pistols and revolvers) and shoulder arms (rifles, sub-machine guns and light machine guns, and grenade launchers)”.

Light weapons on the other hand, imply those weapons that are mostly used by more than one person. They are broadly categorized as those weapons designed for use by more than one person of either member of armed or security forces serving as a crew (Adetiba, 2012). They are portable weapons designed for use by several persons in a team, that include heavy machine guns, automatic cannons, mortars of more than 100m caliber, grenade launchers, anti-tank weapons and launchers, anti-aircraft weapons and launchers, and recoilless guns (Edeko, 2011). Similarly, Onuoha (2011) described light weapons as portable arms designed to be used by several persons working together in a team, and which include heavy machine guns, portable grenade launchers, mobile or mounted portable anti-aircraft cannons, and portable anti-tank missile launchers.

Consequently, the availability of small arms and light weapons is traced back to the Cold War period where weapons of this kind were significantly transferred to the allies of the contending parties in Asia, Africa and Latin America. It is also linked to the flow of arms from Central and Eastern Europe owing to the deregulation of arms industries (Bashir, 2014; Emanuel & Ndimbwa, 2013; Grip 2015). However, Greene and Marsh (2013) opine that small arms and light weapons are recognized instruments largely use for violent conflict, militancy and criminal activities. Consequently, these forms of weapons are basically meant for safeguarding individuals' lives and the state. But, in recent time, they turn to be used by non-state actors to perpetrate violent acts that include insurgent attacks, criminal activities, organized crime and conflict among others. To corroborate the argument, Gerald and Caleb (2015) note that small arms and light weapons are acceptable weapons used by warring parties during wars. Efrat (2010) stresses that to a certain extent the deaths toll of small arms is even greater than any other weapons including weapons of mass destruction. They are the instruments of choice in present day's conflicts and they are responsible for the major death in direct conflict. In a related development, McCollum (2012) states that these forms of weapons are responsible for the most death rates in the world, and at present, they are the real weapons of mass destruction than any other weapons.

From the aforesaid observations, it can be understood that small arms and light weapons are particular category of weapons of mass destruction due to their destructive nature and the potentiality to fuel and prolong war and conflict. Hence, based on this conception of scholars, it has indicated that small arms and

light weapons proliferation is one of the global threats to peace, security and development. In a related view, Okoro (2007) and Oluwadare (2011) argued that it is an excessive possession and widespread availability of weapons which has a destructive impact on both the state and the individuals. However, Malam (2014) explains that the presences and continued proliferation of small arms and light weapons is one of the obstacles to peace and stability especially in developing societies. He further argues that the phenomenon, a major source of destruction to lives and properties and it intensifies communal tension and destructive conflict. In corroboration, Munir (2011) opines that availability and free flow of light weapons threaten national peace while explains that the supply of illegal arms fuels and intensify conflicts in the south Asian region.

However, it is of general consensus of scholars that many factors in the political environment or within the states are behind illicit flow of SALW. To buttress the argument, Emanuel Ndimbwa (2013) and Bashir (2014) noted about the Cold War, international arms trade and conflict in many countries of the African continent. Other scholars who have contributed in explaining the cause of the proliferation of small arms and light weapons Chelule (2014), Mulinzi and Kurantin (2016) and Friday (2012) emphasised their argument on the insufficient security measures and incapacity of the institutions responsible for the provision of security and intra-state armed conflicts in African countries. In this direction, Waziri (2017) argues that porosity of the borders especially in Africa and the interest of some transnational corporations on the natural resources of developing nation-states, particularly, in African, are factors which have contributed towards the increasing spread and circulation of small arms and light weapons. On the other hand, Wepundi et al. (2012) opine that the proliferation of small arms and light weapons prevails through social, economic, and political factors and further attributes the causes of the proliferation of small arms and light weapons to the long and persistent political instability and armed conflicts in Africa. It is however, noted that the mass displacements, widespread insecurity, and the weak structure of governance have increased the demand and proliferation of SALW (Wepundi et al., 2012).

