

## **PLEASE STOP THIS CARNAGE: INTERROGATING GOVERNMENTAL RESPONSES TO SMALL ARMS PROLIFERATION IN NIGERIA, 1970 - 2015**

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### **Abstract**

*It is an incontestable fact that since the end of the Nigeria-Biafra war in 1970, illicit small arms proliferation has witnessed an exponential surge in the country. The factors that explain this situation are traceable to the nature/exigencies of the war, as well as the poor demobilization, disarmament and reintegration (DDR) of combatant troops and civilians at the end of the war. Besides, the poor security architecture of the post-war Nigerian society, coupled with the intensifying culture of 'quick wealth', among others have made small arms and light weapons to become the real weapons of mass destruction in Nigeria. Whilst scholarly efforts at x-raying the existential realities, as well as the implications of small arms proliferation in Nigeria have been made by scholars of several disciplines, there appears to be a dearth of researches that focus on the institutional responses of the Nigerian state to the challenge of illicit small arms proliferation. Following from the foregoing, this study historicises the institutional responses of the Nigerian government(s) to the menace of illicit small arms proliferation. The study discovers that various Nigerian governments have paid little attention to the growing threat of small arms and light weapons proliferation; most governmental responses tended to have been ad-hoc in nature. The study recommends measures to build an institutional capacity in the war against illicit small arms and light weapons proliferation in Nigeria. Information for the study depended on primary sources such oral interviews, archival documents, as well as, extant secondary sources in journals, newspapers, among others.*

**Keywords: Small Arms, PRESCOM, ECOWAS, Security, and Firearms**

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### **Introduction**

It is recognised that the proliferation of small arms, munitions, light weapons and explosives have transposed into the greatest threats to human as

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well as national security and by extension, national development. Small arms and light weapons have, in fact, become the real weapons of mass destruction. This is because of their 'interesting' features; they are portable and concealable, lethal, affordable, widely available, simple to use and durable. Since 1945, many persons have been killed with small arms and light weapons than with the so-called traditional weapons of mass destruction.<sup>1</sup>Unarguably, small arms proliferation is one of the most encumbering security challenges of most states of the world – developed or developingThe Small Arms Survey<sup>2</sup> reports that in Nigeria, more than 60 per cent of annual mortalities in the country are made possible by small arms.The availability of small arms in the country has in many cases contributed to violent criminality and political instability.<sup>3</sup> These, in turn, have damaged development prospects and imperiled national security in every conceivable way.

Since the end of the Nigeria- Biafra in 1970, illicit small arms proliferation has witnessed an exponential surge in the country. The factors that explain this situation are traceable to the nature/exigencies of the war, as well as the poor demobilization, disarmament and reintegration (DDR) of combatant troops and civilians at the end of the war. Besides, the poor security architecture of the post-war Nigerian society, coupled with the intensifying culture of 'quick wealth', among others have made small arms to become one of the most imperiling national security challenges in the country.

The threats of arms proliferation to the national security and well-being of citizens cannot be seen as a problem peculiar to Nigeria. Evidence suggests that since the end of the Cold War, small arms proliferation has become a global menace.<sup>3</sup> However, what appears to be the challenge in the Nigerian case is the fact that various Nigerian governments appear to have paid little attention to the intensifying threat of small arms proliferation.Since 1970, most governmental responses tended to have been ad-hoc in nature and this negatively affected the security as well as the development prospects of the country. Given the above observation, this study historicises the institutional responses of the Nigerian government(s) to the menace of illicit small arms proliferation. This is done in the light of the fact that there appears to be a dearth of researches that focus on governmental responses to the challenge of illicit small arms proliferation. For ease and convenience, the study is divided into four sections. The first section is this ongoing introduction; this is followed by the conceptual explanations. The

third part essays on the governmental responses to small arms proliferation. The fourth part is the conclusion and recommendations.

## **Conceptual Explanations**

Conceptually, small arms and light weapons have not lent themselves to a generally accepted meaning. This is because, according to Valentine Okoro, "the understanding of what constitutes these categories of weapons has undergone some changes due to the dynamics of technological development"<sup>4</sup>. What perhaps appears more acceptable is the description of small arms and light weapons either by their configuration, characteristics, size, user perspective or a combination of some of these.

