

## FAILED STATE THEORY AND THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS IN NIGERIA

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### **ABSTRACT**

Many countries of the world have at one time or other, battled with national and international threats to their international sovereignty and national security. Nigeria is not an exception to this trend and the country has over the years tackled this challenge of insecurity. The war against insecurity in the country is however won at a loss and Nigeria is perpetually among the list of unsecured countries to live. Hence, the proliferation of small arms and light weapons in the country pose a challenge to national integrity of the state and threatens the essential values that constitute nationhood. This prolonged national insecurity makes Nigeria reflect elements of a failed state. This paper therefore examined failed state theory and the proliferation of small arms and light weapons in Nigeria. The study relied on primary and secondary sources of information. The findings revealed that the inability of the Nigerian state to curb or check the remote and immediate demand factors of arms and weapons heightened the proliferation of small arms and light weapons in the country. The study concluded among others that, Nigeria may gradually become a failed state if there is no stoppage to proliferation of small arms and light weapons in Nigeria.

*Keywords:* Failed state, small arms, light weapons, proliferation

### **1. INTRODUCTION**

It is no longer news that Nigeria is facing ravaging security challenges, ranging from political instability, terrorism and insurgency, communal clashes, armed robbery, ethno-religious conflicts, assassinations, cultism, human trafficking, herdsmen/farmers clashes, kidnapping, militancy, and other forms of security threats, which threatens the nation's unity, development and sustainability. The situation gets worsen due to illegal proliferation of small arms and light weapons (SALWs) which is however not peculiar to Nigeria alone but in Africa and the world at large. Meanwhile, because of the easy trafficking of weapons in and

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out of the Sub-Saharan region, proliferation of illegal small arms and light weapons became very common in Nigeria. It is however disheartening to know that Nigeria ranks one of the top the list of countries with the largest proliferation of small arms and light weapons. For instance, the United Nations recorded that 70% of estimated 500 million of such trafficked weapons in West Africa is allegedly stored in Nigeria.<sup>2</sup> Also, in October 2016, arms were discovered in South-South region of the country, particularly Rivers State when 22, 430 militants aligned with the amnesty programme of the government and surrendered about 1, 000 firearms, 7, 661 rounds of ammunition, and 147 explosives.<sup>3</sup> One therefore begins to wonder where the militants got these weapons. Were they purchased in the open market or smuggled into the country? This large volume of weapons and arms in the hands of non-state actors clearly shows that Nigeria's national security is fragile and under great threat. How these illegal firearms get into the possession of unlicensed and unauthorized users likewise calls for concern. One can safely conclude that, there is a nexus between proliferation of illegal small arms and light weapons, and national security.

Small arms proliferation is not merely a security issue but also a threat to human rights, development, violates international humanitarian laws, threatens legitimate government and promotes organized crimes. In essence, firearms are different weapons mainly used for warfare and defense either acquired for legal or illegal purposes by state and nonstate actors for security, local and private reasons. Some of the reasons for acquiring these fire arms include safety, hunting, national security, self-defence, crime, and so on.

Unfortunately, the proliferation of illegal arms will continue to thrive in Nigeria if there is no proactive steps put in place to checkmate illegal trafficking of arms. This research would therefore examine the alarming rate proliferation of small arms and light weapons in Nigeria and how it poses threat to national security of the country. The research likewise clarifies basic concepts related to

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<sup>2</sup> 'Firearm Violence, Gun control and Small Arms' available at [http://www.gunpolicy.org/firearms/topic/small\\_arms\\_in\\_nigeria](http://www.gunpolicy.org/firearms/topic/small_arms_in_nigeria) accessed 20 August, 2021

<sup>3</sup> Eno-Abasi Sunday and Sulaimon Salau, 'Worries as Proliferation of Small arms, Light Weapons Burgeons' available at <https://guardian.ng/sundaymagazine/worries-as-proliferation-of-small-arms-light-weapons-burgeons> accessed 20 August, 2021

the proliferation of small arms and light weapons, including the historical analysis of the proliferation of small arms and light weapons in Nigeria. The research would likewise examine failed state theory and its relevance to the situation of proliferation of small arms and light weapons in Nigeria.

