



Proliferation of small arms and light weapon in Nigeria: Conspiracy or failure of governance?

By

¹GANDI Ahmad A., ²SULU Abdulkadir A., ³ZAMANI Andrew E (Prof), ⁴OBASA Ayodele B.,
⁵IBILOYE Oluyemi J., & ⁶ONIBIYO, Rotimi E.

^{1,2,3,5} & ⁶Department of Security and Strategic Studies, Nasarawa State University, Keffi

⁴Department of International Relation Studies, University of Jos

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Factors predicting proliferation of small arms and light weapon could be seen in country's fragile internal security, unregulated mining sites, preponderances of ungoverned space, presence of vast porous border with war impacted Sahelian countries, archaic firearms legal provisions, and presence of terror cell groups. Therefore the proliferation of small arms and light weapon is of supply meets demand. It was against this background that this study employed Failed State Theory to investigate proliferation of small arms and light weapon in Nigeria as an indicator of failure of governance or as a conspiracy? This study deconstructed failure of governance into outdated firearm legal provision and fragile internal security management. This study employs thematic research design; by reviewing publicly available archive documents. The study relies solely on secondary data. The research is conducted by examining literature concerning proliferation of small arms and light weapon. Findings from this study showed that the lack of political will by government to review the outdated 1959 Firearm Ordinance negatively influences and encourages proliferations of small arms and light weapon. Finding also revealed that inability to have a stable internal security continually magnetizes arms proliferation into the country. This study therefore recommends that Nigeria should overhaul her outdated 1959 Firearm ordinance and align with regional and international convention by establishing a functional agency to tackle arms proliferation. This study also recommends that the federal government should engage more of good governance devoid of corruption than militarisation of her internal security management.

Keywords: Arms Proliferation, Failed State Theory, 1959 Firearm Act, Internal Security Management

Introduction

A common indicator known of fragile States could be seen in their weak physical security, plethora of internal security challenges, poor management of State-held weapon, internal political dynamics, weak security architecture, preponderances of ungoverned spaces, presence of terror cell groups, porous borders, kidnapping, regional agitations, corruption and struggle for political power through illegal means, porous. All these amongst others, magnetize proliferation of Small Arms and Light Weapon (SALW). Such small arms; handguns of self-loading pistols and revolvers) and shoulder arms (rifles and carbines, sub-machine guns and light machine guns, and grenade launchers are often used in crime, especially in urban areas. Demands for SALW that exert pressure on supply could be seen from Nigeria's 1959 outdated firearm legal provision and bad governance.

*Corresponding author: **GANDI Ahmad Ahmad**

Institute of Governance and Development Studies, Nasarawa State University, Keffi, Nigeria

The apparent inability of government to provide basic amenities of life, employment, road and other infrastructures, in the vast ungoverned space in the North East turned the region into a fertile ground for terrorists and Jihadist incursion even as a replacement to a far distanced sovereign government. The prevailing sign of bad governance has also been linked with the high rate of violent crimes around Zamfara Gold mining, which has extensively queried the capabilities of government to protect the lives of properties of her citizenry, judging that proliferation could be seen negatively impacting on all the critical pillars of human security; food security to economic security to community security including health security alongside political security (Felbab-Brown, 2020).

Interestingly, the proliferation of small arms and light weapon could possibly be influenced in Nigeria by the preponderances of regional armed militias and agitators, Niger Delta Insurgency for resource control, increasing level of banditry, violent crimes, unabated waves of kidnapping, continual conflicts between sedentary farmers and pastoral herders. All these existing indicators in Nigeria point to a fertile ground for massive trading in arms proliferation. The unregulated political economy of Small Arms and Light Weapon in Ghana could also be seen aggravating arms proliferation and illegal transnational trade in West Africa and beyond (Akakpo, 2017). This illegal transnational border trade has extensively impacted on Jihadism and terrorism in the North East of Nigeria, banditry in North West Nigeria, violent crimes of armed robbery and Kidnapping in South West and Southsouth Nigeria, Secessionism and unknown gunmen in South East Nigeria and the unabated violence of farmers and herders conflict in the North Central of Nigeria.