The Royal Military College of Science (RMCS) Handbook on weapons and vehicles defines small arms as follows. "Man - portable, largely shoulder controlled weapon of up to 12.7millimeter (0.5inches) caliber; such weapons generally have a flat trajectory and an effective operational range of 0 to 800 meters, although, this varies considerably with caliber and weapon type, certain weapons can also provide neutralizing fire up to 1800meters."<sup>5</sup>

The UN panel of government experts on small arms has received more citations because of their conceptualization of small arms and light weapons. According to the panel, small arms and light weapons are "those weapons ranging from knives, clubs and machetes to weapons particularly below the caliber of 100 millimeter. Small arms are those weapons manufactured to military specification and designed for use by one person, whereas light weapons are those used by several persons working as a crew."<sup>6</sup>

A cursory look at these conceptualizations suggests that there is no consensus on the meaning of small arms and light weapons. These seemingly disparate views held by scholars notwithstanding, there remains a commonality of characteristics that permeates the various definitions.<sup>7</sup> S.A Ocheche identifies these common elements in all the definitions as follows: First, the focus is on lethal equipment that is, weapons and their ammunition, generally used by military and para-military forces, excluding items such as knives and hunting rifles. Second, the emphasis is on weapons that are man-portable or transportable by light vehicles, that is, on weight and size of the equipment. Third, this equipment is easy to maintain, can function without much logistical back-up and requires light training for use. Fourth, to be militarily and politically relevant, the

definition comprises weapons that are in frequent use that is 'weapons that actually kill.'<sup>8</sup> It has to be added that because of the similarities between the concepts of 'small arms' and 'light weapons', both of them have often been used either synonymously or interchangeably in extant literature. In this study, for ease of usage, we adopt the term small arms for all classes of weapon classified above.

### **Governmental Responses to Small Arms Proliferation in Nigeria, 1970 - 2015**

The first governmental response at checkmating small arms proliferation came in January, 1970; Decree No. 47 which was promulgated by the Federal Military Government of Yakubu Gowon.<sup>9</sup> It has to be borne in mind that this decree was made to check the high spate of armed robberies occasioned by the availability of civil war arms in unauthorised hands in the country. This explains why the decree was entitled '*The Robbery and Firearms Special Provision Decree, 1970*'. By promulgation of Decree No. 47 of 1970, the federal government sought to kill two birds with one stone; the government aimed at curbing armed robbery (especially, through deterrent measures) and its greatest enabler - availability of small arms. The need for the decree was as a result of the high rate of armed robbery in the country immediately after the Nigeria - Biafra war. It was in fact, unprecedented in the annals of the country.

The proliferation of small arms was to become a great source of worry to Nigeria immediately after the Nigeria-Biafra war. For reasons difficult to fathom, the Nigeria government carried out no sensible demobilization and disarming of combatant soldiers, especially on the Biafran side thus, the entire Nigerian geographical space became flooded with assorted types of weapons. HaladYahaya puts the submission better when he avers:

After the Nigeria-Biafra war of 1967 - 1970, there was an eruption of robberies and armed robberies in the country especially in the war affected areas and in Southern parts of Nigeria generally. The arms used were no longer the native weapons known but guns, pistols and revolvers as well as other modern instruments which made armed robbery acquire the horrible and disturbing dimension it has today...<sup>10</sup>

It was, therefore, the poor management of the civil war arms that boomeranged on Nigeria immediately after the war; resulting in unprecedented levels of criminality, especially armed robbery. Consequently, the military

government of Yakubu Gowon on August 8<sup>th</sup>, 1970 promulgated Decree No. 47 permitting the imposition of capital punishment for the crimes of armed robbery and illicit arms proliferation.<sup>11</sup>

