

ECOWAS AND THE CONTROL OF ARMS TRAFFICKING: IMPLICATION FOR REGIONAL SECURITY

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Abstract

The illicit arms conflicts rocking West African Sub-Region indicates large number of illicit arms have engulfed the Region despite their incessant unlawful use by the state and non-state actors. broad display of illicit arms to illegal actors in West African Regions create a huge threat higher than that of Covid-19 pandemic in terms of its human and social Economic effects, due to these illicit arms trafficking, the fabric of the Sub Region is drastically detourorating, swiftly drifting towards self-destruction This paper examined ECOWAS Convention and its role in the control of illicit arms in West African Region. Rational choice theory by Adams Smith formed the theoretical backing of the study. The study adopted descriptive method. Secondary sources of data were employed in this work, with the central method being library research, articles, textbooks and internet publications. Finding from the study show that there are more than one hundred million illicit arms in West African Region, which continually aggravate numerous of armed conflicts in the Sub Region, despite of the distinct efforts of ECOWAS to combat illicit arms trafficking in West Africa Sub Region. The paper further shown that ECOWAS Convention which intend to control the desterilizing and excessive build-up of illicit arms in the sub region is nothing but a fantasy as an upshot of feeble National control and absence of international cooperation on illicit arms control that led to the trafficking of these arms on illicit market. It was revealed that the utmost obstacle in resolving deliberations on gun policy in West African is inadequate data and political will among the state, thus, the paper concludes that, combating illicit arms and transfer of arms to nefarious criminals, terrorist and combatant will entail a new approach with more defined objectives by ECOWAS member states.

Keywords: ECOWAS, Trafficking, Small Arms, Light Weapons and Regional Security

Introduction

The Economic Community of West African States (ECOWAS), also known as (*CEDEAO* in French), established on 28 May 1975 as regional political and economic union of fifteen member states namely, Benin, Burkina-Faso, Cape Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Nigeria, Niger, Senegal, Sierra-Leone, and Togo located in West Africa. Considered one of the pillar regional blocs of the continent-wide African Economic Community (AEC), its objectives to promote economic integration across the region, to achieve collective self-sufficiency in creating a single large trade bloc by building a full economic and trading union (Adeyemi, 2003). ECOWAS also serves as a peacekeeping force in the region, conflict prevention and preventive measures against the illicit arms trafficking (ECOWAS Convention 2006).

West African states have witnessed broad range of conflicts in which illi arms fuel, illicit arms and weapons largely fuelled the uncontained and overlapping illicit arms violence in Sierra-Leon, Senegal, Guinea Bissau, Mali, Liberia and Nigeria at large, West African Sub Region are still struggling for survival from the crises in which illicit small arms and light weapons play a central destabilizing role (Small Arms Survey, 2013). Oxfam (2016) reveal that millions of people have being killed, immeasurable number of properties destroyed, grossly violation of human rights in facilitating illicit arms trafficking criminality, subverting, the rule of law in creating insecurity, instability and general state of fear in the sub region due to illicit arms

and weapons circulation in West Africa sub region. The encounters caused by illicit trafficking of arms and weapons in West Africa sub region cannot be quantified accurately, as many of the hazards are difficult to evaluate or value.

Arms trafficking or proliferation are the illegal trade of contraband arms and weapons, which fuel wild rage of illicit and nefarious criminal activities associated with transnational criminal organization (Kofi, 2010), study reveals that illicit arms transactions in the sub region is estimated for above \$1 billion yearly.

The harm associated with illicit arms and weapons in West African sub region affects all sphere of human society, illicit trafficking of small arms and light weapons, more of Firearms, are the key instruments used in killing, intimidate, and threaten civilian populace in West Africa .illicit arms plays a conspicuous role in many human right violation, such as, enforce disappearance, rape, torture, and the recruitment of child soldier, Security Torch Africa, (2016) illicit arms trafficking have negatively impacts and intensify intra-State arms violence in West African sub region , illegal arms and weapons are the root of violence death in West Africa sub region, as studies reveals in civil wars in Liberia and Sierra-Leon and Cote d Ivoire for nine (9) years, lift more than 75,000 persons, illicit arms played a key role in this violence crises (Ross. J. 2012) illicit arms trafficking have sponsored wide range of threats and insecurity, hindered the provision of social services, education and health, access to food and water , limiting access to Aid Delivery in West African Sub Region, 200,000 internally displaced people and more than 20,000 refugees Congolese and Sudanese, who are unable to receive international assistance due to insecurity orchestrated by arms trafficking in the region (UNHCH Spokesman Adrian Security Torch Africa, 2016), insecurity has impedes long –time socio-economic development goal, forcing people to move , leaving their business and harvest unattended, it has also diverts states budgets from key sectors of development, education, agriculture, engineering and health, majority of the violence death in the sub region are triggered by uncontrolled small arms and weapons (Security Torch Africa, 2016) , study reveal that an estimate of 1,689 – 3,713 civilians were killed in Mali by rebels and other armed groups between 2012 and 2014, in August, 2016 902 deaths were also recorded, the total number of violence deaths in current years are estimated for 50,000 fatalities in huge arsenals of uncontrolled illicit arms in West Africa sub region, increasing reports of clashes with pro-government force suggest that unarmed civilians will continue to be victim of uncontrolled arms in West African region. Oxfam (2016).

by rebels and other armed groups. And up to August in 2016, 902 deaths have been recorded. While the figures of deaths in recent years are dwarfed by the estimated 50,000 fatalities in 2011 the huge arsenals of illicit arms in the possession of non-state armed groups, and increasing reports of clashes with pro-government forces, suggests that unarmed civilians will continue to be victims of uncontrolled arms in the region Oxfam (2016). Illicit arms and Weapons significantly undermine the human rights of civilians in the areas where they are prevalent.