The inability of security apparatus to secure lives and properties has led to many non-state armed actors; quasi paramilitary bodies, regional creation of Amotekun and Ebube Agu (Igwebuikwe, 2023), Vigilante, Neighbourhood watch and private security guards, all struggling to provide micro policing services. As a way of bridging the apparent security provision deficits by the government. These trend further aggravate proliferation of arms and ammunition into the system which could be traced to the noticeably spike in demand for civilian possession of firearms for self-protection. Such failure in governance led to governors of Benue, Katsina Zamfara and defence minister to variously demand that the federal government should allow citizens bear arms to protect themselves (Buhari, 2022; Ewodage, 2022).

Furthermore, Nigeria's principal law for combating illicit trafficking in SALW is the 1959 Firearms Act which regulates the possession and dealings in firearms and ammunition including muzzle-loading firearms. This aged Firearm Act has been largely criticised for being too old to signal any seriousness on the part of government to combat arms proliferation, penalties so stipulated therein are faulted to be too weak to deter crime committal neither does the penalties reflect present economic reality. The failure of

government to rise beyond usage of presidential taskforce to combat arms proliferation, further constrict involvement of needed legal provision to provide needed bite .

The establishment of Nigeria's National Centre for the Control of Small Arms and Light Weapons (NCCSALW), which replaces the defunct Presidential Committee on Small Arms and Light Weapons, yet to be seen performing since established in 2021, as the institutional mechanism for policy guidance, research and monitoring of all aspects of Small Arms and Light Weapons (SALW) in Nigeria. This is a glorified extension of the moribund Presidential taskforce as against Ghana's National Commission on Small Arms (Adekola et al., 2023). The capabilities of Ghana's blacksmith to replicate all sorts of imported AK 47 assault rifles dated century back (Yakubu, 2007), as such capabilities could be seen in all the ten regions of Ghana (Aning, 2005), even as and such craft attract illicit patronage from the entire West Africa (Aluizia, 2008). While Ghana has seen high compliance at the national level, the country has a highly developed artisanal weapon market. People make weapons in Ghana and sell them to buyers in other countries where state legitimacy has been questioned (Banini, 2023).

In order to achieve the objective of this study, the following research questions were answered

- i. How does outdated firearm legal provision influences proliferation of SALW in Nigeria?
- ii. To what extent does fragile internal security affect proliferation of SALW in Nigeria?

The paper is structured into five sections. Following this introduction, section two is concerned with literature review. Section three discussed the methodology adopted for the study; section four discussed the findings, conclusions and recommendations.

Literature Review

Conceptual Framework

Outdated Law and Legal Provisions

The 1959 Firearms Act is Nigeria's principal law for combating illicit trafficking in SALW. The law regulates the possession and dealings in firearms and ammunition including muzzle-loading firearms, and matters ancillary thereto. It further prohibits the possession and use of any firearms by any person in Nigeria, except members of the armed forces or police, unless such persons are granted licenses to possess and use the firearm. It also prohibits importation, exportation, and dealing in firearms in Nigeria except with a license granted by appropriate authorities. The Act also criminalizes the manufacture or repair of firearms without prior authorization from the appropriate State agency. The 1959 Firearm Act has been largely criticised for being too old to signal any seriousness on the part of government to combat arms

proliferation, the penalties so stipulated therein are faulted to be too weak to deter crime committal neither does the penalties reflect present economic reality.

The inability of the government to domesticate into law, the Firearm Act of both the regional and global anti proliferation instruments so as to correspond more with international best practices in controlling proliferation, further shows the poor resolve to tackle proliferation headlong. The aged long unwillingness of the country to set up a National Commission for control of small and light weapons despite being signatory to many Regional and international Conventions, further typifies the lip service of government to the issue of proliferation. On the 2nd May, 2021, Nigerian Government established the National Centre for the Control of Small Arms and Light Weapons (NCCSALW), to replace the defunct Presidential Committee on SALW and serve as the institutional mechanism for policy guidance, research and monitoring of all aspects of small arms and light weapons (SALW) in Nigeria (Adekola, 2021).