It is on record that the first execution under this decree was done around November 1970 at the Bar Beach, Lagos. The notorious armed robber, Ishola Onyenusi who had terrorized residents of Lagos and Benin for months after the civil war was the first to be executed under Decree No. 47 of 1970.<sup>12</sup> The convicted armed robbers were tied to stakes in front of large jeering crowds and at an order of the commander of the firing squad; volleys of bullets were pumped into the bodies of the condemned criminals. Apart from Lagos, these firing squads were also carried out in most of the states of the federation throughout the 1970s.<sup>13</sup>

The question that begs for an answer is: to what extent did Decree No. 47 of 1970 help to curb the proliferation of small arms and the attendant criminality, especially armed robbery? First, it has to be submitted that the decree was not expressly on curbing firearms proliferation; as a matter of fact, arms proliferation was only ancillary to the provisions of the decree. The primary aim of the decree was to arrest the high spate of armed robberies in the country by putting up a strong deterrence to it. From available reports, it would appear that robbery and arms proliferation for criminal purposes was not significantly reduced as a result of the Decree No. 47. Yahaya asserts that “besides a brief lull at the initial stage, armed robbery did not seem to diminish to a tolerable rate of occurrence”.<sup>14</sup> Furthermore, he opines that,

The brutality with which armed robbery was being conducted did not decrease either; instead, the armed robbers developed new techniques and methods of operation and became more dreadful. Besides, ambushing travellers on the highways at night, armed robbers could attack in daylight. As if that was not enough a terror to law-abiding Nigerians, the armed robbers developed the method of entering, by force, into the abodes of people suspected to hold money or valuables in their houses, waking them up and leisurely requesting them to bring out money or state where their money was hidden.<sup>15</sup>

Therefore, the Decree No. 47 of 1970 could be said to have achieved only a moderate success. In the main, it contributed nothing significant in combating the menace of small arms proliferation in the country. First, the decree failed to

make any historical linkage(s) between the high spate of armed robberies and the abundance of civil war arms which were not properly mopped-up. Second, it attempted to cure the symptom and left the ailment intact. By addressing armed robberies and neglecting to root out the arms that enabled armed robberies, the decree made a *faux pas* of putting the cart before the horse.

In any event, the decree was soon suspended with the handing over power to Shehu Shagari in 1979. The Shagari government seemed not to have made any specific governmental efforts in the task of combating the trafficking/proliferation of small arms in the country. As one observer puts it “everything was on the increase in Shagari’s administration – the cost of governance, corruption, ethnicity, cronyism, criminality and what have you?”<sup>16</sup> It was, in fact, in Shagari’s administration that arms proliferation reached such a height in Nigeria that Ghanaian gunsmiths came to Awka to provide additional lessons to Awka blacksmiths.<sup>17</sup> However, with the sacking of Shagari’s government by Buhari on 31<sup>st</sup> December, 1983; the new regime with Decree No. 5 of 1984 re-introduced the earlier Decree No. 47 of 1970.<sup>18</sup> Under the newly reintroduced decree, illegal possession of firearms attracted a fine of N20,000 or a minimum of ten years imprisonment, or both. The Decree reasserted that armed robberies were punishable by death (by hanging or firing squad), and that offenders charged with attempted robbery involving the use of firearms should face life imprisonment.<sup>19</sup>

From 1984 onwards, the military administrations in Nigeria continued to rely existentially on Gowon’s Decree No. 47 and in some instances re-working it without any major inclusions. Therefore, while the proliferation of small arms continued to grow in leaps and bounds, the firearms regime continued to remain unchanged. In some instances, as Chukwuemeka Alaku opines, the military governments benefited from insecurities that conduced to the exponential growth of small arms. Alaku asserts that “President Babangida institutionalized the misuse of small arms because of the ill-gotten wealth or criminal wealth and social injustice that allowed such impunity and free rein in Nigeria”<sup>20</sup> (sic).