Beyond the numbers, killings involving illicit arms are horrific and psychologically devastating. the sub region; the lost productivity as refugees are forced to live in camps and become dependent on humanitarian aid, and the immeasurable psychological trauma they go through for instance, statistics from UNHCR show that more than 134,000 Malian refugees are in neighbouring Mauritania, Burkina Faso and Niger, and over 36,000 are internally displaced (UNHCR, 2017). In Nigeria, Northern extraction distinctively the civilian and the government forces killed by bandits, Fulani hence men and Boko Haram are enormous, as no exact number of casualty (Hiribarren, 2019). Illicit arms and Weapons were the main engine of violence in Sierra Leone, saw over 50,000 people killed, 30,000 had their limbs amputated, and 215,000–257,000 women were victims of sexual violence (Francis, 2009). They have also taken foreign oil workers hostage. Hundreds of people have been killed in the violence, which has also resulted in the displacement of thousands and the destruction of hundreds of properties (Security Touch Africa Magazine, 2016). Studies revealed that more than 50% of the weapons that proliferate in Africa are used illicitly in trafficking, armed robbery, terrorism and organized crime.

According to Africa Council for Religions Leaders (2016), illicit arms and weapons are used to carry out sex crimes. Gender-based violence is widespread in Africa, especially in conflict situations. It is estimated that about 45.6 percent of African women have experienced Gender-based violence, compared to 35 percent globally. It is estimated that most African women and girls will experience a form of Gender-based violence in their lifetime. In Mali, data from a 2014 USAID Fact Sheet shows 38 percent of women aged 15 and above have experienced physical violence, while more than 10 percent of women between 15 and 49 years have been sexually assaulted (ENCA 2013). The UN also recorded 90% allegations of conflict related sexual violence, 69 rapes and 21 sexual assaults in the region. In conflict situations, Gender-based violence is generally associated with armed groups and combatants who use arms and weapons to humiliate, intimidate, displace and traumatize individuals and communities. The presence of small arms creates an atmosphere of fear that affects the resumption of normal economic activity and everyday life. It prevents people from conducting business, leading to reduced trade and foreign investment; in Mali, a 35-year-old woman fled Timbuktu with her husband and four children, leaving her elderly parents and other relatives behind when Islamists took control of the ancient city. The imposition of Sharia law and its strict interpretation resulted in the destruction of many of the city's historical sites and cultural heritage. Punishments meted out by armed Islamists for disobedience included flogging, amputation and execution (Oxfam, 2016).

In 2016, the West Africa Action Network on Arms control estimated that 8 million arms and weapons were transiting through the sub-region. A 2013 report by the United Nations Office on Drugs and Crime (UNODC) put the annual cost of drugs trafficked through West Africa at \$1.25bn. (UNODC 2013) The cost of piracy in the Gulf of Guinea and Somali coast to the global economy in 2015 was \$719m and \$1.32bn, respectively (Mungai 2016). Further studies show that illicit trafficking of arms is worth \$1 billion annually is more than the amount of cocaine and terrorism, which is estimated to worth between \$170 million and \$320 million (Eduardo & Diana, 2018: p. 6). The foreign weapons trafficking pattern usually goes from the developed countries that manufactures and sell arms to buyers in developing nations, especially in West African Region where there is high demand for arms and weapons due to instability, civic and domestic conflicts, small wars , insurgency and terrorism.

The flow of arms plays a crucial role in the activities of organized crime networks across Africa; they are either the object of illicit trafficking and/or used to protect the infrastructures used for criminal activities. There is a convergence of organized crime, illicit arms availability and armed conflict, including violent extremism, in places such as the Sahel, Libya and Somalia. Pirates use illicit arms in the Horn of Africa and the Gulf of Guinea region to attack and seize ships and to kidnap crews for ransom. Nigerians account for 75% crime in the gulf of guinea (Tribune May, 2021) Similarly, South American drugs heading for Europe are trafficked through West Africa and the Sahel, and illicit arms are used to protect the trafficking routes. A 2013 report by the United Nations Office on Drugs and Crime (UNODC) put the annual cost of drugs trafficked through West Africa at \$1.25bn. The cost of piracy in the Gulf of Guinea and Somali coast to the global economy in 2015 was \$719m and \$1.32bn, respectively The growth and activities of religious groups that espouse radical extremist ideologies have contributed to the spread and use of illicit arms in Africa. The existence and possession of illicit arms by violent extremist groups have negatively impacted security in West Africa.

Trafficking illicit arms is a requisite element in the identity of violent, extremist group appears deadlier as their access to arms and weapons increases. For instance, Al-Shabaab, radical Tuareg militias and Al-Qaeda in the Islamic Maghreb (AQIM) in northern Mali have initiated and sustained armed insurgencies because of their access to and the use of arms and weapons. Islamist militancy has garnered the most attention as a consequence of the violent attacks of Al-

Qaeda in the Islamic Maghreb, Al-Shabaab, Boko Haram and other similar groups operating across Africa. According to UN chronicle, based on UNDP estimates, 24,771 people were killed and 5,507 wounded between 2011 and 2015, (Samuel, P. 2015) with most of the fatalities recorded.

However, the fight against trafficking of arms and weapons is a key priority on West Africa's peace and security agenda. Stopping the illegal circulation and trafficking of arms and weapons is such an important objective that the Economic Community of West African States (ECOWAS) stand for. The mechanism for conflict prevention, management, resolution, peacekeeping and security devotes under article (article 51) specifically established for Preventive Measures against the Illegal Circulation of Arms (ECOWAS Convention, 2006). This says that ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of arms in the sub region (Anatole and Ibrahim, 2005). The growing awareness of the interconnectedness of the threats to security and of the need for a holistic approach to building security has also led to the adoption of key instruments at the sub-regional level in the fields of prevention of conflict, human trafficking and drug trafficking.