Proliferation of Small Arms and Light Weapon

The term “proliferation” encompasses the acquisition, supply and use of technology, goods, software, services or expertise, or of intellectual property. The technology, goods, software, services or expertise may have a legitimate use as well as being capable of use in proliferation it is the manufacture, acquisition, development, export, transshipment, brokering, transport, transfer, stockpiling or use of – small and light weapons, chemical, biological, radiological or Nuclear (CBRN) weapons or weapons of mass destruction (WMD); and their means of delivery and related materials (including technologies and dual use goods), in contravention of either, or both, domestic law (including anti-terrorism and export control laws); and/or international obligations. Proliferation of small arms and light weapons has been described as a lucrative venture globally due to their unique characteristics because they are compact, mobile, distinctive and concealable, also easy to move around with undetected. Largely across a larger part of Africa, there are increasing belief that the well-being and survival of the individual and the state can only be guaranteed by the possession of SALW (Nojeem, 2009).

Small Arms and Light Weapons

These are arms used by one person and which include firearms or devices such as explosives, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine; revolvers and pistols with automatic loading; rifles and carbines; machines guns; assault rifles and light machine guns. These include, but not limited to revolvers and self-loading pistols, rifles and carbines, assault rifles, submachine guns, and light machine guns. Small arms are different from light weapons in that the former can be used by only one person whereas the latter, though portable, are designed to be used by a group of

persons working together. Light weapons are bigger and deadlier than small arms and are not produced in West Africa. They are imported into the region the use of imported firearms is common among militant groups, although there is emerging evidence that some criminal gangs also use them.

Non State Armed Actors

Placing a definition of non-state armed actors (NSAA) has proven difficult due to their varying characteristics. Generally speaking, non-state armed groups are defined as distinctive organizations that are enthusiastic and capable to use violence for pursuing their objectives and are not integrated into formalized State institutions such as regular armies, police, or special forces. These attributes, thus confer on NSAA, certain degree of autonomy with regard to politics, military operations, resources, and infrastructure. They may, however be instrumentalised by state actors either secretly or openly sometimes for ideological reasons, political career, corruption, family or clan ties, clientelism, and profit (Hofmann & Schneckener, 2011). Uptick in the engagement of Private Military Security Companies, known as Mercenaries, by fragile States is also another pressure point on proliferation of Small Arms and Light Weapons as the flood of former/veteran/unemployed soldiers to the military market after the Cold War

NSAA ranges from armed rebel groups, 'freedom fighters', paramilitaries, or warlords; Paramilitaries, Civilian, militia including communal groups, regional agitators, militants for resource control, secessionist groups, and militias, civil defence forces, Criminals and criminal groups, including black market arms traders, vigilante groups and other NSAs closely associated with state agencies; Terrorists and terrorist organisations, Political parties and associated political groups, Private military companies. On the other hand, they are often the expression of social problems because they see themselves as representatives of distinct interests and may build on broad support within communities. Most of these groups also rely on corrupt elements with formalized government structure to access arms and ammunitions from the loosely controlled government stockpile as there exist no reliable databases or tracking system.

Factors Aggravating Proliferation of Small Arms and Light Weapons

Proximity of Nigeria to Conflict Zones

Proximity of Nigeria to conflict zones in West Africa region, its loose creeks in the south-south where there is access to international not to mention her porous borders with Chad in the North, Benin Republic in the West, Niger and Cameroon in the East, makes Nigeria a major destination for SALW. The proximity of war impacted nations in the Sahel has not helped Nigeria as most Sahelian countries (Mauritania, Mali, Niger, Chad and Bukina Faso) foreign terrorist fighters easily access Nigeria leveraging on both religion and culture disposition.

The Ungoverned Space

This refers both to physical territory and the non-physical space in which effective state sovereignty and control is either absent or only partial (Security agencies, judiciary etc). It exists where formal state institutions and rule of law serve little or no function. Ungoverned spaces offer multiple benefits to terrorist cells; 'safe havens' where terrorists can plan, train and indoctrinate, secure access to weapons and equipment, engage in illegal smuggling to generate income, and the benefit they can derive from the existence of staging grounds and transit zones (Foreign & Commonwealth Office, 2014).

Illicit Artisanal Gold Mining in Northwest, Nigeria

The arising blur lines between terrorism and other violent crimes could be seen in the heinous crimes that profiled terrorist cells do involved in financing terrorism. One of such is Boko Haram and ISWAPS involvement in provision of protection and transport services for illegal gold miners in Zamfara including charges of transit fees (Rufai, 2021: International Centre for Counter-Terrorism, 2020).