Furthermore, Hassan (2013) lament that the main mechanism put in place to control the transfer of small arms is not effective and has contributed to the increase availability of small arms and light weapons. Nte (2011) portrayed that lack of far-reaching and universal agreement on the control of SALW has increased their proliferation. However, Abdullahi (2016) and Banko (2014) reveal that most of the circulated small arms and light weapons are those arms from the war-torn regions of the world. Ismail (2016) attributed the phenomenon to the global arms trade which allows free transfer of arms across regions. Pinto et al. (2011), Okoli (2014) and Danial (2016) are in this line attributed the widely spread of SALW to systemic issues (production, distribution and usage. For Jikonyo (2012) and Uganga (2016), the proliferation of small arms and light weapons is related to their easy accessibility and use.

However, scholars that include McCllum (2012), Stott (2016), Munir (2011) and Alusala (2016) among others have contributed immensely in examining the effects of the proliferation of small arms and light weapons. Much of their argument indicates that the phenomenon has negative consequences on peace, security and development. It particularly affects human and national security. Individuals are largely the victims of the proliferation of small arms and light weapons since the arms have been used to perpetrate armed violence and criminal activities such as insurgency, transnational organised crimes, terrorism, conflict, armed banditry, kidnapping and cattle rustling among others. It is also observed that the availability of small arms and light weapons poses threat to global peace and security (Munir, 2011). This scholar further reveals that the current rise of the proliferation of small arms is the major element behind regional and national confrontations in virtually every part of the world.

The proliferation of (SALW) has a great effect on human life thereby hindering socio-economic development, creating risks to human safety, prolonging and intensifying conflicts and it serves as a facilitator of terrorism. This notion has been confirmed by Marsh (2013), who revealed that small arms and light weapons have been used to perpetrate organized crimes, gangs killing, and terrorism. They significantly contribute in human rights violation, killings, rape, and torture. Marsh further states that small arms proliferation poses effect to the general aspects of the societies. It leads to political instability, the flow of refugees, destruction of physical infrastructures, disruption of health care services and education. Chelule

(2014) and Mirle (2012) are in this direction, argue that the proliferation of small arms and light weapons constitutes threat to security and development, particularly in developing countries of the world, and further states that the phenomenon intensifies armed conflict, violent crimes, organized criminal activities, community and ethnic conflicts. Ogu (2014) explains that small arms proliferation and their illegal possession mostly by non-state actors has implication on national security, and it increases the tendency of many security challenges that undermines the government's ability to discharge its primary responsibility for the provision of security to the citizens, and it also increases the level of terrorist activities.

Therefore, from the viewpoints of scholars above, it has become apparent that the proliferation of small arms and light weapons is a threat to individuals and the states because the phenomenon affects peace, security and development while even the works of other scholars such as Abdullahi (2016), Stohl and Hegendoom (2011), Gikonyo (2015), Sear (2012) Adetiba (2012), Badamus (2010), Malami et al. (2017), Uganga (2016) among others believe that the proliferation of SALW has more negative consequences thereby triggering violence and criminal activities. They have noted that the phenomenon is the current challenge to global peace, security and development. It affects not only the individuals, but also the states and societies globally.

Furthermore, Okoro (2013) in a related development opines that the proliferation of small arms and light weapons has complex and negative effect in conflict and in non-conflict situation. It also has destructive humanitarian and socio-economic consequences. Hence the consequences of the proliferation of small arms and light weapons have been experienced through organized armed violence and criminal activities that have a socio-political genesis. Nte (2011) opines that the proliferation of small arms and light weapons fuels conflict, political instability, and threatens not only the security but also, the quest for sustainable development. This is equally observed by Eloma, et al. (2014), who argues that the proliferation of small arms and light weapons is not only causing insecurity but is also facilitates militia activities and poses threat to both individuals and the state. On the other hand, Onuoha (2011) opines that the proliferation of small arms and light weapons is heightening the level of insecurity in human societies globally, besides aggravating old security threats, the proliferation of small arms and light weapons also pave way to manifestation of new security threats (Malam, 2014; Awu, 2014). It fuels political instability, insurgency and other forms of violence that poses threat to sustainable development (Ogwada, 2018; Brown, 2018). This is equally observed by Moses and Ngomba (2017) who portrayed that the proliferation of small arms and light weapons poses threat to peace and security, threatening the existence of states and human life.