## **2. CONCEPTUALISING SMALL ARMS AND LIGHT WEAPONS**

It is important to consider some basic concepts related to the analysis of proliferation of small and light weapons in Nigeria, and in view of this, the following operational definition of some terms and concepts would be discussed below.

### ***2.1 Small arm and Light weapon***

The term small arm and light weapon (also referred to as SALW) generally no universally accepted definition, however an attempt has been made to define small and light weapons by international, regional and domestic instruments/laws, some of which would be considered in subsequent chapters in this work. The United Nations panel of Government Experts on small arms in 1997 gave a report wherein an attempt was made to define what constitutes small arms and light weapons. The report stated that they are weapons ranging from clubs, knife and machete, to those weapons covered by the United Nations Register of Conventional Arms.<sup>4</sup> The report further stated that small arms are those weapons manufactured to military specification and designed for use by the one person whereas light weapons are those weapons used by several persons working as a crew.<sup>5</sup>

Araromi even noted that small arms and light weapons generally refers to lesser infantry weapons, such as firearms that an individual could carry and it is ordinarily restricted to revolvers, pistols, submachine guns, shotguns, carbines, assault rifles, rifle squad automatic weapons, light machine guns, general-purpose machine-gun, medium machine guns and hand grenades.<sup>6</sup> The United Nations likewise added that it could heavy machine-guns, smaller

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<sup>4</sup> (Report of UN Experts on Small Arms, 1997

<sup>5</sup> *ibid*

<sup>6</sup> Araromi M.A, "Moratorium on Proliferation of Small Arms and Light Weapons and Communal Conflicts in Nigeria" (Institutional Paper presented at the Nigeria Association of Law Teachers (NALT) Conference held at Nnamdi Azikiwe University Awka, Anambra State on, 2017

mortars, recoilless rifles and some rocket launchers.<sup>7</sup> Article 3 of the UN Illicit Firearms Protocol likewise explained the concept of small arms and light weapons to include ‘any portable barreled weapon that expels, is designed to expel or may readily be converted to expel a shot, bullet or projectile by the action of an explosive antique firearms or their replicas.’<sup>8</sup> Coming to the West African region, the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials, 2006 defined small arms as arms destined for personal use and include: firearms and other destructive arms and any component part of any such firearm.<sup>9</sup>

From the perspective of case law, the question of what constitutes small arms and light weapons was raised and resolved in *Olatunji v State*<sup>10</sup> wherein the court adopted the above definitions and held that the term, ‘small arms and light weapons’ could refer to any weapon that can be handled and, manipulated by one or two persons. Thom-Otuwa attempted a separation of the two concepts and an independent definition of each. He defined ‘Light weapons’ to consist of “heavy machine-guns, mortars of up to 100mm, and portable anti-craft/aircraft systems, while ‘small arms’ connotes a sub-category of light weapons consisting of automatic/semi-automatic weapons of up to 20mm for instance, self-loading pistols, revolvers, carbines, rifles and machine-guns. Ammunition and explosives are also listed under this term.”<sup>11</sup>

### **3. THE CONCEPT OF PROLIFERATION**

Proliferation simply refers to rapid increase in the number or amount of something, growth, multiplication, spread, escalation, expansion or excessive spread.<sup>12</sup> Proliferation is likewise

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<sup>7</sup> ‘The Protocol Against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunitions, 2017, <http://treaties.un.org> accessed 20 August, 2021

<sup>8</sup> Article 3 of the United Nations Illicit Firearms Protocol

<sup>9</sup>ECOWAS Convention’ available at <http://www.weaponslaw.org/instruments/2006-ecowasconvention> accessed 20 August, 2021

<sup>10</sup> [2003] 14 NWLR (Pt. 839) 138 at pp 165-166

<sup>11</sup> Thom-Otuya B.E.N., ‘Proliferation of Small Arms and Light Weapons in Niger Delta: A Threat to National Security in Nigeria’ available at <https://thomotuyaben.files.wordpress.com/2013/01/proliferation-of-smallarms.pdf> accessed 20 August, 2021