Growth in Kidnapping, Banditry and Crime Rate

One damaging and worrisome dimension to the proliferation of small arms in Nigeria is the growth in Kidnapping, banditry, cult clashes and other violent crimes at the helplessness of security agencies in Nigeria. One major source of such arm is through the illegal market, through the police or military officers or through those officers from peace keeping mission. The stable demands and usage of small arms only increases the intensity and sustainability of violent crimes, banditry, insurgence and terrorism. The trade in small arms in Nigeria has a significant impact on the socio-political and economic climate in Nigeria thus enhancing the culture of violence across the country.

Drug trafficking

An estimated 14.4 per cent of the Nigerian population, or 14.3 million people between the age of 15 and 64 years had used drugs, excluding alcohol and tobacco, in 2017 (Proshare, 2018). Nigeria tops the list with the highest drug trafficking and drug use in West Africa in the last 15 years, most heinous crimes perpetuation rest squarely on the use of drugs. The nexus between proliferation of arms and drugs trafficking shows deep correlation even as supposedly ideological terror cells are found involve in drug running in exchange for both guns and drugs (International Centre for Counter-Terrorism, 2020; Odo & Chukwu, 2019)

Incessant Electoral Violence

The incessant electoral violence in the country encourages the drive to amass arms against both visible and invisible opponents in bid to stay in power or to take power. The increasingly militarized nature of politics with violence as an electoral tool to stay in power has heightened armed violence, and proliferation of small arms and light weapons (Ginifer & Ismail, 2005). Most of these hired and armed groups are hardly disarmed after the electoral processes hence the illegally trafficked small arms and light weapons are easily

recycled in the perpetuation of other violent crimes. Likewise, those who felt cheated and shortchanged in the electoral process have little or no confidence in the system hence also seek to be fortified by taking possession of arms

Radicalized Religious View

The ease with which members of a radicalized religions view can recruit members as religious armed combatant, and access arms and ammunition, further makes crises spread rapidly, most especially where the religion is dominant and devoid of ethno-political dimensions. The involvement of some volunteers as foreign Terrorist Fighters, during the Afghanistan and Syria wars, from African continent was no disturbing particularly at their return back to their countries with most radicalized and of violent tendencies. This first emerged with the doctrinal shift among some Islamic leaders at the time of the Soviet invasion of Afghanistan in the 1980s, which legitimized and encouraged—and in some cases obliged—violent jihad and advanced a narrative that presented these conflicts as posing an existential threat to Islam (Hegghammer, 2010).

Empirical Review

Weak Legislation and Proliferation of Small Arms and Light Weapon

Adekola et al. (2023) empirically investigated the nexus between weak legislation and civilian acquisitions of arms to measure influence of proliferation of small arms and light weapon on terrorism in Nigeria. This study employed exploratory research design; by using content analysis of publicly available archive documents. The study relies solely on secondary data. The research is conducted by examining literature concerning arms proliferation and terrorism in Nigeria. The literature was obtained through searches in publicly available material. Literature from non-serial publications, official reports, and conferences has been included particularly if they have been cited by other references in connection with terrorism and arms proliferation. The study submitted that small and light weapons proliferations are extensively aggravated by weak legislation and the prevalence of armed non state actors in Nigeria.

Egbuta (2019) in a country specific study, thematically investigated the proliferation of small arms and light weapons in escalations as a nexus to uneven threats in Nigeria. Study adopted review of scholarly publications, literatures and news report for in-depth analysis. Findings from analysis established that nation's weak legal provision is too inadequate to battle arms proliferation except when totally overhauled. Study submitted that weak legislation has not deter proliferation of small arms and light weapons possible as armed non state actors employed both locally manufactured and imported devices to inflict havoc on the society which weakens the national security system of the country. Study was limited to both prevalence of

violent crimes and weak legislation as prediction proliferation while this study captures construct of civilian acquisitions of firearms on terrorism in Nigeria.