Methodology

This section of the paper tries to explain the approach and method of data collection for the study. Thus, the paper is a qualitative form of investigation, a research design that largely interprets words and assesses documents (Creswell, 2014). The paper utilizes documentary study method and generated the data through the books, journal article, Newspapers and other documented materials.

Illegal Small Arms and Light Weapons in Nigeria

It is undisputable that the illicit transfer of small arms and light weapons has an adverse effect. The consequences of the proliferation and use of illegal SALW have been felt by individuals and the state. Okeke and Oji (2014) explained that the proliferation of SALW is often one of the major security challenges currently facing Nigeria, Africa and indeed the world in general. Besides, the porosity of the border has made Nigeria to become a transit and destination of illegal SALW whereas most of the arms are weapons from the war zone areas of Africa particularly Libya, Central Africa, among others. The situation of SALW proliferation in Nigeria is alarming. It has been estimated that out of about 10 million SALW in West Africa, at least 70 % are in Nigeria (Gun Policy News, 2016). This is apparent given the high rate of crimes that have been perpetuated by the use of illegal SALW in Nigeria. It is also believed by the intermittent seizure of SALW by security and border control officers, the continue flow of these arms in conflict and crime scenes, and the level of human casualty and material damage recorded (Adamu, Mat, & Taya, 2018). Furthermore, this form of increasing influx of illicit SALW is significantly witnessed in the Nigeria's fourth Republic and it exposes the country to a serious security challenges including upsurge of violent conflicts, insurgency, kidnapping, armed banditry (Sunday, 2011). Thus, several reports are in corroboration with discussion. For instance, a reported-on the 18th of September shows that Nigerian Customs impounded a

cargo from United State, which smuggled Arms concealed in house hold cargo which arrived on the 16th /09/2013 (This Day Newspaper, 17th September, 2013) Prior to this incidence on the 13th of April 2013 to be precise, Daily trust News Paper reported that Nigeria Police detectives from Anambra and Delta States have uncovered arms factories in three communities in Delta State. Similarly, Daily Newswatch (Nigeria) 9 May 2013 has this headline: “Police Confirm 1 million Illegal Guns in Nigeria (Bashir, 2014). It is also reported that in 2018 and 2019, 12, 000 people have been arrested in relation to trafficking of small arms and light weapons (Murtala & Murtala, 2019). In another report published by daily trust on investigation conducted, in 2020 alone over 4, 338 persons were arrested by the security agencies over illegal trafficking of small arms. Some 2,555 guns, 2,204 ammunitions, and 1417 cartridge were recovered (Daily Trust, 26th Feb, 2021). In a similar revelation, the Nigeria police stated that 2, 887 weapons were recovered between January and December 2021 (Gramin, 2022). Moreover, an intelligence report exposed by Swachh Barat Mission (SBM) notes that about 6, 154, 000, SALW have been illegally circulating in Nigeria.

Meanwhile, the current insecurity in Nigeria is no doubt has strong nexus with illicit possession of small arms which, to a greater extent, increased the threat to security of the individuals, communities and the country at large. Consequently, to realize the Nigerian experience on illegal transfer of SALW there is need to explore from the security context of it. The fundamental threat of illicit circulation and spread of SALW is on its tendency to pave ways for high level of armed conflict, armed crimes, insecurity and crimes against humanity. Adamu, Mat and Taya (2018) see the activities of criminals and gangsters which among other things liked to violent crimes such as armed robbery, kidnapping, and hostage taking as those activities that have been perpetuated by the use of small arms. In a related explanation, Amechere (2021) attributes the increasing militancy in the Niger-Delta, insurgency in the north-east, Kidnapping and armed banditry in the north-west and killings in some states such as Kaduna Benue, Plateau, Zamfara, Aambara, Imo and Enugu among others, to the illegal transfer of small arms and light weapons. In line with this, the national security tracker, in a survey in 2021, presented kidnap cases across the country by taking inventory of the political zones of Nigeria. The table 1 below contained the report.