Despite Alaku’s heavy swipe at Babangida’s administration, one may give the regime some credit in the area of curbing arms proliferation in Nigeria. We may recall that following a bloody inter-ethnic clash in the northern city of Kaduna in 1989, in which small arms were freely used by the belligerent sides and with devastating effects, the federal government sought to curb the availability of firearms in the country. It, therefore, revised the regulations

governing gun ownership, making them more stringent. Within the mandate of the Presidential Order, the administration withdrew the license of arms-dealers and arms-owners throughout country and enacted laws that made the restoration of licenses difficult.<sup>21</sup> Nevertheless the effectiveness of the Presidential Order has been seriously questioned. It barely scratched the surface; most arms - dealers and owners simply refused to comply with the directives as some of them quickly went underground.<sup>22</sup>

The advent of a new political dispensation in Nigeria on May 29<sup>th</sup> 1999 heralded a lot of hope in the country but corruption and insecurity, among others seem to have quashed the hopes of the people. It cannot be denied that one of the greatest enablers of insecurity in the country is the proliferation of small arms. With the new civilian government in 1999, it was hoped that something significant would be done in curbing the proliferation of small arms which had conducted to most of the crimes perpetuated in the country. In a memo of 21 September 2001, then president Olusegun Obasanjo requested the drafting of a bill setting out more stringent penalties for contravention of firearms laws.<sup>23</sup> He proposed a 10-year jail term, without an option of fine, for illegal possession of firearms and further proposed a cash reward for information that leads to the arrest and prosecution of anyone in illegal possession of firearms<sup>24</sup>. However, no draft firearms law was eventually presented to the National Assembly from the presidency until Olusegun Obasanjo exhausted his regime in 2007.<sup>25</sup>

In fact, since the return to civilian rule in 1999, there appears not to have been any significant legislation or presidential directive on combating the proliferation of small arms and light weapons (with possible exception of the ECOWAS moratorium on small arms and light weapons). The Obasanjo as well as the Goodluck administrations were known to have established what they termed Presidential Committees on Small Arms and Light Weapons in 2004 and 2011 respectively.<sup>26</sup> In the main, these PRESCOMs as they have come to be known do not have statutory back-up and have little or no funding to embark on such an onerous task as combating the proliferation of small arms and light weapons.

Additionally, the National Taskforce on Small Arms and Light Weapons Trafficking had been denounced by the National Assembly as a criminal organisation.<sup>27</sup> This could be due to the fact that the organisation had no statutory back-up and works parallel to the mandate of the Customs Excise. Furthermore, it is recognised that a significant number of weapons were surrendered in the post amnesty arms mop-up in the Niger Delta, nevertheless, these did not

become possible as a result of a proactive government policy but rather a reactive response conditioned by the need to have oil – Nigeria’s life wire – to continue to flow in the region. What continued to obtain in the period under review was ad-hoc arms collection exercises which cannot in the main, stem the tide of illicit small arms proliferation in the country.

The Federal Government of Nigeria carried out its first destruction of arms and ammunition seized by security agencies, which comprised of 428 rifles, 494 imported pistols, 287 locally made pistols and 48 Dane guns in 2001.<sup>28</sup> It has been unable to conduct further arms destruction programmes ostensibly as result of lack of funds and equipment. In addition, the 2001 arms destruction exercise involved the burial at sea of arms, a destruction method which the government is reluctant to repeat for environmental reasons and which civil society and other stakeholders criticize for its lack of transparency.

Since 1999, most of the government responses to small arms proliferation have been incidental and reactive. The Plateau area provides a typical example. In May 2004, as a result of persistent settler-indigene and Christian-Muslim conflicts in parts of Plateau State, the federal government declared six months of emergency rule in the state and appointed Major-General Chris Alli (rtd) as the Sole Administrator of the state. The Sole Administrator appeared to have been exasperated by the number of civilians in possession of firearms which could lead to a relapse into violence. Consequently, on 21 May 2004, he was known to have ordered that all firearms in private hands should be submitted to the government under a ‘Guns for Cash’ programme.<sup>29</sup> Under the ‘Gun for Cash’ programme, the government directed all individuals and groups in possession of firearms to come forward and surrender them at designated centers for cash rewards. The directive declared that whoever surrendered any foreign rifle was to be paid 100,000 naira while those who surrendered locally made arms would get 25,000 naira each. The government also directed that any person that had useful information on the whereabouts of hidden firearms could also come forward with such information to the nearest designated center for a cash reward of not less than 20,000 Naira. It added that anyone who voluntarily provided information leading to the recovery of firearms would be protected against police action or prosecution, while his identity would not be disclosed. The date of 7 June, 2004 was fixed as the deadline for the voluntary surrender of the illegal arms.<sup>30</sup> Critiquing this approach, B.E. Chukwu observes that “the public response to the program, however, was very poor. As cooperation was not



forthcoming from the people, the closing date for the voluntary surrender of the arms was extended by two weeks..."<sup>31</sup>.