Of course, arms violence is not only confined to zones of formal armed conflict. Its fatal consequences can be traced to other contexts where demographics, social customs, unemployment, and varying levels of development explain motivations for arms misuse in interpersonal violence, gang warfare, and organized crime (Small Arms Survey, 2013). Alarming, the estimated global fatalities resulting from the use of firearms, over two-thirds are attributed to criminal activities and violence in non-conflict settings Keith, (2007). Additionally, the adverse effects of arms are not limited to physical injury and fatality; displacement of human, belligerence and the socioeconomic costs of arms and weapons violence are also high. These costs include medical expenses, nonmedical costs (i.e., policing and post conflict reconstruction), and the loss of productivity and private investment. According to a study by the Inter-American Development Bank and UN Institute for Disarmament Research, the direct and indirect costs of violence in West Africa, for instance, amount to 14.2 percent of the region's aggregate gross domestic product per year (UNIDR, 2006).

However, in response to these challenges, ECOWAS policy on tracing of illicit Small Arms and light Weapons is a key mechanism for national and regional efforts to prevent, combat and eradicate illicit circulation, and trafficking of arms. The ECOWAS Commission is committed to strengthening the ability of its Member States to cooperate in identifying and tracing illicit arms in a timely and reliable manner. Though, the ECOWAS policy has been faced with the problem of implementation and international cooperation. It rapidly became clear in 2013 that there was substantial confusion about the terms of the Moratorium. In several ECOWAS countries, the military and the arms transfer licensing authorities were apparently unaware that their government had declared the Moratorium. A recent studies on small arms and light weapons indicates that underpinning these trafficking were bad governance, high levels of poverty, struggle for scarce resources, and the competition for economic and/or political power among the elites, oil theft, money laundering, corruption, exploitation, terrorism, militancy, ethno-religious violence, scrambling for resource control, and other premeditated violence (Ibrahim, 2015: p. 5; Small Arms Survey, 2015; Onuoha, 2013; Osimen and Akintunde, 2015).

Scholars like Ayoba, (2015), Oxfam (2016) and Nelson, (2018) have written much on Ecowas and the control of arms in Africa, none of them had looked at the implication efforts of ECOWAS in the control of arms in Africa on regional security, a lacunna which this study aims to fill. Therefore, the problem for this paper is to identify the fundamental problems associated with illicit arms trafficking to their magnitude, modes of acquisition, consequences and challenges with

emphases on the role of ECOWAS in terming illicit arms trafficking in the sub region. Why some of the previous attempts to address the menace failed.

Objectives of the study

This study is to examine ECOWAS and the control of arms trafficking implications for regional security. To fill the gap in knowledge the study aims to achieve the following objectives:

- i. To examine the pattern of of illicit arms procurement in African Region
- ii. To examine the impacts of illicit arms and weapons in Africa
- iii. To examine the significant efforts by ECOWAS to combat arms trafficking
- iv. What strategy is needed to achieve these renovations

Literature Review

Review of Related Literature in this study is run around the following headlines: Conceptualization of terms, the fundamental problems associated with small arms and light weapons, from misconceptions, to their magnitude, modes of acquisition, consequences and challenges with emphases on the role of ECOWAS in controlling arms trafficking in the sub region.

Conceptualization of Terms

1. Small Arms and Light Weapons

Small arms proliferation is a related term used to describe the growth in both the authorized and the illicit markets. Users of the term have notably included Kofi Annan an ex-Secretary-General of the UN. The small arms market includes legal and illegal transfers (Kofi, 2010). Legal transfers are generally defined as those approved by the involved governments and in accord with national and international law. Black market (illegal) transfers clearly violate either national or international law and take place without official government authorization.

What are small arms and light weapons? ECOWAS Convention definition: refare “Small arms” as arms used by one person, and which include firearms and other destructive arms or devices such as exploding bombs, incendiary bombs or gas bombs, grenades, rocket launchers, missiles, missile systems or landmines; revolvers and pistols with automatic loading; rifles and carbines; machine guns; assault rifles; and light machine guns.

Light weapons are portable arms designed to be used by several persons working together in a team, and which include heavy machine guns, portable grenade launchers, mobile or mounted portable anti-aircraft cannons; portable anti-tank cannons, non-recoil guns; portable anti-tank missile launchers or rocket launchers; portable anti-aircraft missile launchers; and mortars with a calibre of less than 100 millimetres

2. Arms Trafficking and Smuggling:

Weapons are circulating at all levels from the smuggling of individual weapons to large shipments. Article 2 of the draft International Firearms Protocol defines illicit firearms trafficking as: “the importing, exporting, acquisition, sale, delivery and movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State party without the authorization of or in violation of the legislation or regulations of any one of the State parties concerned” (Owen, 2000).

As opposed to other organised crime goods, the illicit trade in small arms and weapons is more closely associated with exercising influence in society rather than making economic profits arms trafficking trade is estimated to be worth more than \$1 billion annually (Eduardo & Diana, 2018).

1. Regional Security:

Security that is provided by cooperation of the states belonging to the certain region, it further straiten the Regional integration creates a common economic, social, and political space, which is based on interstate dialogue. A common integration space forms the territory of security, since the

security sphere is not only to solve specific tasks, but also to create permanent instruments for preventing various risks (Natalia, 2020).

2. Insecurity

Insecurity can be described as a breach of peace and security, which weather historical, religious, racial, and geographical. Civil, social, economic or politically, that contributes to the recurring conflicts and leads to indiscriminate destruction of lives and properties (Aina, 2020). Insecurity is characterised as a situation in which human and national security is jeopardised by external and internal powers that pose a danger to human lives and properties.

Pattern of illicit arms procurement in West Africa Sub Region

Diversion from state stockpiles: The diversion of legally acquired arms by African countries is a common source of uncontrolled and illicit arms. This can occur in several forms, including the illegal sale of official arms by corrupt officials to non-state actors. PM News (2016), for example, some Nigerian soldiers were arrested in February 2016 for illegally selling arms to Boko Haram members. The diversion of state arms stockpiles is also facilitated by the poor welfare conditions of uniformed personnel, weak governance and lack of oversight over arms procurement and accountability of weapons stockpiles. Soldiers in most African countries are underpaid, and their salaries are often delayed for several months. This has reportedly led to riots, sexual violence, looting and involvement in corrupt practices, as has been reported in the DRC, Burkina Faso, Mali, and Guinea.

