



PERSPECTIVES ON THE IMPLEMENTATION OF THE ECOWAS CONVENTION ON SMALL ARMS AND LIGHT WEAPONS IN NIGERIA

Dinshak, L. D.

Centre for Conflict Management and Peace Studies, University of Jos, Plateau State, Nigeria.

*Phone: +2348039665460 *Email: dinshakluka@gmail.com

ABSTRACT

In spite of the robust provisions of the ECOWAS convention for the control of small arms and light weapons (SALW) in West Africa, Nigeria which is a leading Member State has been experiencing daunting challenges to personal human security posed by the large-scale availability of SALW. Although Nigeria has made some efforts towards the implementation of the Convention, the status of the country in that regard has not been clear. This paper sought to examine the nature of the implementation of the Convention in Nigeria with a view to determining the lacuna in the process and addressing it. In-depth interviews were conducted with relevant stakeholders and leaders of institutions such as the ECOWAS Commission and Nigeria's Presidential Committee on Small Arms (PRESCOM). Secondary data were also used including official documents and researches related to them. The study revealed that Nigeria has failed to domesticate and implement the Convention accordingly. It therefore recommended that the Federal Government should urgently take steps towards establishing the National Commission and put the required structure and support to ensure its effective and efficient implementation.

Keywords: *convention, ECOWAS, national commission, Nigeria, PRESCOM, SALW*

LICENSE: This work by Open Journals Nigeria is licensed and published under the Creative Commons Attribution License 4.0 International License, which permits unrestricted use, distribution, and reproduction in any medium, provided this article is duly cited.

COPYRIGHT: The Author(s) completely retain the copyright of this published article.

OPEN ACCESS: The Author(s) approves that this article remains permanently online in the open access (OA) mode.

QA: This Article is published in line with "COPE (Committee on Publication Ethics) and PIE (Publication Integrity & Ethics)".

INTRODUCTION

Nigeria has been experiencing damning effects of the flood of arms especially in the hands of non-state actors manifested in the insurgency that have continued to ravage the north eastern part of the country with sporadic attacks in virtually all the northern states. There have also been incessant attacks by ethnic militias and so-called unknown gun men on communities in the nation's North Central zone resulting in the death of several thousands and displacement of many more. The use of small arms and light weapons (SALW) in herders/farmers conflicts has been equally devastating. Sundry violent crimes such as armed robbery, kidnappings, sexual assault and the like perpetuated with the aid of SALW have all posed grave consequences for human security. The proliferation of SALW in Nigeria seems to emanate from factors related to the poor regulation of arms control measures. This is in spite of the availability of the ECOWAS Convention on Small Arms and Light Weapons, a robust instrument for the control of SALW for member countries of the West African sub-region which Nigeria has ratified. This paper discusses the implementation of the Convention in Nigeria with the aim of understanding its nature in order identify the lacuna in the process and recommend ways towards addressing the challenges to effectively implement the provisions for the control of SALW in the country.

THE ECOWAS CONVENTION AND ITS IMPLEMENTATION IN WEST AFRICA

The prevalence of SALW has, more than any one factor, exacerbated the security challenges in West Africa. The availability of these weapons has turned the sub-region into one of the most insecure in the world (Omotola, 2012). The widespread threat to the stability and security posed to the sub-region by SALW led ECOWAS, in 1998, to adopt a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa as an important step towards addressing small arms proliferation in the region (Florquin & Berman, 2005). ECOWAS further strengthened this step with the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security which upheld the Moratorium and made ample provisions for the control of SALW (ECOWAS Protocol, 1999). However, the Moratorium had little effect as most states failed to comply especially because of its voluntary nature (with no sanctions attached to those who flouted it). This informed the decision of ECOWAS in 2006 to transform the mechanism into a robust legally binding instrument to prevent and combat the excessive and destabilizing accumulation of SALW in the West African sub-region. The Convention entered into force on 29th September, 2009 with the deposit of the 9th instrument of ratification by the Government of the Republic of Benin on that day. Nigeria, Liberia, Senegal, Togo, Burkina Faso, Mali, Niger and Sierra Leone are the eight other states that have ratified it earlier (ECOWAS Commission, 2009).

The Convention includes such key areas as a ban on international small arms transfers except those for legitimate self-defense and security needs, or for peace supporting operations. Exemption requests are submitted to the ECOWAS Executive Secretary by Member-States for approval. Other provisions are a ban on transfers of small arms to non-state actors and regulation of artisan (or local) arms manufacturers with an obligation to create an inventory for the arms they make. There is also a requirement for the establishment of national databases or registries of all small arms in the jurisdiction of Member-States; encouragement of dialogue between the sub-region and arms suppliers; regulation of small arms possession and management and security of stockpiles (Coulibaly, 2008, pp.4-5).