In that same 2004, precisely on 5 February 2004, the Inspector-General of police (IGP) directed that all illegally acquired, prohibited and offensive weapons should be surrendered to the police within one month. He offered a "handsome reward" (later specified at 10,000 Naira) to any citizen who would volunteer information about persons in possession of offensive weapons and assured that all information received by the police would be treated with "utmost confidentiality." The IGP, however, warned that after the expiration of a one month deadline, the force would commence raids on illegal owners of offensive weapons.<sup>32</sup> Following the expiration of the one month deadline, on 14 March, 2004, he inaugurated a 60-man task force on the recovery of illegal firearms nationwide. The IGP ordered the force to commence a mop-up operation of illegal weapons all over the country. The terms of reference of the taskforce included: (a) Seeking and obtaining information on places where firearms are kept, sold or manufactured. (b) Obtaining search warrants from courts of competent jurisdiction to search and identify premises where illegal firearms are kept, manufactured or sold and confiscate them. (c) Collating and forwarding returns of recoveries to force Headquarters, Abuja, for further action when necessary. (d) Collaborating with other sister organisations in all their operations. (e) Seeking and obtaining information on points of entry (Land, sea or air). (f) Approaching its assignment closely throughout the 12 zones of operation of the police, which must be closely monitored by the zonal Assistant Inspectors- General of police.<sup>33</sup>

**Table 12: List of Weapons Seized in Nigeria by the Nigerian police in 2004**

S/N	Item	Number Recovered
a.	b.	c.
1.	Weapons Recovered 972	972
2.	Ammunition Recovered 111,585	111, 585
3.	Persons Arrested	190
4.	Suspected Killed in Operation	73
5.	Policemen Injured/Killed	12/19 respectively

**Source: Bruno E. Chukwu, "ECOWAS and Arms Control in West Africa: A Focus on the Niger Delta Amnesty" (Master's Thesis: Department of Political Science, University of Nigeria, Nsukka, March, 2010.**

**Table 13: Summary of Arms Seized by the Police in the Southeast between March and May, 2004**

States	Arms	Ammunition	Cartridges	Total
Abia	386	86	46	518
Anambra	26	3	Nil	29*
Ebonyi	77	30	22	129
Enugu	39	30	Nil	69
Imo	28	40	290	358
<b>Total</b>	456	189	358	1103

\*The low figures for Anambra State were as a result of the leaking of official information about the raids to gun – owners and gunsmiths.

**Source: Nigerian Police Records at Umuahia.**

From the above statistics, it is not in doubt that the IGP's initiative on small arms achieved but a limited success. There have been other arms collection exercises in Nigeria since 2004. The most popular of these being the Niger Delta case where the Federal Government tried to use grand-strategic thinking to woo militants of that region in 2010. This too, met a limited success. As an observer puts it,

The disarmament process not only failed to disarm the factions, but also reduced confidence in the government, thereby making future disarmament measures more difficult. The key element preventing real progress on the disarmament process was the lack of attention to reintegration efforts and opportunities for former militants to earn gainful employment. Although over 4,000 jobs were promised, the posts that materialized were temporary, low paying, and oddly located in areas not directly affected by the conflict. As a result, the militants felt short-changed by the process. The failure of this

disarmament process left armed groups distrustful of the government and its motives, and apprehensive about any future disarmament initiatives.<sup>34</sup>