Black markets and illicit trading: The number of conflicts in Africa illustrates the thriving scope of the illicit arms trade in the continent. Locally-made arms and diverted stocks are traded in parallel arms markets. In 2013, Cameroonian security forces arrested a man who was transporting 655 guns to Nigeria, and another 5,400 AK-47 rifles were intercepted in Maroua, in the northern region of Cameroon (Oxfam, 2016). Based on the Small Arms Survey assessment of Libya, illicit arms such as heavy machine guns, shoulder-fired recoilless weapons, rocket launchers, anti-tank guided missiles, man-portable air defence systems, grenade launchers, and different types of rifles can be bought online (Small Arms Survey, 2016).

Local arms production: Nwaiwu (2015) revealed that in the 1970s and early 1980s, local arms production did not receive enough attention in Africa. Arms manufactured locally were mostly used for hunting and for traditional rites. However, the rise in the use of firearms for violent crime suggests that locally produced arms have become a sound and cheap alternative to imported weapons. Several unauthorized local arms producers exist across Africa, and the limited regulation of their activities contributes to the ready availability of illicit arms. In Ghana for instance, as of 2005, local gunsmiths have the capacity to produce over 200,000 weapons annually, including pistols, single and double barrel guns, traditional dane guns, and pump-action shotguns. Over 60 percent of illegal arms in southeast Nigeria are locally made (Nwaiwu, 2015). In Mali, locally made weapons are widespread, and are used to commit crimes. This led to the enactment of law to regulate the manufacture, use and trade in locally made weapons, and the promulgation of decree for the enforcement of the law.

Exogenous factors of illicit arms procurement in Africa.

European Illicit Gun Runners: Since 1996, countries throughout Europe have taken notice of arms trafficking. Europe has been an overall large exporter of illicit weapons with the United Kingdom, Germany, and France in the national lead for the most exports. In the view of Arsovska (2014), the firearms that are reportedly imported and passed around are commonly small arms and lighter weapons compared to large machinery, such as tanks and aircraft. Greenin, European gun runners tends to supply second hand weapons that are cheap and regularly available. A rare exception was with the secretive arms dealers supplying the rebel Sudan People's Liberation Movement-in-Opposition (SPLM-IO) led by Riek Machar the majority of the gunrunners appeared to be European (Martell, 2019). The Franco-Polish arms dealer Pierre Dadak who was arrested on 14

July 2016 at his villa in Ibiza on charges of gunrunning into South Sudan (Martell, 2019). At his villa, the Spanish National Police Corps allege that they found documents showing he was negotiating to sell Machar 40, 000 AK-47 assault rifles, 30, 000 PKM machine guns and 200, 000 boxes of ammunition and other aspect of exchange of crude oil, diamond for arms. Security Touch Africa (2016)

Further interception and seizure of 661 pump action rifles allegedly imported illegally into Nigeria from China, confirmed in a press briefing by the controller general of the Nigeria custom service (January 31, 2017)

Why illicit Arms traffickers choose Africa

Kimberly Thachuk and Karen Saunders argue that arms trafficking are no different from any other illegal business in their work *Under the Radar: Airborne Arms Trafficking Operations in Africa*. Illicit arms traffickers first need a headquarters, or somewhere to base their operations. A headquarters needs several aspects to make it an ideal place to traffic weapons. First, the headquarters should have appropriate infrastructure. For illicit weapons trafficking this would include a landing strip for both importation and exportation. Additionally, warehouses are needed to “store product awaiting delivery.” Once the product has arrived and been stored it needs to be delivered to the customer, the headquarters should be in somewhat of a central location near each customer. Moreso, the primary reason traffickers choose Africa, it has multitudes of unoccupied land that can be used by traffickers. (Thachuk, 2014).

Thachuk (2014) further asserted that physical space is important but the rules and regulations of said space are also relevant. Traffickers look for places with corrupt, supply side, corrupt officials that can either be bribed, or blackmailed. This allows the trafficker to “circumvent the regulatory and oversight systems” put in place by the government. Furthermore, a “lax financial system” is key so the large amounts of money moved by the trafficker are not seen as suspicious, a stable, and highly centralized government is important, he point out that 10 different African countries have leaders that have been in power for more than 20 years, which they argue meets the criteria a highly centralized and stable government (Thachuk, 2014)

Arms trafficking and Smuggling Routes in Africa: Weapons are circulating at all levels from the smuggling of individual weapons to large shipments. Small Arms Survey(2016), trafficking consists of higher value or more difficult illicit shipments of arms that often involve corrupt officials, brokers or middle-men‘ motivated mainly by profit. These often use well-established networks and channels also employed for smuggling other illicit goods. Recent research assessing the border threat, noted the patterns of arrival and circulation of small arms within the Mano River Union (Guinea, Liberia and Sierra Leone). Communities interviewed disclosed that during the civil wars in Liberia and Sierra Leone, illicit trade in small arms and light weapons, particularly AK- 47s, RPGs, FM light machine guns, M16 rifles, two-barrel Berettas, pistols, bazookas and mortars, increased along the Koinadugu Kailahun axis of Sierra Leone. Some of these arms and ammunition are still being trafficked into Sierra Leone from Guinea and Liberia Nigerian illicit arms trafficking route were linked to Libya . (Samuel, Premium Times, 2018).