<sup>12</sup> ‘Proliferation’ available at <http://www.dictionary.com> accessed 20 August, 2021

synonymous to multiplicity, which simply means rapid increase in the amount or quantity of something or a large number of a particular thing.<sup>13</sup> Proliferation denotes sudden increase in the number or amount of an entity. If used in other framework, it implies rapid expansion, abundance or multiplication. The definition of proliferation in relation to small arm and light weapons connotes an increase in the spread or multiplication of nuclear, biochemical and other weapons of mass destruction, mostly, from one state to another or from state to non-state actors.<sup>14</sup>

#### **4. THE ORIGIN OF INFLUX OF SMALL ARMS AND LIGHT WEAPONS IN NIGERIA**

Before the coming of the colonialists, it was not strange for civilians in Nigeria to carry or possess guns, mostly local/hunting guns. In the opinion of Okeke and Orji, they said guns were introduced by the Europeans before colonialism during legitimate and illegitimate (slave) trade between them and Africans.<sup>15</sup> It was later that the purpose of the exchange of guns was changed and the Europeans used it to realize their imperial ambitions because of their desperation to achieve Africa's suppression.<sup>16</sup> This was evident by the establishment of West African Frontier Force (WAFF) used by the British to execute the British-Aro War of (1901-1902), and other forms of resistance in Nigeria, West Africa, and Africa.<sup>17</sup> Chuma-Okoro likewise stated that the Royal Niger Company (RNC) later United African Company (UAC) of Britain was saddled with the use of force to suppress dissenting communities in Nigeria during the colonial era.<sup>18</sup> This practice continued until Nigerians were gradually having indirect access to

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<sup>13</sup> Hornby A.S, Oxford Advanced Learner's Dictionary of Current English (9<sup>th</sup> edn Oxford University Press) p.1230

<sup>14</sup> Seth Ohene-Asare, 'Trafficking of Small Arms and Light Weapons (SALW) in West Africa: Routes and Illegal Arm Caches between Ghana, Togo, Benin and Nigeria' available at [http://globalinitiative.net/wpcontent/uploads/2017/01/fes\\_trafficking-in-small-arms-and-light-weaponsin-west-africa-routes-and-illegal-arm-caches-between-ghana-togo-beninand-nigeria.pdf](http://globalinitiative.net/wpcontent/uploads/2017/01/fes_trafficking-in-small-arms-and-light-weaponsin-west-africa-routes-and-illegal-arm-caches-between-ghana-togo-beninand-nigeria.pdf) accessed 20 August, 2021

<sup>15</sup> Okeke, V.O.S and Oji, R. O. "The Nigerian State and the Proliferation Small Arm and Light Weapons in the Northern Part of Nigeria" *Journal of Educational and Social Research* Vol. 4 No.1 2014 p421

<sup>16</sup> *ibid*

<sup>17</sup> *ibid*

<sup>18</sup> Chuma-Okoro, H. "Proliferation of Small Arms and Light Weapons in Nigeria: Legal Implications" (2011) *Law and Security in Nigeria* 15; Cohen, L. & Manion, L. *Research Methods in Education* (London: Croom Helm 1980)

the arms or guns, although the natives used the arms mainly in tradition and hunting in the rural community.<sup>19</sup> More powerful natives became in possession of guns and it was used as a symbol of strength and power, subsequently, the ammunitions were used for ceremonial purposes during funerals, coronations, and other customary festivals among the natives. Meanwhile, guns and ammunitions were likewise used by the age-grade group in the community for deterring aggressors and invaders.

The situation has turned around today and the use of guns and ammunitions are no longer used for ceremonies and hunting but have become functional lethal with sophistication, used as weapons of criminality and instruments of the underworld.<sup>20</sup> The trend continued until it was getting uncontrollable. The government had to enact the 1959 Firearms Act to check the increasing rate of arms proliferation in Nigeria as independence was approaching. Despite this legislation, there was no comprehensive action by the government disarm the people and mob up arms in circulation, and this continued till the civil war. In fact, the civil war further worsen the proliferation of guns and illicit arms trafficking in Nigeria.

