

CONTROL AND REGULATION OF POSSESSION, USE AND DEALING IN FIREARMS AND AMMUNITION UNDER THE NIGERIA'S FIREARMS ACT*

Abstract

Firearms and ammunitions are a class of dangerous items and substance that if not in strict control and regulation in their possession, manufacture, dealing in and use, can be inimical to man's existence and his environment. They are however essential in providing security and the defence of aggression. Every country acquires firearms and ammunition for the armed forces, security agencies and even for personal use and laws and measures are put in place to control and regulate their possession, dealing in and uses. Obviously in Nigeria today, it seems there are no laws controlling and regulating the dealing in, possession and use of firearms and ammunitions as daily, there are experiences of their near uncontrolled use and application leading to wanton loss of lives and property of citizens. This study is therefore inspired by this worrisome situation and aim at having a thorough insight into the efficacy or otherwise of the Firearms Act particularly now that Nigeria is fast regressing into a lawless society. The objectives of the Firearms Act and how far the Act has helped in controlling and regulating the use of firearms in Nigeria shall also be considered. It is the finding of this study that the Firearms Act and some other gun laws in Nigeria are under applied and inadequately enforced. It is therefore recommended that, proper education, training on the control and regulation of the possession and use of firearms and ammunition, motivation and equipment be availed the law-enforcement personnel for better performance.

Keywords: Control, Regulation, Firearms, Ammunitions, Possession, Dealing.

1. Introduction

Reports and events indicate clearly that the quantity and quality of illegal firearms and ammunitions in circulation and use in Nigeria is frightening and a very serious challenge to the existence of Nigeria and its people. On daily bases, there are reports¹ of illegal manufacturing, importation, circulation and use of illegal firearms and ammunition in killing, maiming and terrorizing perceived and actual enemies or opponents and even innocent Nigerians unrestrained as the security agencies seem helpless and overwhelmed². This clearly calls to question the effectiveness of what is described as gun laws in Nigeria in which the Firearms Act³ is a principal legislature. People no longer seem to need any permission or licence to manufacture, own, sell, carry or use firearms. They import firearms and ammunition freely with little or without any restrictions or regulation by law enforcement agencies through Nigerian borders and within Nigeria despite the presence of law enforcement agents at the borders, seaports and airports and other locations in Nigeria⁴. Security agents are killed daily, their guns and ammunitions taken away and their armouries broken into and looted by miscreants thereby adding to the already large numbers of firearms in illegal possession and use in Nigeria. These laws seem not to have been effectively enforced despite how well made and intended the laws are.

2. Clarification of Key Terms

Firearm: They mean any lethal barreted weapons of any description from which any shot, bullet or other missile can be discharged and includes a prohibited firearm, a personal firearm and a mizzle-loading firearm of any of the categories referred to in Parts I, II and III respectively of the schedule of the Firearm Act⁵ and any component part of such firearm. Firearms are also defined as a rifle, pistol or other portable guns. It also means any weapon including a starter gun which will or is deputed to or may readily be transfigured to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon or any firearm muffler or firearm silencer or any destructive device⁶. Firearms therefore include any construction that can expel substances or projectiles through

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¹Of 500 million illegal guns in West Africa, 70% are in Nigeria. See Daily Trust Newspaper Editorial of 11 August, 2016. UN says 70% of illegal guns in West Africa are in Nigeria. See Vanguard Newspaper of 3rd August, 2016. See also Andi Daze, 'Importation and Possession of guns for Security in Nigeria' at <andidaze.com/index.php/2019> accessed 16th May, 2021.

²See generally Oladimeji I. Idowu, 'An Appraisal of the Role of Small Arms and Light Weapons in the Escalation of Insecurity in Nigeria' in *AIPGS Journal of Humanity and Peace Studies*, 2020.

³ CAP. F 28 LFN, 2004

⁴See Babatunde Olomu, Alao David Oladimeji and Eytayo Adewumi, 'Border Security Issues and Challenges of Nigeria customs Service' in *International Journal of Latest Research in Humanities and social Science (IJLRHSS)* vol. 02 Issue 03, Pp 10-19 and Idowu, Johnson 'Inter-Security Agencies conflicts at Nigeria's Borders: A Challenge to Nigeria's National Security' in *International Journal of Humanity and Social Sciences*, vol. 4 No. 7 (May, 2014).