The assessment report identified the Guinea Forest and the Parrot Beak regions as the most prominent routes for trafficking arms within the Mano River Basin. The borders between West Africa’s states are long and full of footpaths, which are poorly patrolled study reveal that More than 150 illegal crossing points were identified to and from Sierra Leone and Guinea and Liberia. Over 85% of crossing points were covered by fewer than 11% of the customs, immigration and security officials identified. The Sierra Leone Border Threat Assessment Report established that smuggling of illicit arms can be a real threat to stability in the Mano River Basin (Taylor, 2006) in Liberia, the government of Guinea imported mortar rounds and other ammunition from Iran. These were declared on cargo documents as detergentl and technical equipment. From Guinea, the weapons were forwarded to allied rebels inside Liberia who had just launched two

offences on the capital, Monrovia. The rebels of Liberians United for Reconciliation and Democracy used these weapons to fire indiscriminately on civilian areas of Monrovia.

Effects and Threats of Illicit Arms and Weapons to Regional Security in West Africa

Security is a major human need; it is paramount so much that absence of it will render people ineffective in spheres of life. Abraham Maslow in his classical work on human needs ranked safety/security as second (next to physiological needs) in the hierarchy of human needs. Traditionally, security of lives and property is the exclusive preserve of the state but the dynamics of the world today has clearly revealed that security is the responsibility of all (Abolurin, 2012: p. 14). However, there seems to be synergy amongst scholars as to what internal security is all about; Hare (1973) views it as the confrontations of threats to peace in the society while Ray (1987: p. 23) sees it as the desire and capacity for self-defence. Similarly, Brennan (1961: p. 11) accepts that national security as the protection of national survival while in a more elaborate manner. Subrahmanyam (1973: p. 2) sees national security as protecting the national integrity of the state and defending the essential values that constitute national identity.

Illicit arms trafficking have escalated the intensity and impacts intra-state armed conflicts in West Africa. They are responsible for the majority of direct conflict deaths in West Africa as evident in the civil wars in Côte d'Ivoire, Liberia and Sierra Leone, and play a central role in the many thousands of indirect conflict deaths caused by loss of access to health services, forced displacement. Africa Council for Religions Leaders (2006), Small arms and light weapons are the primary tools of violence, causing deaths and injuring thousands of people, among the innocent civilians (Frankonero, 2008). It has promoted widespread of insecurity and hamper the provision of social services such as in the areas of health and education, and access to food and water in the sub region. Insecurity impedes long-term socio-economic development by forcing people to move, leaving their harvests and businesses unattended. It has also diverts public spending away from key sectors of development such as health, agriculture, engineering and education in the sub region. Most deaths recorded in conflict and security-challenged environments in the continent are caused by illicit arms. For example, an estimated 1,689 to 3,713 were killed between 2012 and 2014 in Mali alone. Most of these deaths were civilians killed by rebels and other armed groups. And up to August in 2016, 902 deaths have been recorded. While the figures of deaths in recent years are dwarfed by the estimated 50,000 fatalities in 2011 the huge arsenals of uncontrolled arms in the possession of non-state armed groups, and increasing reports of clashes with pro-government forces, suggests that unarmed civilians will continue to be victims of uncontrolled arms in the region (Oxfam, 2016). Illicit arms significantly undermine the human rights of civilians in the areas where they are prevalent.

Outside the numbers, killings involving illicit arms are horrific and psychologically devastating to victims and their relatives. For example, Seydou, 34 years old, lost his parents to heavily armed bandits who shot them and looted their home in northern Mali. The plight of refugees must be taken into account in the sub region; the lost productivity as refugees are forced to live in camps and become dependent on humanitarian aid, and the immeasurable psychological trauma they go through for instance, statistics from UNHCR show that more than 134,000 Malian refugees are in neighbouring Mauritania, Burkina Faso and Niger, and over 36,000 are internally displaced (UNHCR, 2017). Francis (2009) asserts that the civil war in Sierra Leone for instance, where illicit arms were the main engine of violence, saw over 50,000 people killed, 30,000 had their limbs amputated, and 215,000–257,000 women were victims of sexual violence. During conflict, the structures of illicit arms circulation have integrated into economic structures. Illicit arms have an economic value to the fighters that receive them; they enable combatants to engage in predatory violence against civilian populations, stealing goods to sell on the local black market, which is the easily accessible illicit medium of transaction, for personal sustenance and enrichment.

In some sub-regional conflicts, such bottom-up war economies have generated a degree of informal cooperation between the combatants of governments and insurgent forces that has sometimes included the trading of illicit arms. Thus in Sierra Leone, in a new form of cooperative predation, government forces would withdraw from a town, leaving illicit arms behind.

The RUF rebels would take control, collect the arms, and extract cash from the civilian population before retreating. Government forces would then reoccupy the town, looting property that the rebels found more difficult to sell, and engage in illegal mining. Arms and weapons have been called weapons of mass destruction in West Africa with good reason. The availability of illicit arms in West Africa has long term and widespread pernicious effects. Even when conflicts have been officially terminated, small arms have remained, illicitly, in the post-conflict zones of Liberia, Mali, Niger, Senegal and Sierra Leone, making it easy for fighting to recommence. Even when further combat is avoided, the easy availability of small arms means that they have become common tools of violence, used in criminal activities and ethnic and political rivalries. Armed combatants may become affiliated with local gangs, warlords or militias. This enduring climate of violence has often resulted in refugees and displaced persons fearing to return home after a conflict have ended. The insidious nature and impact of these weapons affects all aspects of society. the primary tools used to kill, threaten and intimidate civilian populations in West Africa. Small arms play a significant role in many abuses, including rape, enforced disappearances, torture, forced displacement and enforced recruitment of child soldiers. When crimes have been committed with machetes, the victims were often initially rounded up with illicit arms. Heavily armed individuals create an environment in which atrocities can be committed at will and with impunity. Even small numbers of small arms confer great power on those that bear them. It is estimated that more than 50% of the weapons that proliferate in Africa are used illicitly in trafficking, armed robbery, terrorism and organized crime (UNHCR, 2017).