Like all international legal instruments, the onus for the implementation of the Convention lies mainly with the Member-States that have the responsibility to enforce it since before it is ratified by a state, it has to be debated and adopted by the Council of State or parliament as a government bill or an act of parliament and endorsed by the State cabinet or Office of the President. This puts the provisions of the ECOWAS Convention into state law with penalties and a monitoring system by which non-compliance will be punished accordingly (Berkol, 2007). To enhance the implementation of the Convention, each Member-State is expected to establish a National Commission for SALW as a legal obligation and a necessary first step to address SALW problems within a country. The National Commission is to spearhead activities that will lead to the reduction in the proliferation of SALW as well as implement the ECOWAS Convention and other international agreements for SALW control. It is mandated to ensure a reduction in the challenges that SALW poses in a state. As such, it has to undertake a range of functions to fulfil its overall mandate. These include planning and implementation of national policies and strategies often referred to as National Action Plan (NAP). The National Action Plan should describe the SALW situation in a country, the objectives of the intervention, operational objectives and activities as well as the resources available for their implementation (Sosuh, 2013).

So far, a study to assess the level of implementation of the Convention has been conducted in three countries within the sub-region namely Ghana, Sierra Leone and Togo. The study covered the progress made so far, the impact of the implementation and the challenges that have been encountered and recommendations made to address such challenges to enhance a more efficient and effective SALW control. In Ghana, the National Commission on SALW (NACSA) has embarked on a series of programmes and activities outlined in its National Action Plan (NAP) to manage SALW issues. The Commission has already completed a baseline assessment of the dynamics of illicit circulation of arms in the country and also designed a number of activities and projects. These include the following: capacity building for security sector agencies, engagement with local arms producers and gunsmiths on alternative livelihood ventures, and the collection of confiscated weapons for destruction. As at 2013, the Commission had embarked on the marking of state security weapons in collaboration with the Regional Small Arms Programme at the Kofi Annan International Peacekeeping Training Centre (KAIPTC) and commenced the SALW baseline survey (Sosuh, 2013).

Similarly, in Sierra Leone, a National Focal Agency on arms was established in 2003 and became a Commission in 2010. The Commission has undertaken a series of activities, which include completion of a national survey in four thematic areas: stockpile security, legal and institutional frameworks, socio-economic impact of SALW after the war, and impact on national development. The process was later validated, leading to the development of a five-year National Action Plan. The National Commission in Sierra Leone also played a key role in the process which led to the enactment of Arms and Ammunition Bill to replace an Act of 1955 which regulates the possession and use of firearms (Sosuh, 2013). The National Commission in Côte d'Ivoire, has successfully contributed to disarming most of the civilians. Together with the help of the United Nations and the government, they have embarked on the registration and marking of state weapons as well as illegal weapons for effective tracing (Sosuh, 2013).

THE CHALLENGE OF SALW CONTROL IN NIGERIA

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 evident by the high rate of illegal procurement and use of SALW in Nigeria which is indexed by the intermittent seizure of SALW by security and border control officers, the frequency of deployment of these arms in conflict and crime scenes, and the level of human casualty and material damage recorded in the aftermath of its use in the country. An instance of this is the quantity of arms surrendered during the disarmament and demobilization (DD) phase of the Amnesty programme for the Niger Delta militants in 2009. They included 2, 760 assorted guns, 287, 445 ammunitions of different calibre, 18 gun-boats, 763 dynamite sticks, 1, 090 dynamite caps, 3, 155 magazines and several other military accessories, such as dynamite cables, bulletproof jackets and jackknives (Onuoha, 2011). Yet this appeared to have only been a fraction of the arms of the militants as most of them doubted the government's genuine commitment. This can give us an idea of the quantum of SALW proliferation in the country. It has been reported by the National Working Group on Armed Violence (NWGAV) that 80 % of Arms in Nigeria are in Private Hands (Iroegbu, 2013). Abdullahi (2015) posits that the aforementioned data was as at 2002 and is therefore conceivable that these figures have multiplied since 2002 going by reports of rampant illicit firearms interceptions, the current figure is likely to be much more. In Okene (a town in Kogi State) alone, it was reported by the police in 2012 that there were more than 1,000 AK-47 rifles in illegal hands (Vanguard, 14 June 2012).

Major-General Shehu Usman Abdul Kadir, Commander of the African-led International Support Mission to Mali (MISMA), has disclosed that Nigeria is both a producer and consumer of SALW in the West African sub-region (Thisday Editorial, 24 Apr 2013). There are illegal arms factories in operation in Nigeria (Osayande, 13 April 2013). An illegal armoury was uncovered in Kano where many AK-47 rifles, 200 factory-made hand grenades, dozens of rocket-propelled grenades, over 100 bombs and anti-aircraft missiles were taken away in a military truck from the house (Adamu, 30 May 2013). There have been cases of collusion between security officers who rent small arms to criminals or are engaged in gun running (Yusuf, 1 December, 2011; Orintunsin, 04 June, 2012; Iwori, 14 June, 2012). These illicit SALW have been used in armed violence such as ethnic-religious conflicts, communal clashes, sectarian violence, cultism, political violence, electoral violence, vigilantism, militancy and criminality. Between November 2006 and February 2007, 212 cases of violent crime were reported, 189 of these were carried out with firearms, 34 with other tools and 2 involved bombs (Okeke& Oji, 2014).