⁵This definition was directly made from the interpretation Section of the Firearms Act, see Firearms Act Pt 1 S. 2 and Parts I, II and III of the schedule where some categories of firearms such as Artillery, Apparatus for the discharge of any explosive or gas diffusing projectiles, rocket weapons machine- guns and machine- pistols etc were listed as prohibited firearms.

⁶ See <<https://www.en.m.wikipedia.org/wiki/firearms>> accessed 15th May, 2021.

an action of explosive. It also includes any type of gun fabricated to be readily carried and used by any person. The term has no invariably accepted or unvarying definition as different countries have different definitions of the term.

Ammunitions: They mean ammunition of any firearm and any constituent part of any such ammunition, but does not include gun powder or trade powder not intended or used as such a component part⁷. It is also defined as a supply or quantity of bullets and shells⁸. Ammunitions are defined as the projectiles with their fuses, propelling charges or primer fired from guns, cartridges, explosive military items such as grenades or bombs⁹. The purpose of ammunition is to project a force against a selected target to have an effect usually but not always lethal. The most classic example of ammunition is the firearm cartridge, which include all components required to deliver the weapon effect in a single package¹⁰. The basic components of ammunition are the case, primer, powder and projectiles while short shells have an additional component called wad¹¹.

Prohibited Firearms: They are firearms which no person shall have in his or her possession except in accordance with a licence granted by the President acting in his discretion. They are firearms that cannot be possessed except there is a licence granted by the President of Nigeria permitting its possession¹². It is any firearm capable of discharging a dart or other object carrying an electric current or substance including the firearm of the design commonly called the Taser Public Defender and any variant or modified version of it¹³. The *Firearms Act* listed them to include Artillery, apparatus for the discharge of any explosive or gas diffusing projectiles, machine guns and machine – pistols, military rifles¹⁴ and revolver and pistols whether rifled or not¹⁵.

Armoury: It is a place where weapons are kept and an assemblage of resources provided for a particular purpose. It is a collection of arms and machinery equipment stored in a particular place¹⁶. They are usually established by the President by notice in the Federal Gazette established and recognized as public armouries for the deposition of firearms and ammunition and prescribe the officers to be in charge¹⁷.

3. A Review of the Firearms Act

Aim and Objectives of the Act

Firearms and ammunitions as earlier stated, are dangerous items that if their possession and use are not regulated, controlled and restricted, citizens' fundamental rights to life and ownership of property and other rights will be seriously endangered¹⁸. The Firearms Act came into being on 1st January, 1959¹⁹ before the independence of Nigeria. The Act was promulgated at this time when it was obvious that the colonial masters would soon leave Nigeria, hence the need for a law that would regulate the possession of, use and dealing in firearms and ammunitions from the beginning of an independent State-Nigeria. The preamble to the Act²⁰ clearly state that the Act is aim at making provision for the regulation of the possession of, and dealing in firearms and ammunition including simple firearms such as muzzle – loading firearms and for matters ancillary thereto²¹. This clearly started the purpose and objective of the Act which is that the possession of and dealing on firearms and ammunition should not be left in the minds and hands of the individuals who are very likely to misuse them.

⁷ See *Firearms Act Pt I S. 2 i.e.* the interpretation part.

⁸ See <<https://www.dictionary.cambridge.org>> accessed 16th May, 2021; <<https://www.merriam-webster.com>> accessed 16th May, 2021 and <<https://www.en.m.wikipedia.org>> accesses 16th May, 2021.

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² See *Firearms Act Pt II S.*

¹³ See <<http://www.criminalnotebook.ca>> accessed 16th May, 2021

¹⁴ These include those of the calibers of 7.62mm., 9mm, 300 inches and 303 inches.

¹⁵ *Firearms Act*, Pt I, ss 2,3,5,8,23-25,33 of the schedule to the Act.

¹⁶ See <<https://www.merriam-webster.com>> accessed 16th May, 2021

¹⁷ Ibid

¹⁸ There are killings every now and then mostly by illegal possessors of firearms and ammunitions despite the existence of this Act because of its weak implementation. Though this also happen in developed nations where laws are highly enforced. About 1.4million people died from fire arms in the U.S between 1968-2011. In Nigeria such statistics hardly exist and where they purport to exist, they are guess works. See gum violence in the United State at <<https://www.en.m.wikipedia.org>> accessed 11th May, 2021.