Malami, et al. (2018) engaged qualitative study to investigate nexus between legal contests and the proliferation of small and light weapons in Nigeria. The study empirical studies cut across legal publications and extant literature of secondary disposition. Findings from the study showed that there exists lacuna in the legal and institutional frameworks of the present Firearms Act 1959 coupled with the inability of the government to establish National Commission on SALW as a major clog in the country having a far-reaching effect in the strides against proliferation of small arms. The study, though country specific did not consider the outstripping demands by civilians for firearms which this study considers.

Ayuba and Okafor (2015) empirically explored the connection between the massive flow of small arms and light weapon and the revolutionary Arab spring and the Maghreb. Findings established that indeed small arms and light weapons within Africa countries and this extensively ignites and sustain violent conflicts within once peaceful national territorial entities. Study concluded that the need to come up with a strong judicial system to criminalise all criminality acts of gun running such that governments can no longer afford to pay lip service to fortifications of her border. The study is a cross-country study and results that emanated from it cannot be used for country specific study like Nigeria because the operational environment differs in terms of regulation, supervision and operation.

Internal Security Challenges and Proliferation of Small Arms and Light Weapon

Ehiane and Uwizeyimana (2018) thematically investigated proliferation of small arms and light weapons (SALW) in sub-Saharan Africa, with a focus on Nigeria. This study employed qualitative research design, with interviews as the primary data source complemented by secondary sources. Study submitted that the wave of proliferation of small arms and light weapons over the years across Africa has resulted in the deaths of hundreds of thousands of people each year in counties like Somalia, Kenya, and Nigeria. Study opined that SALW proliferation across Nigeria, has ravaged lives and properties. The study was a cross country studies while this study focus on Nigeria.

Abiodun et al. (2018) analysed the threats to Nigeria's internal security and the proliferation of SALW. The small arms and light weapons proliferation stands a principal source of annihilation to human lives and property and worsen inter-communal clashes, resulting to serious violence. Most of the Nigerian borders are porous, therefore, giving room for easy influx, movement and exit of arms, human trafficking and drugs. The study concludes that, the failing economy, insecurity, high rate of unemployment, poverty, failure of government to provide basic necessities of life and corruption stand as a cog in the wheel to

appreciable efforts and policies at arresting the menace in the country. It also submits that there is need for collaborative efforts at each level of governance; local, state and federal governments in Nigeria to solve the problem in addition to the imperative role of security agencies for sustenance of the nation's peace and security

Foyou et al. (2018) examined the impact of networking between emerging terrorist groups; Islamic State of the Maghrib, Boko Haram, ISWAS and Al Shabaab, driven by religious, political or economic motives, to acquire power, territory, and control over innocent populations. Study which is thematic in design submitted that Boko Haram in its attempts to impose a very radical brand of Islam on parts of Northern Cameroon, Nigeria, southern Chad, and Niger keep exploiting the fragility of the States involved to inflict carnage on the Civilian populace. The study thus call for a pivotal role of cooperation between neighboring states and external partners in the fight against terrorists groups such as Boko Haram and its splinter group. Study used data for the continent Africa while present study will focus on Nigeria.

Odock et al. (2016) deployed case study method to investigate the extent to which the proliferation of SALW had impacted on the peace and security architecture of West Africa. Study deployed comparative analysis of Liberia and Ghana as Liberia showed a steady decline in all the security and development parameters during the period of its civil war; showing that whenever there is a high index of SALW proliferation, security and development consistently declined. The study is a cross-country study honed on Liberia and Ghana and results emanated from it cannot be used for country specific study like Nigeria hence the need for the present study because the operational environment differs in terms of regulation, supervision and operation.

Theoretical Review

Failed State Theory

'State failure' and security and development challenges have been commonly linked since the creation of the concept in the 1990s. An inherent link becomes particularly evident when looking at the definition of 'state failure' by Robert, which revolves around two central aspects of the concept. States are considered failed 'when they are consumed by internal violence and cease delivering positive political goods to their inhabitants', such primary public good, is the provision of security within a territory (Rotberg, 2004).