Table: 1

Kidnap reported cases Survey on Zonal Basis January-June 2021

S/No	Geopolitical Zones	No of kidnap cases
1	North-west	2,504
2	North-central	1, 042
3	North-east	310
4	South-south	170
5	South-east	189
6	South-west	97
	Total	4312

Source: NST Security Incident Report (2021).

Consequently, the circumstance of illegal transfer of SALW has immense contribution in the current security challenges of Nigeria ranging from the Boko Haram insurgency, militancy in the Niger-Delta, armed banditry, armed robbery and kidnapping, these violent crimes are generally perpetuated by the use of small arms and light weapons that predominantly flow into the country illegally through the land and the sea borders. The catastrophe of illicit SALW in Nigeria is not only undermined the security situation but, it also affects socio-economic aspect of societies; leading to high level of internal displacement of persons in the north-eastern region, armed banditry in the north-west, Zamfara and some parts of Kaduna state precisely; farmers herdsman conflict in Benue, Niger, settler indigenes conflict in Plateau state, militant activities in the southern part of the country and ethnic and religious conflict across Nigeria among others.

The proliferation and use of SALW in ethno-religious clashes and armed robbery have killed more than 10,000 Nigerians, an average of 1000 people per year since 1999 (Okere & Oji, 2014).

Nigerian Government and the Episode of Illicit Small Arms and Light Weapons

In order to ensure global peace and security, several steps were taken towards curbing illegal transfer of SALW in all its aspects, and also to control their increased proliferation with eventual establishment of international, regional and national instruments for containing the proliferation of SALW. Having realized the fact that, the transfer of illegal small arms and light weapons has posed threat and becoming the most alarming security challenge the government of Nigeria, while in exhibiting concern and effort towards addressing the issue of small arms and light weapons, their proliferation, illicit transfer and use involved and entered into so many international and regional initiatives. Nigeria is a signatory to the United Nations convention and protocol against firearms manufacturing and trafficking. It is also a signatory to the ECOWAS Convention on SALW, their ammunition, and other related materials (Giaba, 2013). As pointed out by Romeo (2013), Nigeria was first among African countries that ratified on 13th August 2013, the treaty adopted by the United Nations on the illegal trafficking of arms.

Furthermore, at the national level therefore, it established the national firearms act as the legal instrument governing small arms possession, manufacture and the use in the country (Okere & Oji, 2014). In order to curb the proliferation and circulation of illicit small arms, the Nigerian government has in compliance with and for implementation of ECOWAS moratorium, established a National Commission for the control of the proliferation and circulation of small arms (Uwa & Anthony, 2015). Abdullahi (2015) has on this note, equally revealed that the main institutions responsible for the enforcement and implementation of the provisions and legislations related to SALW are the national commission on the proliferation and illicit trafficking of small arms and light weapons, the police and the court. The commission is responsible for the importation and exportation of SALW, detection and destruction of illegal small arms and light weapons (Abdullahi, 2015). Given the aforesaid responses, the mechanisms for the control of illicit small arms and light weapons can be categorized into institutional and legal frameworks. The institutional framework involves international and regional initiatives entered by Nigeria. It also comprises national committee and commission established for the control of illegal proliferation of SALW. In the legal context, it encompasses all the protocols and acts governing the possession, use and proliferation of illegal arms. The table below illustrates the initiatives and the existing protocols on the issue of arms in which Nigeria participated.