¹⁹ The Nigeria senate on 27th November, 2018 passed the *Fire arms Act (Amendment) Bill* (5B489) into law. The Bill seeks to increase the imposition of fine for offences in the principal Act, provided for the destruction of firearms imported illegally into the country unlike the previous practices where the illegally imported firearms are kept by law enforcement agents and some get missing in the process or in possession of individuals with license all aim at achieving the core objectives of the Act.

²⁰ Though these objectives are stated in the preamble of the Act which is not a law but it is an introductory statement that set out the guiding purpose and principle of the law.

²¹ See the preamble to the Act.

The Act also aims at ensuring that the government has complete statistics and record of all firearms and annuity in the country and their uses. **Licensing:**

Unless a license is granted to a person by the President acting on his discretion, nobody is allowed to have in his possession or his control any firearm in the categories of artillery, apparatus for the discharge of any explosives or gas diffusing projectiles, rocket weapons, bombs, grenades, machine-gun and machine-pistol, military rifles, namely those of the calibers of 7.62mm, 9mm, 300inches and 303 inches, revolvers and pistols rifled or unrifled (including front-lock pistol and cap pistol)²² and any other firearm not specified in part II or part III of the schedule²³. There are also firearms classified as personal firearms²⁴, which fall within the categories specified in part II of the schedule to this Act which can only be in anybody's possession or under his control in accordance with a license granted by the Inspector General of Police thereof²⁵. The muzzles loading firearms shall not also be found in the possession or under the control of any person except in accordance with a license granted by a Commissioner of Police of the State, while in granting license to individuals to be in possession or in control of a muzzle loading firearms, the Act²⁶ provided that certain areas shall be specified where no such firearm can be taken to or be in possession or under the control of such a person and periodic returns are to be made in respect of an order made under the Act²⁷. An application for the grant of a license if duly made shall not be refused except for one of the reasons specified in subsection (2) of section 6 of the Act²⁸. No person shall be granted license to be in possession or in control of any firearm as of right. The decision refusing such grant may be taken without stating any reasons for it or impose such terms and conditions as it deems fit provided that any such refusal by any such authorities other than that made by the President may be appealed against to President whose decision shall be final²⁹. Notwithstanding the above stated powers, no license or permit shall be granted to any person under the provisions of the Act if there are reasons to believe that the applicant or holder of the licence is under the age of seventeen, is of unsound mind, is not fit to have possession of the firearm on account of defective eyesight, is a person of temperate habits or has in the period of the previous five years been convicted of an offence of violence or the threat of violence³⁰. Any person granted license to own a firearm must see to the safe custody of the firearm to which the license is granted. Where for whatever reason the said firearm is lost, stolen or even destroyed, the license holder must notify the authority that issued the license to him of such loss, theft or destruction within fourteen days of being aware thereof³¹. In most cases of theft, loss or destruction of licensed firearm, the holder of the license usually neglect to inform the licensing authorities and such firearms are used in the act of armed robbery, kidnapping and killing of innocent persons in the society³². On the death of a holder of a licensed firearm, a person in possession of the property of such a deceased person or to whom such a firearm has been passed on, shall within fourteen days of such death handover the firearm to the authorities, that granted the license to the deceased. The person keeping the firearm or ammunition after the death of the license holder shall be deemed to be in lawful custody of the firearm within the said fourteen days³³.

Sale and Transfer of Firearm and Ammunitions

There are strict prohibitions on trading, doing business, buying, selling, transfer or expose for sale or transfer of any firearm by any person unless such a person is a registered dealer on firearms or ammunitions³⁴. The Inspector General of Police shall cause a register to be kept of persons who are registered dealers on firearms and ammunitions, the Officer in charge of the registration of dealers on firearms and ammunitions has the power to refuse to register any person if he is satisfied that the applicant cannot be permitted to carry on such business without posing danger to public safety and peace³⁵. The President can also without giving any reason direct that

²²These categories of firearms are classified as a prohibited firearms and it is only the President that has the discretion to grant licence to individuals to possess or make use of them.

²³ See Part I of the schedule to the Act.

²⁴Part II of the schedule to the Act listed firearms such as short guns other than (a) automatic and semi-automatic short guns and (b) short guns provided with any kind of mechanical reloading device; sporting rifles of calibers other than those specified in items 6 of part I; air-guns, air-rifle or air-pistols, human killers of the captive bolt type.