The Nigeria Watch Fourth Report on Violence in Nigeria (2006–2014) indicated that there has been continuous rise in the incidences of violent deaths in Nigeria over the past eight years. The main causes of violent deaths include accidents, crime, political violence, religious and ethnic fighting, oil and land clashes occurring in Nigeria since 1 June 2006. There has been a continuous rise in the number of fatalities in Nigeria from 4443 in 2006 to 10486 in 2013. The death toll by May 2014 alone of 8618 surpassed the total deaths of 7650 in 2012 (Nigeria Watch, 2014a). In 2014, of the thirteen cases of violent deaths in which 14,188 people died, 12,875 (or 90.75 %) were from crime, religious issue and political issue which relate largely to the use of SALW (Nigeria Watch, 2014b). The Distribution of Fatalities (violent deaths) by state reported by Nigeria Watch Project in the last quarter of 2014 (Sept – Dec), the campaign against Boko Haram insurgents in the North generated high numbers of fatalities in

Borno (3,085 deaths), Adamawa (1,333), Yobe (332), Kano (205), Gombe (201) and Bauchi (121). In Nasarawa and Taraba states, there were 379 and 234 deaths respectively mostly stemming from communal and herdsman-farmers clashes. For 2014 alone, the northeast region accounted for 9,884 fatalities, out of which 7,174 deaths were recorded in Borno. The overall risk assessment for the entire country indicates that the third quarter of the year was most deadly with about 7,856 deaths (Nigeria Watch, 2014b). Almost all of these fatalities are the result of large-scale availability and use of SALW in the country. This situation may be attributed to a poor or unregulated control mechanism on SALW in the country contrary to the framework provided in the ECOWAS Convention on SALW. It is therefore necessary to interrogate Nigeria's implementation of the Convention in order to ascertain why, in spite of its robust provision for SALW control, the country is experiencing such challenges. Is Nigeria indeed implementing the Convention? If yes, what is the nature of the implementation? What can be done to ensure that the country profits from the full and proper implementation of the instrument which will be evidenced in the reduction in the availability and use of SALW?

THE NATURE OF THE IMPLEMENTATION OF THE ECOWAS CONVENTION IN NIGERIA

The ECOWAS Convention was an ample demonstration of the political will of ECOWAS leaders to stem the effect of SALW in the West African sub-region in line with international commitments. Zuneidu (2010) stated that with the adoption of the Convention, the challenges for ECOWAS and the region is no longer the absence of a strategy for engaging in comprehensive combat against SALW proliferation but the political will to apply and implement the framework.

Nigeria, being one of the Member-States was among the first 10 to ratify the Convention. The provision of the Convention required Member-States after its coming into force to commence the implementation with the establishment of a National Commission or the transmutation of the National Committee that was established for the purpose of implementing the Moratorium into a Commission by legislation former President Olusegun Obasanjo had established a National Committee (NatCom) on the Implementation of the ECOWAS Moratorium in 2001. When the Convention came into force in 2009, the Committee became known as the National Committee on Control of Small Arms and Light Weapons still with the acronym NatCom. Most of the active period of NatCom was during the era of the implementation of the Moratorium especially under the defunct Ministry of Cooperation and Integration in Africa (MCIA). Since this paper is not about the implementation of the Moratorium but the Convention, we will not discuss its activities at that time. The Convention came into force during the period of the merger of the Ministry for Cooperation and Integration in Africa (MCIA) with the Ministry of Foreign Affairs (MFA) when NatCom became domiciled in MFA and from then, inter-ministerial squabbles ensued between MFA and the Ministry of Defence (MOD). This led to problems related to leadership succession. These, coupled with poor funding, made it difficult for any meaningful achievement by NatCom with regards to the implementation of the Convention. The Committee eventually became moribund so that there was no agency with responsibility for implementing the ECOWAS Convention.

On 24th April, 2013 former President Goodluck Jonathan inaugurated a Presidential Committee on Small Arms and Light Weapons (PRESCOM). The President said that the Committee was not a Task Force empowered to make rules and ensure compliance with them but was expected to work closely with existing anti-armament bodies to

stem the tide of violence in the country and across the continent. It was meant to provide government with necessary advice to mitigate the proliferation of small arms and light weapons.