The impact of illicit arms on economic well-being and national development in West Africa is of vast significance (Francis, 2009). Most victims of small arms violence in West Africa are young men, who have the highest earning potential. Non-fatal injuries, which are far more numerous than deaths, involve both costs to productivity and the expenses of health care. These costs must in most cases be met by individuals, households and their communities. Women's burden of income generation and care giving has increased substantially with the death or injury of so many men. Illicit arms have also placed women and girls at increased risk of severe injury or death. Levels of abuse and domestic violence have increased in post-conflict West African societies, as ex-combatants return home with arms, and these small arms are used to carry out sex crimes. Gender-based violence is widespread in Africa, especially in conflict situations. It is estimated that about 45.6 percent of African women have experienced Gender-based violence, compared to 35 percent globally. It is estimated that most African women and girls will experience a form of Gender-based violence in their lifetime. In Mali, data from a 2014 USAID Fact Sheet shows 38 percent of women aged 15 and above have experienced physical violence, while more than 10 percent of women between 15 and 49 years have been sexually assaulted (ENCA, 2013).

The UN also recorded 90% allegations of conflict related sexual violence, 69 rapes and 21 sexual assaults in the region. In conflict situations, Gender-based violence is generally associated with armed groups and combatants, who use illicit arms to humiliate, intimidate, displace and traumatize individuals and communities. The presence of small arms creates an atmosphere of fear that affects the resumption of normal economic activity and everyday life. It prevents people from conducting business, leading to reduced trade and foreign investment; small arms violence, be it crime- or conflict-related, has had a particularly significant impact on tourism in West Africa. It also affects public services; the proliferation of small arms within the sub-region has inhibited access to basic services and key infrastructure, such as health clinics, schools and markets. There

is a strong correlation between arms violence and deteriorating public services in the sub region. Government services and aid programmes have to be curtailed or withdrawn because of insecurity. Levels of school enrolment and literacy have declined, as have immunizations, while child and maternal mortality have increased. Over time, this has represented a huge cumulative loss in productivity and wealth. (Oxfam, 2016).

Finally other effects of Arms trafficking identified from relevant literatures includes:

- ❖ Weakening government ability to function.
- ❖ Hampering peace and provoking humanitarian disaster
- ❖ Threatening civil aviation
- ❖ Lead to detrimental long-term societal changes
- ❖ Facilitation of the production of craft weapons
- ❖ Undermining development

Table 1: Countries with on-going conflicts or incidences of insecurity in Africa

S/N	Country	Violence crime and death rate	Sources
1	Benin	Interreligious violence nomadic herders people and sub-sifting farmers led to loss of lives	Benin crime safety report 2020
2.	Burkina Faso	Gun killed hundreds in jihadist attack	The Week Magazine, 2021
3	Cameron	In 2020 over 21 civilians in Cameroon lost their lives in gun violence	World Report 2021 Cameroonain
4	Guinea	46 people killed in gun violence	African News (Jerry, 2020)
5	Guinea Bissau	In 2020 more than 200 civilians lost their lives in gun violence in Guinea Bissau	World Data Africa Guinea Bissua
6	Mali	Islamic armed group in central Mali killed hundreds of civilians in 2019	Atrocities in central Mali
7	Niger	In 2021 January over 100 people killed by Jihadists	BBC news January, 2021
8	Nigeria	Over hundreds of people have been killed in 7 TH - 8 TH June, 2021 in North, West and South Region by herders, Boko Haram and ESN.	Nigeria Media for (7 th and 8 June 2021)

Source: Various News Reports

The above table is justification to trafficking of arms and weapons which led to intensification of violence in West Africa

Theoretical Framework

This theory was anchored on the tenets of the Rational Choice Theory propounded by Adams Smith in 1776. The basic premise of rational choice theory is that the decisions made by individual actors will collectively produce aggregate social behaviour. The theory also assumes that individuals have preferences available choice alternatives. These preferences are assumed to be complete and transitive. Completeness refers to the individual being able to say which of the options they prefer (i.e. individual prefers A over B, B over A or are indifferent to both). Alternatively, transitivity is where the individual weakly prefers option A over B and weakly prefers option B over C, leading to the conclusion that the individual weakly prefers A over C.

The rational agent will then perform their own cost-benefit analysis using a variety of criterion to perform their self-determined best choice of action.

One version of rationality is instrumental rationality, which involves achieving a goal using the most cost effective method without reflecting on the worthiness of that goal. Duncan Snidal emphasises that the goals are not restricted to self-regarding, selfish, or material interests. They also include other-regarding, altruistic, as well as normative or ideational goals (Duncan, 2013).

Rational choice theory does not claim to describe the choice process, but rather it helps predict the outcome and pattern of choice. It is consequently assumed that the individual is self-interested or being homo economics. Here, the individual comes to a decision that maximizes personal advantage by balancing costs and benefits (Milton, 1953). Proponents of such models, particularly those associated with the Chicago school of economics, do not claim that a model's assumptions are an accurate description of reality, only that they help formulate clear and falsifiable hypotheses. In this view, the only way to judge the success of a hypothesis is empirical tests (Milton, 1953). To use an example from Milton Friedman, if a theory that says that the behaviour of the leaves of a tree is explained by their rationality passes the empirical test, it is seen as successful.

Without explicitly dictating the goal or preferences of the individual, it may be impossible to empirically test or invalidate the rationality assumption. However, the predictions made by a specific version of the theory are testable. In recent years, the most prevalent version of rational choice theory, expected utility theory, has been challenged by the experimental results of behavioural economics. Economists are learning from other fields, such as psychology, and are enriching their theories of choice in order to get a more accurate view of human decision-making. For example, the behavioural economist and experimental psychologist Daniel Kahneman won the Nobel Memorial Prize in Economic Sciences in 2002 for his work in this field.