²⁵Part III of the schedule to the Act list muzzle-loading firearms to include, dane-guns, flunt-lock guns and cap-guns all being unrifled or muzzle-loading.

²⁶ See Part III of the schedule to the Act

²⁷ See the *Firearm Act* S. 5(3)

²⁸ See the *Firearms Act* S. 5(4)

²⁹ See *Firearms Act* S. 6(1)

³⁰ See *Firearms Act* S. 6(2) (a), (b), (c), (d) and (e)

³¹ The *Firearms Act* S. 7(1), (2) & (3)

³²Ibid and see Noah Ajare, 'Critical Analysis of Gun Laws in Nigeria' at <<https://www.linkedin.com>> accessed 29th December, 2021.

³³*Firearms Act* S. 7(3). However, the Inspector General of Police (IGP) has the powers under the Act to seize such firearm or ammunition and retain or deposit same in a public armoury until a licence or permit is granted in respect thereof.

³⁴This excludes ammunitions specified in paragraphs (a) to (c) of subsection (2) of section 9 of the Act unless the person is registered as a firearm dealer. See the *Firearms Act* S.9 (2).

³⁵ See *Firearms Act* S. 9(3).

registration under this law shall not be done in respect of any person, place or area and can direct any such registration to be cancelled if he thinks fit to do so³⁶. A registered firearms and ammunition dealer shall build and maintain armories in the place he was registered to carry on business and shall keep record of the firearm and ammunition in his custody and make necessary periodic returns as may be prescribed and shall report any loss or destruction of any firearm as soon as possible or within seven days of the occurrence of the loss or destruction, and shall allow periodic inspection of the armory by an officer authorized in writing by the Inspector General of Police on production of such written authority³⁷. Despite this strict prohibitions and regulation, illegal dealers and armories exist freely and variously in Nigeria wherein some law enforcement agencies personnel are accused of being aware of such illegal armories and that they make supplies of firearms and ammunitions to some of them³⁸. Hence trading in firearms and ammunitions is like an illicit business without restrictions. Most armed robbers and kidnappers arrested in Nigeria usually mention illicit arms dealers as their suppliers of the arms and ammunitions they use and the law enforcement agents seems to be helpless in this direction³⁹. Things are even getting worse presently due to the insecurity in the country coupled with unprovoked attacks on innocent communities by suspected bandits and armed herdsmen. This has arguably forced many communities in the North East, North West and North Central into stock piling weapons to protect themselves against terrorists, bandits and suspected herdsmen who have been perpetuating endless an unrestrained attacks on them⁴⁰.

Manufacturing and Repairs of firearms

According to the Firearms Act⁴¹ subject to the provisions of *Sections 23,24 and 25* of the Act, no person has the right to manufacture, assemble or repair any firearm or ammunition except at a public armoury or at arsenals established for the purpose of the armed forces with the consent of the President, acting on his discretion⁴². However, the IGP has the powers to grant a permit to any person to carry out the business of manufacturing and repair of firearms⁴³ and shall maintain a register of such permit in the force. A registered firearms dealer shall be deemed to be a holder⁴⁴ for the repair of the weapons referred to in parts II and III of the schedule to the Act subject to any condition prescribed by the regulation⁴⁵.

Import and Export of Firearms and Ammunitions

Importation and exportation of firearms and ammunition can only be carried out through designated air and sea ports which is a port so assigned for the purposes of the custom laws⁴⁶ or an import duty designated under the civil aviation laws⁴⁷ and cannot import or export the same by land except through a prescribed town adjacent to the land frontier or by the shortest routes from the nearest part of the frontier to such a prescribed town⁴⁸. There are firearms and ammunitions whose importation and exportation are prohibited and can only be done by the express licence by the President who has the discretion to grant or refuse to grant same and can impose terms and conditions as he may think fit for that purpose⁴⁹. There are also legal restrictions on the importation of personal firearms and ammunitions in Nigeria. No person is allowed in law to import any firearm or ammunition referred to in part II and III of the schedule to the Act except he declares same to a customs officer at the time of importation unless he produces a licence to so possess such firearm or ammunition or he imported same as part of his personal effects and by a declaration in writing state that where he is going to is within Nigeria but is in excess of twenty

³⁶ Ibid S.9(4)