A failed state is a term that refers to nation-states that have failed at some of its basic conditions and responsibilities as a sovereign government. In other words, a failed state is one that has feeble and flawed institutions like the police and judiciary as this invariably leads to a partial or complete breakdown of law and order, poor performance by the executive as well as the legislature in addition to the bureaucracy, and

the armed forces that must have lost their capacity and professional independence. It also suffers from crumbling infrastructures, faltering utility supplies in all sectors, deteriorating basic human-development indicators such as high infant mortality and illiteracy rates, while at the same time creating a perfect environment for corruption and negative growth rates to thrive and flourish (Rotberg, 2004).

A failed state lacks the ability to minimize internal conflict as it cannot formulate and implement public policies to provide and deliver effective services to its citizenry. It is overridden by political, social and economic failures with apparent under socioeconomic development which are predictors of being able to deliver good governance to the governed, hence such states are no longer able to provide physical security, productive economic environment and stable political system for its citizens.

These and much more have been the standard and still is the norm as witnessed in Nigeria – the wanton destruction of lives and properties by unknown gunmen or herdsmen, the inability of the police and other security agents to act proactively, the inability of security agencies to quell such situation has always been a source of worry as the high number of casualties in such situations are always alarming and above all the inability of security agents to bring suspects or those found guilty to book as has been noted overly. All and many more are present thus indicating that Nigeria is a failing state and that this theory best applies to the study.

Methodology

This study adopts qualitative research design; it tries to investigate the influence of weak legislation and non-state armed actor's acquisitions of firearms on terrorism in Nigeria. Proliferation of Small arms and light weapons is assessed with weak legislation and civilian acquisition of firearms as they relate to Proliferation of Small arms and light weapons in Nigeria. The study employed qualitative research design which relies solely on secondary data. The literature was obtained through searches in publicly available material. Literature from non-serial publications, official reports, and conferences has been included particularly if they have been cited by other references in term of Proliferation of Small arms and light weapons.

Discussion of Findings

The review of literature reveals that Nigeria's weak and outdated 1959 Firearm Ordinance, is out rightly incapable of deterring modern and globalised trends of arms proliferation neither will such weak legislation be compatible with emerging regional and international Conventions structured to combat and stem the tides of arms proliferation in the 21st century. The rational for this finding could be that most outdated Firearm legislation are too weak, hence no structured and formal agency can use such weak legislations to

meaningfully prosecute arms proliferation even as fines and charges under such weak legislations are of less deterrence. The finding is in tandem with the findings in the previous works of Adekola et al (2023), Egbuta (2019); Malami, Abdullah and Yusoff (2018); Ayuba and Okafor (2015) who found that weak Firearm legislations and absence of formal anti proliferation agencies aggravates proliferation of Small arms and Light weapons.

The result gotten from empirical literature is that the prevalence in the activities of non state armed actors is negatively aggravating proliferation of small arms and light weapons in Nigeria. This is because non state armed actors also amass arms to show strength and force with little or no regulation from formal authority. Non state armed actors demands for firearms exert pressure for more supplies of firearm into the country as could be seen by regional agitators, secessionists, armed robbers, kidnappers, sedentary farmers, pastoral herders, quasi paramilitary vigilante services, private guard companies and individual, all seeking self protection in the face of apparent abdication of duties by government and her security institutions. This finding is consistent with the findings in the previous work of Ehiane and Uwizeyimana (2018); Abiodun et al. (2018); Foyou et al. (2018); Odock et al. (2016)

Conclusion and Recommendations

This study concludes that the archaic 1959 Firearm Ordinance does not serve as deterrence to arms proliferation and the reluctance of government to set up and empower an agency against arms proliferation does not communicate seriousness to tackle the menace of arms proliferation.

The Study also conclude that clear indicator of bad governance are the plethora of internal security challenges which continually exerts pressure on demands for firearms as government could no longer be seen reliable to protect citizens lives and properties hence spike in demand for firearms by citizens.

Based on the conclusions of this study, the following recommendations are made;

- a. That Nigeria should overhaul her outdated 1959 Firearm ordinance and align with regional and international convention by establishing a functional agency to tackle arms proliferation instead of engaging Presidential Taskforce on such a matter of national urgency.
- b. That the federal government should engage more of good governance devoid of corrupt practices and an outright demilitarisation of her internal security challenges, so as to counter the narratives of terror cells groups, regional agitators and secessionist who have seriously alleged the government of no performance.

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