Okeke and Orji further wrote that as at 2002, the number of SALW in Nigeria was estimated between 1 and 3 million including arms in lawful possession, but the majority is in the unlawful possession of civilians, and the 80% of SALW in civilian possession were illegally acquired due to strict regulations.<sup>21</sup> Out of an estimated 640 million Small Arms and Light Weapons in circulation worldwide, 100 million are estimated to be Africa, about 30 million in sub-Saharan Africa and 8 million in West Africa alone.<sup>22</sup> The Nigerian government made efforts to curb the spread and possession of small arms and light weapons in Nigeria by establishing the National Commissions for the Control of the Proliferation and Unlawful Circulation of Light Weapons (NATCOM) for the implementation of the ECOWAS moratorium in July 2000<sup>23</sup> and by July 2001, the NATCOM publicly destroyed

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<sup>19</sup> 'Firearm Violence, Gun control and Small Arms' (note 1)

<sup>20</sup> Chuma-Okoro, H. (note 17)

<sup>21</sup> Okeke and Orji (note 14)

<sup>22</sup> *ibid*

<sup>23</sup> Aderinwale, A. "Civil Society and the Fight against the Proliferation of Small Arms and Light Weapons" in A. Ayissi and I. Sall (eds) *Combating the Proliferation of Small Arms and Light Weapons in West Africa* (Handbook for

arms and ammunition of 1,257 weapons worth 50 million Naira<sup>24</sup>. The recovered and destroyed weapons were 428 rifles, 494 imported pistols and 287 locally made pistols.<sup>25</sup> Ever since this time, the government of Nigeria have entered into bilateral cooperation with its neighbours, Benin Republic, Niger, Chad and Cameroon, and this included putting in place measures for cross-border cooperation and security at the borders.<sup>26</sup> These measures include the establishment of joint commissions like Chad-Nigeria Joint Commission, Niger-Nigeria Joint Commission, Benin-Nigeria Joint Commission, Cameroon-Nigeria Joint Commission, Lake Chad Basin Commission and joint border patrols between Nigeria and Republic of Benin.<sup>27</sup> In essence, Nigeria is yet to have an absolute control over the movement and proliferation of Small Arms and Light Weapons within the country.

## **5. GLOBAL MODELS OF SMALL ARMS CONTROL**

Matters of arms and ammunitions are of great interest to world powers like America, the Great Britain, France, Italy, Russian, China etc and these countries see it as a serious business to invest hugely in the production of arms and ammunitions in large quantities. The reason for this may not be far-fetched, there is a connection between international politics and military or security strength, in fact it is a good bargaining power on who gets what, when and how. This situation therefore makes it a little difficult to comprehensively control the movement and proliferation of arms and ammunitions even at the international scene because it becomes a sensitive issue due to the strategic importance attached to arms because of their values to their producers around the world. Small arms and light weapons play strategic roles in defence and its economy, hence

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the Training of Armed and Security Forces, Geneva: United Nations Institute of Disarmament Research (UNIDIR) 2005)

<sup>24</sup> Ocheche, S. "Cooperating with Civilians and the Security Forces in Efforts to Combat the Proliferation of Small Arms and Light Weapons" in A. Ayissi and I. Sall (eds) *Combating the Proliferation of Small Arms and Light Weapons in West Africa (Handbook for the Training of Armed and Security Forces, Geneva: United Nations Institute of Disarmament Research (UNIDIR) 2005)*

<sup>25</sup> *ibid*

<sup>26</sup> Adejo, P.Y. "Crime and Cross-Border Movement of Weapons: The Case of Nigeria" in A. Ayissi and I. Sall (eds), *Combating the Proliferation of Small Arms and Light Weapons in West Africa (Handbook for the Training of Armed and Security Forces, Geneva: United Nations Institute of Disarmament Research (UNIDIR) 2005)*

<sup>27</sup> Okeke and Orji (note 14 above)

making efforts to control it often futile. The initial focus of the international community was more on the control of nuclear weapons because of its lethality and destructive capacity, while small arms and light weapons were underrated. Unfortunately however, small arms and light weapons pose more danger and should not be underestimated, therefore the need an urgent control to avoid devastating effects on humanity globally.