³⁷ Ibid S. 10(1) (2)(3) & (4)

³⁸ On 30th May, 2013, an armoury suspected to be that of Hezbollah Organization was said to have been discovered in Kano in a private house owned by a Lebanese wherein various arms and ammunition were recovered. See <<https://www.channelstv.com>> accessed 29th December, 2021. The United Nations (UN) has also in August 3, 2016 raised an alarm over the proliferation of illicit small arms and light weapons in Nigeria with over 350 million, which according to UN amounts to 70% of the estimated 500 million of such weapons said to be circulating in Africa. See <<https://www.vanguardngr.com>> accessed 9th December, 2021. Another illegal armoury was also discovered in Beere community in Khana Local government Area of Rivers by the Rivers State Police command on 1st October, 2007. See <<https://www.allafrica.com>> accessed 29th December, 2021.

³⁹ See 'Control of Illegal Weapons' Effective, Punch Editorial of 22nd September, 2021, at <<https://www.gunpolicy.org>> accessed 29th December, 2021.

⁴⁰ See 'Nigeria Villagers Stockpile Arms for Self Defence', Daily Trust, 24th August, 2021 at <<https://www.gunpolicy.com>> accessed 29th December, 2021.

⁴¹ See Section 22, 23, 24, 25 and 26.

⁴² Ibid.

⁴³ Except the firearms referred to in Part III of the schedule to the Act, which include dane-guns, flint-lock guns and cap-guns.

⁴⁴ This means that such a licenced dealer needs no further permit to carry out repairs of such firearms.

⁴⁵ They include short guns other than (a) automatic and semi-automatic short guns and (b) short guns provided with any kind of mechanical reloading device, sporting rifles, namely rifle of calibers other than those specified in item 6 of part I. air guns, air-rifles or air pistols and humane killer of the captives bolt types.

⁴⁶ See the *Custom and Excise Management Act* Cap C49, Laws of Federation of Nigeria 2004.

⁴⁷ See the *Civil Aviation Act Cap Laws* of the Federation of Nigeria, 2004.

⁴⁸ See *Firearms Act* S. 17.

⁴⁹ See *Firearms Act* S.17,18,19 & 20.

miles from the place of importation and that he will surrender the firearm or ammunition to a specific authority or at a public armoury or he was in transit to some country outside Nigeria⁵⁰. No person shall import or cause to be imported any firearms or ammunition by post⁵¹ likewise exportation of firearms and ammunition referred to in part II and part III of the schedule to the Act are prohibited unless on fulfillment of custom laws⁵² or that he would hand over the firearm or ammunition to the custom or police authority or obtain a temporary permit to possess the firearm or ammunition for the period of transit or that he is a registered dealer or undertake in writing to forthwith apply for a licence in accordance with the Firearms Act⁵³ and surrenders such firearm or ammunition to a public armoury pending a decision on his application⁵⁴. All these prohibitions and restrictions are put in place to control the movement of firearms and ammunition in and out of Nigeria.

Enforcement and Penalties of the Act

Generally law enforcement in Nigeria is characterized by a lot of ineffectiveness and inadequacies. The laws are good but the law enforcement agencies and the government, pay lip service to adequate funding, training and motivation of the agencies leading to the existence of good laws on papers with little or nothing done as to their enforcement⁵⁵. Corruption in all levels of law enforcement and the justice system is also a serious hindrance to law enforcement in Nigeria. The firearms Act is not an exception to the syndrome of poor enforcement of laws leading to the seeming situation that, there are no laws regulating the use, acquisition, possession and manufacture of firearms and ammunition in Nigeria.⁵⁶ However the Act made adequate provisions for punishments where its provisions are breached. Section 27 of the Firearms Act⁵⁷ provided for the penalties for the breach of any sections of the Act. As adequate and fair as the penalties are, their enforcement are to be inadequate and ineffective. Any person found in possession or control of firearms of certain categories⁵⁸, or importing or exporting firearms or ammunitions other than through prescribed ports, or found manufacturing or assembling or repairing firearms and ammunition without a license or permit⁵⁹ is liable to a term of imprisonment of ten years⁶⁰. Personal possession or control or firearms without due license or dealing in arms or ammunition or importation of personal arms or ammunitions without due license or shortening of smooth-bore firearms, such person if convicted shall be liable to a term of imprisonment not exceeding five years⁶¹. Any person found in possession or control of a muzzle-loading firearm within a specific area and failure to notify the relevant authorities of a loss, theft or destruction and certain other things in respect to firearms, is an offence, and failure to register as a dealer on armoury or deals on, sale or transfer of firearms or ammunition to a license holder or failure to stamp all firearms sold or transferred attracts a fine of one thousand naira or an imprisonment for a term of two years or both the fine and imprisonment⁶². Where a person, contrary to the provision of the Act⁶³ imports or cause to be imported firearm or ammunition by post or export or caused to be exported any firearm or ammunition therein, he shall be where found guilty liable on conviction to a term of imprisonment of not less than ten years⁶⁴. The Courts are authorized under the Act to, apart from the penalties discussed above to order the forfeiture of any such firearm or ammunition in relation to the offence and to dispose of same in accordance with the instruction of the Inspector General of Police⁶⁵. The Firearms Act seems to be one of the most unknown, unrecognized and unenforced law in Nigeria. The quantum of illegal firearm and ammunitions in Nigeria makes it to seem as if there is no law regulating the production, manufacturing, possession and use of firearm and ammunition in Nigeria. Bulk manufacturing and importation of these firearms and ammunition or going on freely in the nation resulting in the possession and use