The terms of reference of the Committee include:

1. The establishment of links and cooperation with similar institutions and other agencies that can help to build capacity
2. Enhance information sharing and develop multi-level international support relationship as well as strengthen regional cooperation
3. Putting forward policy situations as well as reviewing existing ones
4. Recommend implementation strategy to combat illicit trafficking of small arms and light weapons
5. Take measures to enhance border security
6. Propose legislations and regulatory framework to strengthen control of the proliferation of small arms and light weapons in line with international standard (General News, April 24, 2013)

The terms of reference do not particularly imply to the implementation of the ECOWAS Convention. However, the position of PRESCOM is that its activities are actually based on the provisions of the ECOWAS Convention. The Programme Manager of PRESCOM specifically stated that the ECOWAS Convention is the reason why we have PRESCOM today affirming that the PRESCOM mandate is substantially based on the Convention's mandate (Interview with PRESCOM Programme Manager, 2015). PRESCOM has gone ahead to articulate a policy thrust based on the understanding that it is the focal point for government's intervention in curbing the proliferation of SALW in Nigeria. The policy thrust is captured in the following articles;

- i. Implement all international instruments relating to SALW control especially the ECOWAS Convention on SALW. The UN PoA, the African Union Protocol and the new ATT.
- ii. Develop and formulate policies and facilitate the activities of security agencies in the implementation.
- iii. Convert the Committee into a Commission in line with the ECOWAS Convention which is prescribed for every Member State.
- iv. Upgrade the legal framework for regulating SALW in Nigeria (Interview with Programme Manager, 2015).

The first activity of PRESCOM was the conduct of an assessment of the SALW's situation in Nigeria. The document that emanated from that was circulated to a limited audience such as the Presidency and the Office of the National Security Adviser (NSA). From this engagement, a Midterm Intervention Strategy was crafted following which a national stakeholder's consultative forum at the ECOWAS Commission in June 2014 was convened. The outcome of the consultation was that the intervention strategy was trimmed down to 7 key (priority) areas as follows:

- i. Development of legislation and policy
- ii. Conduct a national small arms survey. The essence is also to develop a national action plan based on realities on ground.
- iii. Marking of weapons and
- iv. Establishing a national data base which two go together to guard against leakages
- v. Sensitization programmes.

- vi. Training of security agencies.
- vii. Disarmament, demobilization and reintegration (DDR) to mop up weapons (Interview with Programme Manager, 2015).

On the basis of these priority areas, PRESCOM has carried out a number of activities and is also planning to conduct some others including the following:

- i. Prepared a bill for the establishment of a National Commission and sent to the executive for onward submission to the National Assembly for the legislative process. It has also gone ahead to draft a repeal bill of the 1959 Nigerian Firearms Act (which has become obsolete in dealing with contemporary realities of SALW proliferation) for onward submission to the National Assembly for the legislative process.
- ii. A national small arms survey is ongoing.
- iii. It is in the process of procuring the arms marking machine.
- iv. Linked to the above is that it will provide the pedestal for the establishment of a national data base.
- v. Sensitisation programme. The national consultative forum was one, of the second, Ballot without Bullets throughout the six geopolitical zones towards a peaceful 2015 general election which contributed in making the elections a success.
- vi. In the same vein, PRESCOM is working with the United Nations Development Programme (UNDP) for sensitization of border communities in Nigeria from where some of the weapons enter the country so they will understand the dangers of these weapons passing through their communities therefore assist security agencies to apprehend perpetrators. It also included carrying out sensitization around campuses due to the increase of cult groups.
- vii. Capacity building: about 300 personnel have been trained so far cutting across all the agencies (military and paramilitary) in stockpile management and physical security of arms, border patrol, border management (air, land and sea), maritime security, foundation courses on SALW and trans-border criminality since 2013. Physical security, stockpile management and foundation courses for train the trainers as well as a course on collaborative policing to educate them on how to ensure synergy among themselves. These trainings are not carried out by PRESCOM directly but in collaboration with partners like the Kofi Annan institute in Ghana and here in Nigeria.
- viii. Strategies have already been mapped out for the DDR in border communities and a plan to conduct same in the North East when the situation is conducive for it (Interview with Programme Manager, 2015).

Obviously, these activities generally fall within the provisions of the ECOWAS Convention. The Chairman of the Committee, Ambassador Emmanuel Imohe, has said his Committee members would work in line with coherent, legal and policy guidelines, including the ECOWAS Convention on Small Arms and Light Weapons, the AU Bamako Declaration as well as the UN Programme for Action on Small Arms and Light Weapons (The Nigerian Voice, April 24, 2013). This signified that PRESCOM considers itself the agency responsible for the implementation of the Convention however construed. Doubtless, PRESCOM is not the Commission the Convention specified for its

implementation. The question that needs to be addressed therefore is what then is the nature of the implementation of the ECOWAS Convention in Nigeria?