Rational choice theory has proposed that there are two outcomes of two choices regarding human action. Firstly, the feasible region will be chosen within all the possible and related action. Second, after the preferred option has been chosen, the feasible region that has been selected was picked based on restriction of financial, legal, social, physical or emotional restrictions that the agent is facing. After that, a choice will be made based on the preference order (De Jonge, 2012)

The concept of rationality used in rational choice theory is different from the colloquial and most philosophical use of the word. In this sense, "rational" behaviour can refer to "sensible", "predictable", or "in a thoughtful, clear-headed manner." Rational choice theory uses a much more narrow definition of rationality. At its most basic level, behaviour is rational if it is goal-oriented, reflective (evaluative), and consistent (across time and different choice situations). This contrasts with behaviour that is random, impulsive, conditioned, or adopted by (un-evaluative) imitation.

Early neoclassical economists writing about rational choice, including William Stanley Jevons, assumed that agents make consumption choices so as to maximize their happiness, or utility. Contemporary theory bases rational choice on a set of choice axioms that need to be satisfied, and typically does not specify where the goal (preferences, desires) comes from. It mandates just a consistent ranking of the alternatives. Individuals choose the best action according to their personal preferences and the constraints facing them. E.g., there is nothing irrational in preferring fish to meet the first time, but there is something irrational in preferring fish to meat in one instant and preferring meat to fish in another, without anything else having changed.

Methodology

The descriptive method is adopted in this study with the central method of data collection being library research. Data collected from various secondary sources such as articles in journals,

textbooks and internet publications among others.

The significant efforts by the ECOWAS to combat the proliferation of small arms ECOWAS member states consider the proliferation of small arms and light weapons to constitute a major threat to peace and stability within ECOWAS member states. Therefore, what measures have ECOWAS member states taken to counter the proliferation of small arms and light weapons in the sub region? Over the years, ECOWAS has made significant efforts to combat the proliferation of illicit arms in the sub region. Of all the sub-regional initiatives, ECOWAS has made the most dramatic strides toward curbing the illicit trade in small arms, with its unprecedented moratorium on the import or manufacture of small arms in the region. In June 2006, the ECOWAS secretariat approved a legally binding version of the moratorium after the West Africa Action Network on Small Arms, a regional nongovernmental organization assisted by the aid agency Oxfam, succeeded in developing acceptable treaty language (Stohl & Myescough, 2007). The moratorium finally put into law among the ECOWAS countries began as an initiative by Mali in 1993. The aim of the moratorium has been widely applauded as it challenges the main aspects of the Illicit Arms trafficking that makes it difficult to stop. It calls for harmonized national controls among member states, supporting training programs for military, police, and security forces, enhanced border controls, stockpile management, and facilitating dialogue with arms supplier countries. As a result, the moratorium is seen as a plausible and effective means to end the trafficking of Illicit arms (Frankonero, 2008). In few of the conventions, ECOWAS member states agreed to control, regulate and/or prohibit the transfer, manufacture and possession of small arms and light weapons. They also agree to take measures to promote transparency; cooperation and exchange of information among member states. They are deeply concerned about the flow of small arms and light weapons into West Africa and recognize the need to control arms transfers and to prevent, combat and eradicate the illicit manufacture, excessive accumulation, trafficking, detention and use of small arms and light weapons. In light of this, and recognizing the principles and obligations contained in previous agreements, member states agree to the articles contained in this convention.

The objective that ECOWAS has set for itself presupposes both upstream and downstream intervention, from the production and delivery of arms to their final use, from the international manufacturers to local owners and users. These, then, are the general principles set out in the Treaty of ECOWAS and in the 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. Efforts to combat the proliferation of small arms are included among them, alongside the Community's other concerns. Provisions that deal exclusively with this problem, and that follow on from these two general instruments, can be found in other ECOWAS legal instruments, namely

- ❖ The Moratorium on the Importation, Exportation and Manufacture of Light Weapons in ECOWAS member states (referred to as simply the Moratorium), adopted on 31 October 1998;
- ❖ The plan of action for implementation of the Programme for Coordination and Assistance for Security and Development in Africa (PCASED), adopted in 1998;
- ❖ The code of conduct for the implementation of the Moratorium, adopted on 10 December 1999.

In further to deal with illicit arms in the sub region, ECOWAS advocate the establishment of a database and regional arms register; the ECOWAS aim here, particularly through the register (Cheikh, 2005), is to introduce a sort of identity card for weapons, by identifying them with a number in order to make them easier to trace, either when they are taken from one country to another or when they are sold or borrowed (Cheikh, 2005).

Majorly, the question of small arms is dealt with in particular in articles 50 and 51 of the Protocol relating to the Mechanism. Article 50, on Control of trafficking of small arms provides as follows:

While taking into account the legitimate national defence and security

needs, and those of international peacekeeping operations, ECOWAS shall establish effective measures to: (a) Control the importation, exportation and manufacture of small arms and eradicate the illegal flow of such arms; (b) Register and control the movement and use of legitimate arms stocks; (c) Detect, collect and destroy all illicit weapons; (d) Encourage member States to collect and destroy all surplus weapons” (ECOWAS Convention, 2006).

Article 51, on Preventive measures against the illegal circulation of small arms, provides as follows:

“ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of small arms. These measures shall include:

- a) developing a culture of peace; (b) training for military, security and police forces; (c) enhancing weapons control at border posts; (d) establishment of a database and regional arms register; (e) collection and destruction of [surplus and] illegal weapons; (f) facilitating dialogue with producers and suppliers; (g) reviewing and harmonizing national legislation and administrative procedures; (h) mobilizing resources (ECOWAS Convention, 2006).

In an attempt to limit the number of weapons in circulation; according to ECOWAS Protocol, there are legitimate weapons and illicit weapons. The latter category refers to those that are manufactured or acquired unlawfully and are not needed for the legitimate purposes of national defence, and that lend themselves to unregulated proliferation and illicit circulation. The same ideas apply to surplus weapons (Cheikh, 2005). In addition, initiation of a dialogue or partnership with arms manufacturers or suppliers; this idea is to stem the flow of illicit weapons; such partnerships are not of course intended to close down the arms trade, but simply to introduce, through cooperation, a little more transparency in the sale and movement of arms.