⁵⁰ Ibid.

⁵¹ Ibid

⁵² ibid

⁵³ That is s 4 of the Act.

⁵⁴ See the *Firearms Act*, ss 20&21.

⁵⁵ See S. Olugbenga & S.A Danwaka 'Collective Security in Africa; Reflection on the Feasibility of a Continental Force' in *journal of public and private law* vol. 3 No. 3 JPPL 1999 Pp 77-99, Okeanonife, *Inter-agency Intelligence Gathering and sharing for effective crime control: the Intelligence Perspective* (Lagos, victory Press 2012).

⁵⁶ F.C Nwoke 'Limitation of Actions Against Public Officers in Nigeria: A case for Review' in *Current Jos Law journal* vol.2 No.2 December, 1996 Pp46-47 and Mojeed Olujinmi A. Alabi 'Justice Denied Problems and Prospects of Decongesting the Supreme Court of Nigeria' in *Nigeria Bar Journal* vol.3 No.2 April, 2005 Pp. 51-68

⁵⁷ Cap F28 LFN, 2004

⁵⁸ The prohibited firearms are artillery apparatus for the discharge of any explosive or gas diffusing projectiles, Rocket weapons, Bombs and grenades, machine guns and machine pistol military rifles namely calibers 7.62mm, 9mm, 300 inches and 303 inches, Revolver and Pistols whether rifled or unrifled (including flint-lock pistol and cap pistols. See part I of the schedule to the Firearm Act.

⁵⁹ Depending on whether it is manufacturing or repairs of firearms.

⁶⁰ See *Firearms Act*, S 27(1) (a)b

⁶¹ *Ibid* S.27 (1)(c)

⁶² *Ibid* S. 27 (1)(c)

⁶³ See *Firearms Act* S.20

⁶⁴ See *Ibid* S. 27(1)(a)

⁶⁵ See *Ibid* S. 27 1 (b) see also Olubokola S. Adesina, 'Efficacy of Small Arms and Light Weapons Control Measures and Initiatives in Nigeria' in <<https://www.researchgate.net/publication/1322940977>> accessed 8th January, 2022.

of these weapons in large quantities by illegal armed groups leading to killings and other heinous crimes being perpetrated with ease and without restriction⁶⁶.

4. Hindrances to the Effective Enforcement of the Firearms Act

Nepotism and Tribalism

Generally, some failures recorded by the law enforcement agencies in the discharge of their duties are directly caused by the high rate of nepotism and ethnicity in all the facets of political and social engagements in Nigeria⁶⁷. This is particularly a hindrance to the effective enforcement of gun laws in Nigeria in that, the law enforcement personnel tend to ignore and in some cases encourage and aid their ethnic groups who engage in illegal possessions, dealing in and use of firearms in as much as they are using them to fight the cause of their ethnic groups⁶⁸. Those in power appoint their kinsmen to mount high and sensitive positions in the law enforcement institutions in Nigeria with the aim that they act in favour of their ethnic groups⁶⁹. This has seriously affected the efficacy of law enforcement in Nigeria. Weapons are imported to some parts of the country freely in the presence or aid of supposedly law enforcement personnel who do little or nothing to stop the lawlessness. These weapons are manufactured in or imported through locations and borders manned by the customs, immigration, the military and other law enforcement agencies and yet the criminals operate as if these agencies do not exist at all.