PERSPECTIVES ON THE NATURE OF THE IMPLEMENTATION OF THE CONVENTION

Three perspectives on the country's status in the implementation of the Convention have emerged from interaction with respondents. One is that since Nigeria thus far has not established a Commission, it is yet to begin the implementation. That the Convention is a holistic package and the implementation is not to choose and pick but it must be approached wholesale. A respondent affirmed that form must precede process adding that I don't think there is anything in that Convention that says you can call your own by another name (Interview with a Professor of Nigerian National Defence College, 2015). This is to say that the take off point must be the establishment of the Commission. Whatever is being done so far is unsustainable because the Committee (PRESCOM) that is presently carrying out such activities can be scrapped by the President at any moment he wishes. A respondent who is a civil society activist with the West African Action Network on Small Arms (WAANSA) insisted that:

The organ for implementing the Convention is a Commission. What we have is a Committee. If Buhari decides to scrap the Committee today, then we don't have a basis for its implementation at all. I share the opinion that we have not begun, we may have the intention for implementing this Convention but for now, I do not think that we are doing it. If the Commission had been formed, then we have an agency for its implementation with operational documents. (Interview with WAANSA official 1, 2015).

Another respondent who has been deeply involved with issues on SALW from civil society in the country stated that

Nigeria is nowhere to be found and if you ask me, why can't we meet up with what we signed unto? Maybe it is implementing in part but if we are to follow strictly by the provision, Nigeria has not done anything. (Interview with WAANSA official II, 2015).

These views were not expressed by people who are ignorant of the Convention and its implementation but are stakeholders who have significant know how as academics and civil society activists. Their concern stems out of the fact that issues of SALW control in the country are too serious to be handled in an ad hoc manner. The respondents are of the impression that there has not been a deliberate and sustained effort towards addressing SALW control as one of them put it that

We will not get it right unless we are deliberate and it is the National Commission that will help us to structure the response and it will be able to monitor what progress is being made. (Interview with a Professor at Nigerian National Defence College, 2015).

The unsustainability is based on the precedence of past efforts that did not continue when those who set them up left their offices. Thus, a respondent argued that:

It is possible for that to also change under this government but when you have a law that has authorized the setting up of this, it doesn't matter. We have had different approaches so far. The one that Captain Iheanacho set up as minister has gone with him, this one that Abbey set up has gone with him (let me put it that way).

So, what are the chances that this one will not go with the government of Jonathan that set it up? (Interview with a Professor at the Nigerian National Defence College 2015).

Another respondent derisively said that I don't know what the work of PRESCOM is to be sincere with you and further declared that All the people in that office are pulled from one place or the other to come and sit down there. Today if that Committee is dissolved, they go back into their offices (Interview with WAANSA official II, 2015). These views are based on realities. Aside from that, a senior military officer averred that I have not seen anything in respect of the control of SALW in Nigeria through the Convention (Interview with a Senior Military Officer 1, 2015). The prevalence of SALW in the hands of non-state actors' manifests in the insurgency in the North East and other conflicts in the country were cited as the indicators of the absence of the implementation of any framework for the control of SALW in Nigeria. The two basic points of this position therefore are the unavailability of the prescribed body for implementing the Convention and the fact following from this is that, any effort outside of that is worthless especially that it cannot be sustained evidenced in the insecurity occasioned by the availability of SALW in the country.

The second position is that in spite of the fact that Nigeria does not yet have a Commission, it is implementing the Convention to some extent through the activities of PRESCOM. It is a gradual process that will lead to the incorporation of all the aspects of the Convention eventually if it is continued. Thus, a respondent considered that the issue is the extent to which it is being implemented. If implementation means, have we started action in line with the provisions of the Convention? If that is the question then the answer is yes (Interview, 2015). He was of the opinion that from an institutional point of view, Nigeria may not have migrated from a technical Committee on small arms to a full blown Commission on small arms but programmatically there are several interventions: media campaign and commission of research which are actually all in line (Interview with Research Fellow, 2015). He believed therefore that from the institutional point of view we have not done much because they expect us to convert but programmatically in terms of what it is expected to be done, I say yes, the government is doing it. Policy wise, I say yes, government is also doing that (Interview with Research Fellow, 2015). Similarly, another respondent would rather recognize that the implementation of the Convention in Nigeria is going on in an ad hoc basis because the major component in the institutionalization has not been put in place. Nevertheless, key components of the Convention have been implemented (Interview with Senior Research Fellow, 2015). While one respondent rated the level of the implementation as 30 %, another considered that it is 50 %. It is in this regard that one of the respondents considered that Nigeria is on the path to implementing the Convention (Interview with ECOWAS official 1, 2015).