The United Nations had made efforts to control the spread of conventional arms. The efforts have reflected in the United Nations Register of conventional Arms, and the Wassenaar Arrangement. The UN Register of conventional arms relates to the sales and destination of arms and really did not expressly provide for small arms. The Wassenaar Arrangement on export controls and conventional arms on the other hand, was established majorly to contribute to international security, promote transparency in arms transfers among participating states and reduce the need for states to acquire advanced weapons.<sup>28</sup> It was in 1995 that the United Nations raised the issue of small arms proliferation for the first time<sup>29</sup> and had been on the forefront of trying to control its proliferation around the world. A body of governmental experts was set up to this effect and their recommendation was for the United Nations to have an institutionalized mechanism to look into the issue of small arms proliferation. This initiative birth the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its aspects, which took place in New York in 2001.<sup>30</sup> The conference provided a rare opportunity for the UN to raise public awareness about the need to control the spread and misuse of small arms.

The United Nations had also made efforts through public awareness and campaign, to sensitise member-states on the destructive possibilities of small and light weapons if its proliferation is not checked. The United Nations specialised agency, United Nations Institute for Disarmament Research (UNIDR) has also supported governments of countries, such as Mali, Albania, Cambodia, Sierra

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<sup>28</sup> Aderinwale (note 22)

<sup>29</sup> *ibid*

<sup>30</sup> 138 governments of countries attended the programme, thereby giving the United Nations a good platform to advocate against the spread and misuse of small arms.



Leone among others; private organisations and NGOs in the campaign against illegal use and transfer of small arms around the world.<sup>31</sup> Furthermore, the United Nations has supported governments of member-states on the collection and destruction of weapons through demobilisation and re-integration of rebel groups.<sup>32</sup> This has been done in Sierra Leone, Liberia, Mali and so on, and the essence is to maintain peace through disarmament and demobilization.<sup>33</sup> It is worthy to also mention the programmes of Buy-Back and Weapons for Development (WFD).<sup>34</sup> This method involves exchanging weapons for money from members of a society, who are holding them illegally by the government to create national stability.<sup>35</sup> The challenge with this method however is, these arms still find a way of flowing back to the countries.

At the regional level, there have been efforts to likewise check the proliferation of small arms and light weapons. There was the Bamako Declaration on illicit proliferation, circulation and trafficking of small arms and light weapons in 2000; the Nairobi Protocol for the Prevention, Control and Reduction of SALWs in 2004 and ECOWAS Convention on Small Arms and light weapons, their Ammunitions and other related materials in 2006 which were all made to assist member countries to combat the proliferation of small arms and light weapons.<sup>36</sup> In the West African sub-region, the first attempt to control the proliferation of small arms and light weapons was made by the president of Mali in 1993 requesting the Secretary-General of the UN to assist Mali. The response to Mali's call for aid from the UN led to the formation of two fact-finding missions,<sup>37</sup> first for Mali and the second for the neighbouring countries surrounding Mali.<sup>38</sup> The two fact-finding missions commonly discovered that proliferation of small arms was rampant and accessible to the people, and posed a serious security threat. There was also a moratorium on importation, exportation and manufacture of light weapons that was signed by West African leaders in 1998.

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<sup>31</sup> Seth Ohene-Asare (note 13)

<sup>32</sup> *ibid*

<sup>33</sup> TELL Magazine, 2004

<sup>34</sup> The New Humanitarian, "How Best to Remove Guns from Post-Conflict Zones" available at [www.thenewhumanitarian.org](http://www.thenewhumanitarian.org) accessed 16<sup>th</sup> August, 2021

<sup>35</sup> *ibid*

<sup>36</sup> Aderinwale (note 22)

<sup>37</sup> *ibid*

<sup>38</sup> The neighbouring countries include Burkina Faso, Chad, Cote d'Ivoire, Mauritania, Niger and Senegal.

With the moratorium, it was projected that manufacturing, importation and exportation of firearms should stop for a period of three years, but this has not been effective and the reason was considered to be because of the exemption of some countries like Nigeria, and Ghana, and the absolute lack of political will required to implement the programme.