Corruption

Corruption has recently assumed a level that most failures recorded in government in Nigeria are attributable to it. The law enforcement ineffectiveness is also blamed on corruption⁷⁰. It is because of corruption that miscreants would either, manufacture, import, or possess and use firearms in the presence or to the knowledge of law enforcement personnel unhindered and unrestrained. Most law enforcement personnel collect bribes from these law breakers and allow them to freely engage in such dangerous activities to the detriment of the people and the nation⁷¹. Those caught in the act are asked to pay some money and are released or allowed to go on with their illegal engagements or transactions⁷². It has been argued and we think rightly too that, the law enforcement agencies know where and who perpetuate these illicit activities and they do not arrest them because they give them 'returns' for aiding and abating their criminal acts⁷³. In some cases, the law enforcement agencies are fingered as being behind some of this illegal use of, transactions and dealings in firearms in Nigeria⁷⁴.

Weak Institutions

This includes inadequate manpower, lacking in staff strength and expertise⁷⁵. Many institutions in Nigeria including the law enforcement agencies are weak. They lack adequate man power and the expertise to function effectively. Under-funding, is also one of the inadequacies in law enforcement in Nigeria. Funds appropriated to the law enforcement agencies are in most cases not released to them and where they are released, they go into

⁶⁶See Stohl R and J Hegendoom, 'Stopping the Destructive Spread of Small Arms' How Small Arms and Light Weapons Proliferation Undermines Security and Development' (*Washington D.C Centre for America Progress, 2010*) and C. Louise, 'The Social Impacts of Light Weapons Availability and Proliferation' (*Geneva, United Nations Research Institute for Social Development 1995*) in <<https://www.ess-sxac.uk/armdcon/story-id/social%20Impac%20pdr>> cited by Olubukola S. Adesina Op.cit.

⁶⁷ See Emmanuel C. Onyeozili 'Obstacles to Effective Policing in Nigeria' in *African Journal of Criminology and Justice Studies* vol. 1 No. 1 April, 2005. Pp 1-23; *Gun Control: The Debate and Public Policy* in <<https://www.socialstudies.org>> accessed 18th January, 2022; Chijioke Ifediora 'Insecurity and the Right to Bear Arms' *The Guardian*, 4th November, 2020. D. Lester, *Gun control-Issues and Answers*: US Department of Justice, office of justice program, 1984.

⁶⁸ *Ibid*

⁶⁹At a point in Nigeria and recently too, the government appointed all the Service Chiefs from the same ethnic group while some regions had non and it was argued that the nepotic appointment was to aid some non state armed groups fighting the cause of the said regions.

⁷⁰See P.F Adebayo, Emmanuel O Ojo, 'The Challenges of Effective Policing and Measures of Controlling the Phenomenon of Police Corruption in Nigeria Today' in *Research Gate* at <<https://www.researchgate.net>> accessed 18th January, 2022 and Augustine Aboh 'The Challenges of Community Policing and Internal Security Architecture in Nigeria: An Explanatory Discourse' in *Research Gate* at <<https://www.researchgate.net>> accessed 18th January, 2022. See also *Calabar Journal of Politics and Administration* vol.4 No. 1 July, 2018.

⁷¹Recently, the Zamfara Governor, Matawalle raised the alarm like others had earlier done that arrested bandits are released without trial. See Daily Trust of Wednesday 12 January, 2022. This has been the practice by some law enforcement agents in Nigeria.

⁷² *Ibid*.

⁷³See Corruption and Human Rights Abuses by the Nigeria Police Force at <<https://www.hrw.org.report>> accessed 18th January, 2022. See also Ifeoluwa Adediran 'Nigerian Police Officers Return Bail Money to Suspects Family in Premium Times of December, 28 2020 at <<https://www.premiumtimesng.com>> accessed 18th January, 2022.

⁷⁴ See 'Police, Others Caught Trying to Steal Arms in Kaduna' at <<https://www.channelstv.com>> accessed 18th January, 2022.