The third is that Nigeria is fully implementing the Convention in its own way as a sovereign state in the ECOWAS sub-region and is actually at the forefront in the implementation process. The Commission is only a nomenclature which does not matter as long as all the requirements for the implementation such as a secretariat, dedicated staff are in place which PRESCOM typifies. This is the general position of staff of the ECOWAS Small Arms Division. One of the respondents affirmed that:

By ECOWAS standard, PRESCOM has all that a Commission is expected to meet. In every state we have different processes and procedures, so it could be that the procedures that Nigeria will take to set up a Commission is more cumbersome and complex than some other Member-States. To us at ECOWAS

Commission, we are not in the best position to ask Nigeria the question, why do you not have a Commission? This is what they have presented to us as their national focal institution on issues of small arms and light weapons...and it is recognized by us formally and any action taken by them is seen to us as valid towards implementing the Convention. (Interview with ECOWAS official 1, 2015).

Another respondent similarly asserted that:

The creation of a National Commission is the prerogative of states of the political authorities in all the Member-States. While the Convention prescribes the need for a National Commission to be created through an act of parliament, there is also the conveniences of our Member-States because of the sovereign rights and responsibilities of each Member-State. All that ECOWAS needs is the strong political commitment by government whether it is a National Committee or Commission, there should be a dedicated accommodation, dedicated staff and budget line...Nigeria has complied with these 100 %. This is the sustainability aspect of what Member-States are expected to do. So, the nomenclature is actually immaterial to some extent in so far as we are able to effectively put together all the elements. (Interview with ECOWAS official II, 2015).

The argument is that Nigeria has satisfactorily complied with the requirement in Article 24 of the Convention which requires that all states should put in place an implementation framework. In fact, the position is that as far as the implementation process is among the ECOWAS Member-States is concerned, the country has done so well and Nigeria has therefore taken the lead (Interview with ECOWAS official 2, 2015). Putting it in other words, another respondent said that the implementation of the Convention for now is being carried out satisfactorily because every stakeholder involved in the business is aware of it as is being carried out through PRESCOM (Interview with Senior Customs Officer, 2015).

Interestingly, the above position is borne by some staff of ECOWAS itself. The position is more political than real. However, this might not be unconnected with the fact that they would not want to be seen as accusing Nigeria of being irresponsible in its inability to comply with commonly accepted norms of ECOWAS for fear that it might be offended and reduce its support to the organization, being the highest funding Member-State. Their position even contradicts efforts by stakeholders including PRESCOM members who are making efforts to push through with the process of establishing a National Commission as the required structure the country needs to properly implement the Convention. It was in fact to this end that in March 2014, the Chairman of PRESCOM Ambassador Emmanuel Imohe visited the ECOWAS Commission to seek ways on how to implement the ECOWAS Convention especially with a view to making the Committee a full-fledged Commission in Nigeria according to the demand of the ECOWAS Convention. He acknowledged that it is important for it to operate in line with international best practices noting that perhaps so much have been left undone but with the Committee in place, changes are expected as soon as possible (NTA News, March 4, 2014). The admission that so much has been left undone in the implementation process due to the absence of a National Commission signifies the deficit that needs yet to be addressed.

From the foregoing therefore, it is apparent that the nature of the implementation of the Convention in Nigeria is not in line with the provisions of the Convention. It operates under a Presidential Committee, PRESCOM, and not a National Commission as specified by the Convention and this with all its attendant limitations even though it

collaborates with ECOWAS in this regard as the focal institution for the implementation of the Convention and ECOWAS recognizes it as such. ECOWAS merely tolerates this situation because of Nigeria's hegemonic posture which the organization does not have the courage to sanction it for its failure to put the necessary structure in place for the proper implementation of the Convention. The gaps that exists between the Convention and the extent to which Nigeria has engaged its provisions in the implementation process is a manifestation of the limitations of a Committee in contrast to what a Commission would accomplish.

THE WAY FORWARD

For Nigeria to properly engage the Convention, it must put measures in place to establish the National Commission on SALW and begin the implementation. Since the ad hoc nature of PRESCOM means that its activities like other Committees before it is not sustainable (however its achievements may appear), the Federal Government should only maintain the Committee as a stopgap while it fast tracks efforts towards the establishment of the National Commission. The Federal Government should meanwhile charge PRESCOM with the task of concluding the National Small Arms survey which it has commenced within a time frame so that the result can be used to fashion out an empirically based national action plan for the implementation of the Convention when a Commission is in place. Meanwhile PRESCOM should not take upon itself the functions of a National Commission especially that it lacks the legal backing and operational capacity to implement the Convention neither should it engage in attempts of transforming itself into the Commission as it will not help the process of establishing a National Commission in line with the provisions of the Convention.

The Federal Executive Council should also present a bill for the repeal of the 1959 Firearms Act and its re-enactment to the National Assembly so that it can be passed into law in line with the requirement of the ECOWAS Convention on harmonization of national laws on SALW. This is needed for immediate application by law enforcement agencies who are incapacitated by these weak laws in their attempts to control SALW. Moreover, it will facilitate the implementation of the provisions of the Convention when the commission is in place.