## **6. FAILED STATE THEORY AND THE NIGERIAN STATE**

The term “failed state” is often used to describe a state perceived as having failed at some of essential responsibilities of a sovereign government. Patrick stated that a failed state is one that has shattered social and political structures.<sup>39</sup> It is characterized by social, political and economic failure.<sup>40</sup> In a bid to identify a failed state, there are some characteristics to look out for, and these include:

- when a central government is so weak or ineffective that it has little practical control over much of its territory,
- non-provision of public utilities or services,
- widespread corruption and criminality;
- refugees and involuntary movement of populations,
- and sharp economic decline,
- process generally triggered and accompanied by anarchic forms of internal violence,
- collapse of state institutions, especially the police and judiciary with resulting paralysis of governance,
- breakdown of law and order,
- general banditry and chaos,
- functions of government suspended and its assets are destroyed or looted,
- experienced officials are killed or flee the country<sup>41</sup>

The above indices highlighted by Patrick are veritable tools to ascertain whether a nation is tolling the path of a failed state. Meanwhile, the best approach is to consider some of these indices, especially as it connects to proliferation of small arms and light weapons and then examine whether Nigeria still has a good standing as a state. The first parameter is when a central government is so weak or ineffective that it has little practical control over much of its

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<sup>39</sup> Stewart Patrick, “Failed States and Global Security: Empirical Questions and Policy Dilemmas” *International Studies Review* (2007) 9(4) 644-662

<sup>40</sup> *ibid*

<sup>41</sup> *ibid*

territory. Is this the situation in Nigeria? Apparently yes. Banditry attacks and abductions of citizens kept being on daily increase<sup>42</sup> and the government appears to be handicapped in curtailing the situation. Apart from thousands who had lost their lives as a result of insurgencies, especially in the Northeast of the country,<sup>43</sup> more than 1,531 people died and thousands displaced in inter-communal violence revolving around herdsmen and farming communities.<sup>44</sup> The federal government had at various times adopted different strategies to curb insecurity in the country<sup>45</sup> but almost all efforts have failed. The widespread of insecurity has made many citizens consider migration to other countries for the purpose of safety. This aligns with the point of Patrick that a failed state can be recognized by the refugees and involuntary movement of populations, meanwhile, a major cause of this is widespread insecurity in the country.

Another point to consider is the process generally triggered and accompanied by anarchic forms of internal violence. This obviously is likewise the situation in Nigeria. The proliferation of small arms and light weapons in the country has made insurgency rise beyond level of control or check, and it got worsened to the point that there is not only internal violence but outright anarchy in some parts of the country. For instance, there are reports that insurgency groups have taken over and claimed control of some villages, towns and even local governments in some northern states of the country.<sup>46</sup> There is obviously no better definition of anarchy than this. The constant clashes between farmers and herdsmen and rising of various ethnic militia and agitation groups have also deepened the incidences of internal violence in the country. Other indices of a failed state include collapse of state institutions, especially the police and

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<sup>42</sup>Amnesty International, 'Nigeria 2020' available at [www.amnesty.org/en/countries/africa/nigeria/report-nigeria/](http://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/) accessed 10<sup>th</sup> August, 2021

<sup>43</sup> Omidoyin T.J. "Application of International Humanitarian Law in Combating Domestic Terrorism in Nigeria" (2015) 6(1) Ekiti State University Law Journal 125

<sup>44</sup> Amnesty International, 'Nigeria 2020' available at [www.amnesty.org/en/countries/africa/nigeria/report-nigeria/](http://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/) accessed 10<sup>th</sup> August, 2021

<sup>45</sup> There were operations organized by the Nigerian army like operation lafia doole, operation python dance, operation crocodile smile, change of army chiefs and so on yet insecurity in the country has not subsided.

<sup>46</sup> Specific examples are Niger State, Zamfara State, Benue State etc

judiciary with resulting paralysis of governance; breakdown of law and order; and general banditry and chaos.

## **7. CONCLUSION**

This article examined failed state theory and proliferation of small arms and light weapons in Nigeria. The study evaluated the history of small arms and light weapons proliferation in Nigeria and how it makes national security very fragile and under great threat, hence it is crystal clear that there is a nexus between proliferation of illegal weapons and national security. The possession of unlicensed and unauthorized users of firearms in Nigeria therefore calls for concern because it doesn't only threaten national security but also a threat to human rights and development. Meanwhile, a country that cannot control banditry, chaos, breakdown of law and order, and insurgency reflects symptoms of a failed state.