⁷⁵ See Emmanuel C. Onyeozili *op cit*.

private pockets. Even the motivation to work is lacking in most of these institutions⁷⁶. As expected, these inadequacies are also found in the control and regulation of the use of firearms. A lot of compromise on the side of the supposed law enforcers is frighteningly very high⁷⁷. Because of the weak institutions, law enforcement personnel do the opposite of what their duties ought to be and since the measures put in place to monitor them are also weak, these compromises are perpetrated with all sense of ignominy and carelessness. Dangerous weapons go through various check points in Nigeria and get to their destinations without being seen or arrested, and no authority would investigate to find out why this is happening. No disciplinary actions are in most cases, taken against those who ought to prevent this. The situation seems as if there are no laws in Nigeria against illicit firearms manufacture, possession, and use⁷⁸. Fines provided by the Act against offenders when paid, go to government coffers not the law enforcement agencies. This unfortunately discourages hard work on the part of the agencies.

Insufficient Education and Training of the Law Enforcement Personnel

Most personnel of the law enforcement agencies in Nigeria are not properly educated and trained. Like in most aspects of our system, training of the personnel is not taken seriously. Also in some cases the trainers are not even properly or adequately trained to perform their duties as expected⁷⁹. An illiterate or an improperly educated person as we have in most of our law enforcement institutions, are very easy to be compromised or be influenced by those who are better educated and well placed⁸⁰. This has compromised the security situation in Nigeria and consequently the provisions and purpose of the Firearms Act⁸¹.

5. Conclusion and Recommendation

If there is any aspect of human engagement that need strict control and restriction is the manufacture and use of firearms and ammunitions. These are weapons with high potency for human destruction, abuse and deprivation. The Firearms Act which is the principle gun law in Nigeria was made for the purpose, reducing the use of small arms and ammunition for criminal activities especially those that are easy to conceal. It is not every human being that should handle firearms and ammunitions. People below the age of eighteen; those with criminal records, those with high risk of harming themselves and others with firearms; persons with history of domestic violence; alcoholism, mental disorder, depression etc should not be allowed to have access to firearms and ammunitions⁸². In developed nations, licenses to manufacture, possess and use firearms are seen to be granted easily. However there are reports of misuse of same in those nations. The number of firearms and ammunition in circulation and in illegal use in Nigeria is frightening. Nigerians cannot afford to continue singing praises to our leaders even when there is no hope of living to seeing the next day, as our leaders have failed entirely to secure lives and property of its people. Armed groups are springing up daily, with deadly weapons freely at their disposal and use. There are also some of these groups that seem untouchable no matter the sophisticated weapons they carry and how many lives they cut short and the property they destroy. They go about freely, defended, protected and encouraged by some persons in government that ought to condemn and call them to book. All Nigerians no matter where we come from or belong to must live under the law. Government must, if it wants this nation to continue to exist, pay better attention to the control of the way and manner firearms are manufactured, accessed and used in Nigeria. There is almost a total lack of knowledge and ability on how to stop or even control the use of firearms in Nigeria by the law enforcement agencies. As it was done in the control of drugs and narcotics, a special organization and institution should be put in place for the fight against illicit arms manufacture, importation and exporting, dealing in and use in Nigeria. Special court should be established to handle matters relating to the illegal dealings on and use of firearms and ammunitions. The indigenous means of law enforcement in our local communities use in identifying crimes and criminals should be harnessed by government and incorporated in the security architecture of Nigeria. In most communities in Nigeria and of recent, local hunters and vigilante groups are in the fore front of fighting crimes and criminalities and are recording some successes. These groups can be developed and added to the security arrangement in Nigeria to aid in enforcing some of these laws.

⁷⁶ *Ibid*

⁷⁷ See 'Police Sergeant Accused of Supplying Arms to Criminals in Anambra state Detained –Crime-Nairaland' at <<https://www.nairaland.com>> accessed 18th January, 2022.

⁷⁸ *Ibid*.

⁷⁹See Usman Abbo, Ghazalia Shafie, Abd Palurin Romle, Adamu Bashir, 'Institutional Weakness and Conflict Management in Nigeria: the Need for Collaborative Governance Approach' in *International Journal of administration and governance* at <<https://www.iwnest.com/AACE>> accessed 18th January, 2022.

⁸⁰ *Ibid*

⁸¹According to the Controller General of Nigeria Custom Services, Hameed Ali in 2017, more than 500 pump action rifles were seized all imported through shipping channels.

⁸² See Noah Ajare op. cit.