The political will to control small arms and light weapons within the territory of ECOWAS has been forcefully expressed on many occasions by the Heads of State and Government, as shown by the various aforementioned political and legal decisions that have been adopted. The major challenge remains translating this will into practical action, which primary responsibility for which now lies, as in many areas of community policy, with the ECOWAS Commission, which has replaced the Executive Secretariat (Cyriaque, 2008).

Conclusion

ECOWAS, as a sub-regional organization, does not currently have all the material resources to control the circulation of small arms within the member states. This is why, with a view to boosting the credibility of its objectives, the Protocol provides for the establishment of national commissions to implement and promote all these measures and to coordinate them with measures taken at the national level. These commissions are established by the Authority of Heads of State and Government in a decision adopted at the same time as the Protocol. They are described as national commissions to combat the trafficking and illicit circulation of small arms and consist of representatives of the ministries responsible for defence, the interior, security, justice, foreign affairs and civil society. Their role is to submit to the authorities all relevant proposals for combating the trafficking of small arms, undertake awareness-raising activities, cooperate and exchange experiences with the commissions from other member states, bring their work to the attention of bilateral or multilateral institutions, help the authorities to comply with their international obligations to combat trafficking of small arms.

Small arms control is a collective endeavour within the ECOWAS especially, with the adoption of the Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa The adoption of the Code of Conduct confirms the ECOWAS Commission’s role in carrying out, coordinating and monitoring implementation of the sub regional

small arms control policy. The legal framework reflecting this policy, which is rooted in the spirit of the moratorium dating back to the adoption of the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, will enshrine a number of principles and issues at the heart of the current international debate on an arms trade treaty and arms transfer control initiative. Therefore, preventing illicit arms transfers requires the adoption of policies, procedures, and practices aimed at controlling their import, export, transit, retransfer, and end use. The misuse of Illicit Arms and the illicit transfer of weapons to combatants, criminals, and terrorists will require a fresh strategic approach with more defined objectives and greater commonality across the multilateral system by the Conference of Heads of State and Government in Abuja on 31 October 1998.

Recommendations

- ❖ However, if this policy is to be implemented effectively and efficiently, there will be need to put more effort in addition to the necessary technical and financial resources with adequate and functioning institutional arrangements in place at the national and sub-regional levels with the capacity to play their role in full. In this respect, the ECOWAS Commission, which is the cornerstone of this arrangement, must strengthen its own institutional capacities while strongly supporting the institutionalization and operation of the national commissions of member states and the restructuring of civil society organizations working in this field.
- ❖ Secondly, all countries within the sub region need to compliment ECOWAS efforts to fight against illicit use of illicit arms and harmonize their efforts in executing internal initiatives, as only appropriate governments understand their unique challenges and the necessary national response requirements.
- ❖ Also, comprehensive implementation of the UN small arms instruments should remain a principal focus of further efforts to combat the proliferation and misuse of small arms effectively. Officials have to take steps to remedy any weaknesses in controls at their own national levels that facilitate and contribute to small arms diversions and the illicit small arms trade. States that have not yet done so need to review their national controls and their implementation in light of their commitments under the UN instruments on small arms. Where relevant, states should define a national strategy for ensuring their compliance with the UN instruments and the responsible management of small arms. The consensus-based proceedings under the UN program of action impose clear limits on what may be achieved at the global level in light of the current opposition by some states to the introduction of further standards to control the small arms trade.
- ❖ In addition, government must reinforces her political commitment to implementing the provisions of the Instrument of the UN to combat the illicit of Small Arms and Light Weapons. Establishing agencies to coordinate policy and research on the illicit small arms trade and identifying points of contact to liaise between these national agencies and UN is the most basic and the easiest to implement of the pillars.
- ❖ Government must also, develop strategies that address the reasons why individuals, groups, and governments seek weapons in the first place. Such strategies must reflect an understanding of the complexities of violence in conflict zones, crime-ridden countries, and countries recovering from war and should involve government officials, local community leaders, and NGOs. These strategies must be linked to other aspects of violence-reduction and disarmament programs, such as security sector reform, and build them into existing programs, such by providing populations with ways to achieve security and power other than through armed
- ❖ The governments through multilateral and bilateral cooperation should also ensure cross-border cooperative measures within the neighbouring countries. Border must be effectively and properly managed and with other action that can stamp out cross-border crimes rather

than, just empty gestures. The proliferation of light weapons occupies pride of place. Light weapons are widely used in African conflicts, in particular owing to their —advantages— they are cheap, easy to transport and conceal, simple to maintain and easy to handle. Therefore, Success in efforts to combat the proliferation of light weapons will largely depend on political will, as displayed in particular in cooperation between states

Furthermore, to ensure that weapons are used for lawful purposes, governments should establish domestic ownership licensing and authorization systems that take into consideration the applicant's history of violent behaviour, mental health, age, and knowledge of the laws and the safe operation of weapons, among other criteria

- ❖ The international implementation and enforcement of national and international arms embargoes must be improved; especially the most important are the United Nation (UN). Arms embargoes violation must be thoroughly investigated and punishment meted by the international community. That government that lack authorization system for the production and transfer of small arms and light weapons at the national level should immediately establish them, steps should be taken by countries with weak institutions to strengthen them. Combating the illegal network of small arms and light weapons circulation could drastically reduce trafficking of illicit arms in the region of West Africa. Only effective intelligence network can assist in an effectively to identify the individual and group that indulged in production, sales, transfer, storage, possession and illegal funding of this category of weapons. This will call for installation of migrant information, sophisticated intelligence equipment such as digital fingerprint, scanners, computers radios, vehicles, and satellite and electronics communication machines.
- ❖ Finally, in combating illicit arms and weapons adequate checks should be carried out through airport, seaport, sea routes and roads, road blocks and incessant road checks at the high ways and secondary roads should also be considered in the fight against illegal trafficking of arms and weapons in African sub region, adequate number of security operative should be deployed according to the number of the roads or routes

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