Table 2:
Nigeria’s participation to address the issue of small arms and light weapons and the existing protocols
Mechanisms

<p>Convention on the Proliferation, Use, Stockpiling, Production and transfer of Anti-personal Mines and their Destruction (entered into force in 1999).</p> <p>Economic Community of West African States (ECOWAS) Moratorium on the Importation, exportation and manufacturing of Light Weapons (ECOWAS) Moratorium reviewed in 2001-2004.</p> <p>Bamako Declaration on an African common position on the Illicit Proliferation, Circulation, and Trafficking of Small Arms and Light Weapons.</p> <p>United Nations Convention Against Transnational Organised Crime (entered into force in 2003).</p> <p>United Nations (UN) Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (Programme of Action).</p>
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Protocol Against the Illicit Manufacturing of, and Trafficking in firearms, Their Parts and Components and Ammunitions (entered into force in 2005).

International Instrument to Enable State to identify and Trace Illicit Small Arms and Light Weapons.

ECOWAS Convention on Small Arms and Light Weapons, Ammunitions and other related Materials (ECOWAS Convention)

National firearms act established in 1985 as the legal instrument governing small arms possession, manufacture and the use in the country

National Commission for the control of the proliferation and circulation of small arms established in 2005

A draft bill for an act to the establishment of a national centre for the control small arms and light weapons

Source: author's Compilation (2023)

The table above illustrates some of the international and regional initiatives made in an effort to address the challenge of transfer, possession and use of illegal small arms and light weapons in which Nigeria has participated and complied with the protocols established. It entered and signed a number of agreements to support international agenda for the control of proliferation of small arms and light weapons at global context and also to demonstrate effort at the local context. Besides being part of the international initiatives, Nigeria has established national mechanisms to ensure the effectiveness of its response to fight against illegal transfer, possession, manufacture and use of small arms and light weapons.

Conclusion

This paper on the illicit transfer of small arms and light weapons which focuses on the Nigeria's experience, has generally made attempt to explore the general effects of illegal transfer of small arms and light weapons as well as the response of the government towards the phenomenon. It statistically indicated how significant people involved in illegal transfer of arms in Nigeria. Of course, based on the result, illegal transfer of arms has become a threat not only to the state but, also to the individuals and their communities in Nigeria. Transfer of light weapons has created a significant security challenge with serious effects on human life and socio-economic development in Nigeria. The current insecurity situation of the country is found to be intensified due to the availability of small arms. Criminal and the insurgence activities in Nigeria have been perpetuated by the use of illegal SALW. This includes the activities of Boko Haram, Kidnapping, militant activities, communal and ethnic conflicts among others. The situation in Borno, Zamfara, Kaduna, Niger, Benue and the south-south region has exposed the circumstance of the proliferation of illegal small arms and light weapons in Nigeria.

However, it is realized that Nigeria has involved in international and regional initiatives in an attempt to control illegal transfer of small arms and light weapons and apart from compliance to international effort, the country has also provided local acts a protocol to address the issue of illicit small arms and light weapons. Despite the effort been made to control the influx of illegal small arms and light weapons, still there is a space for discussion since the illegal trafficking of SALW persisted and these might be attributed to the nature of Nigerian border, outdated responses, acts and protocols, corruption as well ineffectiveness of virtually all the existing mechanisms. most of the security agents who are expects to involve in the fight against illicit transfer of arms have not acquire the required training, resources and equipment to carry out their duties within the land and sea borders of the Nigeria state. On this note, it suggests the need for increasing the political will towards the issue thereby improving the strategy of border control and committing the resources needed for the fight against illegal transfer of SALW. It also urges for all the relevant stakeholders in Nigeria that include, the politicians, government officials, security personnel and community leaders to understand the importance for the control of the spread of illegal arms in addressing

the current insecurity situation of the country. It is also imperative to use civil societies to create awareness and enlightenment for the people to equally understand the need for the control of illegal transfer of small arms and light weapons.

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