It appears that Nigeria has only made appreciable efforts in sub-regional arms proliferation control. Yet the ECOWAS framework is fraught with a plethora of grey areas too. Arising from the ECOWAS 1998 Moratorium on Arms Trafficking. The Federal Government of Nigeria inaugurated the National Committee on the ECOWAS Moratorium in 2001. The Committee was composed of representatives of the Ministries of Defence, Internal Affairs the National Orientation Agency, the Immigration Service, and various security and customs agencies such as the Police, the State Security Services and the National Drug Law Enforcement Agency".<sup>36</sup> However, despite having a wide representation, the National Committee did not appear to have satisfied the guidelines on the composition of National Commissions as stipulated by the Programme of Cooperation for Security and Development (PCASED). For instance, neither the Ministry of Justice nor the Ministry of Foreign Affairs were represented on it. The Committee's mandate was to:

- Control the import and manufacture of all small arms and light weapons;
- Register and control the movement and use of legitimate arms stock;
- Detect and destroy all illicit and surplus weapons; and
- Permit exemptions to the Moratorium only in accordance with strict criteria.<sup>37</sup>

The Committee, however, managed to devise a 'Framework for the Implementation of the ECOWAS Moratorium' which contains several priority areas, based on PCASED's Plan of Action. This included, establishing a culture of peace, enhancing border controls, training, collecting and destroying surplus and illegal weapons are some of the priorities set out by the National Committee.

In November 2002, the National Committee hosted a PCASED-sponsored national workshop on Modern Methods and Techniques of Illicit Small Arms Control through the Promotion of a Culture of Peace. It was broadly agreed that a necessary condition for the reduction of the circulation of illicit small arms and light weapons is the national determination to tackle the various socioeconomic and political issues responsible for widespread social discord and upsurge in crime. Similarly, it was agreed that the educational curriculum should be revised

to incorporate a 'peace module' teaching the benefits of a culture of peace to society at all levels.<sup>38</sup> Besides, the introduction of a viable social security mechanism was also highlighted as a potential way of reducing armed criminality. The workshop called for a firearms registry, cross-border collaboration among security officials, and adequate equipment and training for border security officials.

However, experts in small arms proliferation discourse bemoaned the capacity of the National Committee. In their views, the capacity of the National Committee could not but be seen as insufficient to carry out the required awareness-raising activities in Nigeria on small arms and light weapons issues. Besides, its staff and budget was grossly inadequate to cope with the demands of drafting 'peace curriculum' for all levels of the education in the country, and to set up, train, and equip advocacy outposts in the 36 states of Nigeria.<sup>39</sup>

Any perfunctory reading of the discourse above will show that no effort had been put in place to systematize and or centralize the activities of the agencies which have a mandate in curbing the proliferation of small arms and light weapons in the country. What can therefore be safely submitted is that the Nigerian small arms regime requires a major overhauling. This should be done urgently to stop the carnage that small arms are put to on daily basis.

### **Conclusion and Recommendations**

Measures aimed at curbing small arms proliferation requires appropriate diagnoses of all existing strategies in the context of the socio-economic and political circumstances. The complexity, convolution and political economy of small arms proliferation require a comprehensive and multifaceted response at all levels of government. Existing efforts at curbing small arms and light weapons proliferation have been categorized into two - statutory and institutional. Often, the historical dimensions to small arms proliferation have more or less been ignored. This study argues for the inclusion of the historical factors in the strategies on curbing arms proliferation. In fact, efforts at combating the proliferation of small arms and light weapons in Nigeria have had mixed success largely because the historical undercurrents have been neglected.

The fact that the country still relies on the 1959 Firearms Act does not appear to help matters. While arms syndicates, local fabricators and other criminal elements in the arms trafficking world continuously evolve new methods and systems, the country's firearms regime have statically remained unchanged. Both the statutory and institutional responses of the Nigerian

government to the menace of small arms and light weapons require being systematically overhauled. In the case of statutory overhaul, it is recommended that the 1959 Firearms Act should be replaced with a more proactive and modern document made after a thorough and in-depth study of the current trends in the small arms and light weapons proliferation discourse.

In the area of institutional overhaul, the study recommends for a speedy establishment of a national commission on small arms and light weapons. The seemingly inchoate and ad-hoc nature of institutional responses to small arms and light weapons proliferation in Nigeria does not help matters. On both the institutional and statutory overhauling of the small arms proliferation regime, the onus lies on the National Assembly to bring about laws that will foster the urgent changes required.

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