As soon as the National Commission is established, the process of developing the National Action Plan should be put in place. This should involve all relevant national stakeholders including civil societies, and the convening of a national forum of all stakeholders to deliberate on the elements to be included in the National Action Plan according to the provisions of the Convention. When the Commission is established, government should give it all the support it requires to succeed by providing all the needed facilities and equipment. This will include sufficient allocation of funds at the budget level and modern technology equipment for border surveillance. Scanners that are used at the seaports and airports should also be supplied to border security personnel.

Towards enhancing an efficient implementation of the Convention upon the establishment of a National Commission, the process should be community driven. The structure should not only be top down but also bottom up. While at the Federal level, the Commission will provide coordination and logistics, the local level will ensure the communities who have largely borne the brunt of SALW proliferation should be the ones to identify and articulate the ways and means as well as persons that will be engaged in the process among them. Law enforcement agencies with responsibility for SALW control should be trained to key into the process in a manner that there will be no friction

but that it becomes a collaboration between the national law and community norms. The structure should therefore be such that it exists not only at the Federal level but the state, local and community levels.

CONCLUSION

In view of the increasing threat to human and state security in Nigeria occasioned by the availability of SALW in the possession of unauthorized individuals and non-state actors despite the robust instruments for its control which the ECOWAS Convention offers, it has become necessary to evaluate its implementation in the country. This study has shown that Nigeria has failed to domesticate and implement the Convention accordingly. Instead of establishing a National Commission as a starting point, it has been experimenting with committees beginning with the national committee on SALW (NatCom) and now the presidential committee on SALW (PRESCOM). The operations of these committees have not made tangible impacts because of their ad hoc nature. They are not established by law so they have been lacking in proper funding, accommodation, staffing and spread. The sustainability of their engagements has also been short lived as their leadership has been inconsistent. To stem the tide of a drift to anarchy by the continuous uncontrolled availability and use of SALW, it will be necessary to take steps to implement the Convention accordingly. Relevant arms of the government of Nigeria should demonstrate sufficient commitment to the security of its citizens by enacting the enabling law for the establishment of the National Commission for SALW control for a full implementation of the robust provisions the Convention which has capacity to effectively control SALW when properly employed.

REFERENCES

- Abdullahi, I. (2015). Contextualizing the proliferation of small arms and light weapons in Nigeria: The untold story. *International Journal of Business & Law Research*, 3(1), 1-14.
- Adamu, D (Daily Trust, May 30, 2013) Nigeria: Huge weapons cache seized in Kano. Retrieved on August 5, 2014 from <http://allafrica.com/stories/201305300912.html>
- African Union. (2000). *Bamako declaration on an African common position on the illicit proliferation, circulation and trafficking of small arms and light weapons*. Retrieved on August 22, 2017 from <http://www.poa-iss.org/RegionalOrganizations/AU/Bamako%20Declaration.pdf>
- Berkol, I. (2007). *Analysis of the ECOWAS convention on small arms and light weapons and recommendations for the development of an action plan*. Retrieved on October 27, 2011 from <http://www.grip.org/bdg/g1071en.pdf>
- Coulibaly, M. (2008). *From moratorium to a convention on small arms: A change in politics and practices for the 15 member countries of the Economic Community of West African States (ECOWAS)*. Oxford: Oxfam International
- ECOWAS Commission. (2009). *Declaration by the President of the ECOWAS Commission relating to the entry into force of the ECOWAS convention on small arms and light weapons, their ammunition and other related materials*. Abuja: ECOWAS Commission.
- ECOWAS Convention. (2006). *ECOWAS convention on small arms and light weapons, their ammunition and other related materials*. Abuja: ECOWAS Commission.
- ECOWAS Protocol. (1999). *Protocol relating to the mechanism for conflict prevention, management, resolution, peace-keeping and security*. Retrieved on August 22, 2017 from <http://www.comm.ecowas.int/sec/index.php?id=ap101299&lang=en>
- ECOWAS SALW Convention Action Plan. (2008). *Action plan for the implementation of the ECOWAS convention on small arms and light weapons, their ammunition and other related materials*. Abuja: ECOWAS Commission.
- EU Non-Proliferation Consortium. (2013). *European Union initiatives to control small arms and light weapons: Towards a more coordinated approach*. Retrieved on August 22, 2017 from <http://www.nonproliferation.eu/web/documents/nonproliferationpapers/cdricpoitevin52b1d44997305.pdf>
- Florquin, N., Berman, E. (2005). Introduction. In N. Florquin and E. Berman (Eds) *Armed and aimless: Armed groups, guns and human security in the ECOWAS region*. (pp. 1-9). Geneva: Small Arms Survey.
- General News. (2013, April 24). *Small arms light weapons c'ttee not a task force*. Retrieved on March 30, 2015 from <http://www.thenigerianvoice.com/nvnews/112452/1/small-arms-light-weapons-cttee-not-a-task-force.html>
- Gun Policy News. (2016). *Firearm violence, gun control and small arms*. Retrieved on January 2018 from http://www.gunpolicy.org/fr/firearms/topic/small_arms_in_nigeria
- Iroegbu, S (Thisday, December 13, 2013) Nigeria: Report - 80 percent of arms in private hands, illegal. 13 December 2013. Retrieved on September 11, 2015 from <http://allafrica.com/stories/201312130823.html>

- Iwori, J. Nigeria (Allafrica, June 14, 2012): Customs controller, others arrested over gun running allegation Retrieved on January 14, 2014 from <http://allafrica.com/stories/201206150190.html>
- Nigeria Watch Project (2014a) *Fourth Report on Violence in Nigeria (2006–2014)*. Retrieved on November 12, 2015 <http://www.nigeriawatch.org/>
- Nigeria Watch Project (2014b) *Fatality Trends Newsletter* Volume 1 No 4, Sept-Dec, 2014. Retrieved on November 12, 2015 <http://www.nigeriawatch.org/>
- NTA News. (2014, March 4). *Presidential committee on arms visits ECOWAS*. Retrieved on August 5, 2015 from <http://www.ntanews24.tv/News/Africa/2014%20folder/MARCH/MARCH4/Presidential%20Committee%20on%20Arms%20Visits%20ECOWAS.html>
- Okeke, V. and Oji, R. (2014). The Nigerian state and the proliferation small arm and light weapons in the northern part of Nigeria. *Journal of Educational and Social Research MC SER Publishing*, 4(1)
- Omotola, S. (2012). Towards an African voice in the global security dialogue. *Ibadan Journal of Peace and Development*. Volume 1 February, 2012.
- Onuoha, F. (2011.). Small arms and light weapons proliferation and human security. In *Nigeria' Conflict Trends* (pp. 50-56). Durban, South Africa: The African Centre for the Constructive Resolution of Disputes (ACCORD).
- Organization of American States. (1997). *Inter-American convention against the illicit manufacturing of and trafficking in firearms, ammunition, explosives, and other related materials (A-63)*. Retrieved on August 22, 2017 from http://www.oas.org/en/sla/dil/inter_american_treaties_A-63_illicit_manufacturing_trafficking_firearms_ammunition_explosives.asp
- Orintunsin, J. (The Nation, June 4, 2012). Police, Customs officers arrested for 'supplying' robbers' gun. Retrieved on July 30, 2014 from <http://www.thenationonlineng.net/2011/index.php/news/48938-police,-customs-officers-arrested-for-%27supplying%27-robbers-gun.html>
- Osayande, M. (Daily Trust, April 13, 2013) Nigeria: Police uncover arms factories in three Delta communities. Retrieved on October 15, 2014 from <http://allafrica.com/stories/201304151743.html>
- Sosuh, M. (2013). *Managing National Commissions for small arms and light weapons control in West Africa*. Policy brief 1/ 2013. Retrieved on April 30, 2015 from <http://www.kaiptc.org/Publications/Policy-Briefs/Policy-Briefs/KAIPTC-Policy-Brief-1---Managing-National-Commissi.aspx>
- Thisday Editorial, (April 24, 2013) Nigeria: The dangers of illegal weapons. Retrieved on September 11, 2015 from <http://www.thisdaylive.com/articles/dealing-with-small-arms-and-light-weapons/145762/>
- United Nations (2005b). *Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations convention against transnational organized crime*. Retrieved on August 22, 2017 from https://treaties.un.org/doc/source/RecentTexts/18-12_c_E.pdf
- United Nations Tracing Instrument (UNTI). (2006). *International tracing instrument*. United Nations Department of Public Information — DPI/2428K — June 2006

United Nations, (2005a). *International instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons*. Retrieved on August 22, 2017 from <https://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf>

United Nations. (2013). *The Arms Trade Treaty*. Retrieved on August 22, 2019 from <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

Vanguard Newspaper (June 14, 2012) Over 1,000 AK 47 rifles in illegal hands in Okene – Commissioner. Retrieved on September 11, 2015 from <http://www.vanguardngr.com/2012/08/over-1000-ak-47-rifles-in-illegal-hands-in-okene-commissioner/#sthash.1RgY6PH9.dpuf> 14 June 2012

Yusuf, U. (Vanguard, December 1, 2011) Nigeria: ASP, Inspectors sacked for renting arms to robbers. Retrieved on May 20 2013 from <http://allafrica.com/stories/201112011017.html>.

Zuneidu, O. (2010). *A look at the efforts of the ECOWAS sub-region towards combating the proliferation of SALW* (A thesis for Certificate-of-Training in United Nations Peace Support Operations). Retrieved on from <http://cdn.peaceopstraining.org/theses/zuneidu.pdf>