

# COE challenges in MISMA/AFISMA and Nigeria's small arms control measures

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## Introduction

1. This background paper has two separate but related parts. In the first part I reflect on my experiences as Force Commander of the Africa-led International Support Mission to Mali (AFISMA) January–June 2013 on issues related to administrative oversight of contingent-owned equipment (COE). The second part describes Nigeria's efforts to establish and implement measures to control the illicit flow of small arms and light weapons.

## COE challenges in MISMA/AFISMA

2. In January 2013, I was appointed the first Force Commander of AFISMA, an ECOWAS mission established to support the government of Mali to overcome the menace of the Islamist rebels in the Northern part of the country. The mission was authorized vide UNSC Resolution 2085, passed on 20 December 2012, which authorized the deployment of AFISMA troops for an initial period of one year. The troop contributing countries (TCC) then included Benin, Burkina Faso, Chad, Nigeria, Senegal, and Togo.

3. In considering the details that follow, it should be kept in mind that the mission was originally slated to begin operations in September 2013. However, due to offensives by rebel forces and the subsequent rapid intervention of the French, the timeline for AFISMA deployment was significantly moved up. The arrival of the Nigerian troops into the theatre began less than 30 days after the resolution, on 17 January 2013. Within three weeks some 5,146 troops had been deployed from the above-mentioned countries, about 67% of the force that was required. The hastiness of this deployment affected a number of the matters under discussion, including the type and quantities of COE brought into the mission area and record keeping.

4. For example, good practice for the initial deployment of peace operations should include pre-deployment visits by TCCs to help them determine the kind of combat to be expected and therefore the types and numbers of weapons to deploy with their troops; this analysis would then inform the Memorandum of Understanding between the mission parties. This did not occur in the case of AFISMA contingents because of the hastiness of the deployment schedule.

5. In fact, there was no transparency in the case of AFISMA about what COE the TCCs were bringing into the mission; neither were standards regarding their transport into the mission observed, as many forces simply crossed their common borders with Mali with their weapons. Further, most mission-requested weapons and ammunition never arrived. These facts handicapped the mission's effectiveness.

6. Under these circumstances, upon my assumption of the command, the management of contingent weapons and ammunition became an important focus. Being a peace enforcement mission, troops were expected to engage in limited combat, with possible personnel and equipment losses. Hence adequate steps had to be taken to secure lives of personnel as well as arms and ammunition. This was also important considering the fact that each contingent signed for their personal weapons in addition to the support weapons they deployed with. Consequently, the safe handling of these weapons was not only paramount for the success of the mission but equally important for the various contingents' armouries. In addition, the conflict in Mali was fuelled by the proliferation of small arms and light weapons in the society. This was equally another challenge since establishing an enduring peace would mean disarming the militants and disposing of the weapons.

7. In the case of AFISMA's initial configuration, there were no acceptable facilities for their storage of mission weapons; hence each contingent had to construct its own armoury (in some cases, the contingents were able to convert existing structures). The importance of strong, well-protected armouries in northern Mali was clear given the level of rebel violence and their access to small arms and light weapons within the region. I worked to ensure that a number of standards be observed in the construction and defence of armouries, including their strategic placement; adequate perimeter fencing; and the detailing of 3–4 armed guards at all times. In this way, adequate security was provided for all arms and ammunition of contingent. In order to avoid surprise attack, which could lead to loss of arms and ammunition, defensive positions were established and routines in defence were thoroughly observed.

8. In addition to the establishment of well defended armouries, it was necessary to implement a number of processes and procedures to manage COE in AFISMA:

- a. **Arms and ammunition returns.** The TCCs in AFISMA were required to send weekly and monthly arms and ammunition returns stating the quantity of arms and ammunition in stock. While reduction in the quantity of ammunition is used to determine urgency for replenishment, reduction in quantity of arms needed to be explained, as well as describing actions taken.
- b. **Periodic inspections.** Contingent commanders carried out periodic inspection of armouries to ensure that the integrity of the facility remained intact at all times. Such inspections kept the unit quartermasters and unit commanders on their toes as regards arms and ammunition handling. Lapses observed during the inspections are immediately dealt with.
- c. **Accounting system.** A proper accounting system was put in place, which ensured that troops going out of the area of responsibility (AOR) for whatever reason could sign out their weapons and sign in on return. The accounting system also ensured a smooth transfer of duty between armourers. Although most of the armouries

remained almost empty because most troops were in possession of their weapons, it was still necessary to maintain a system to register every weapon that entered and left the armoury.

- d. **Continuous training in ammunition management.** Continuous training in ammunition management is a necessity in the mission area. This was aimed at forestalling the poor handling of ammunition and explosives, which could pose grave danger to personnel and civilians in the case of explosion or pilferage.
  - e. **Marking of arms.** In an effort to further disincentivize COE loss and to trace lost COE should it occur, I introduced a marking system whereby each contingent weapon would be given a distinctive mark on the stock of the weapon (in the case of rifles) that would identify the contingent and unit.
  - f. **Temperature control.** Given the extreme temperatures in the region and the desert terrain, the temperature inside the armouries had to be kept suitable for the weapons and ammunition. Weapon cleaning was also conducted regularly because of constant accumulation of dust and sand particles in the chamber of weapons.
9. Under my command, I was not aware of any loss of COE outside of that resulting from military engagement with hostile forces that resulted in the peacekeepers' loss of life, such as the deaths of 26 Chadians in February 2013 in the Ifoghas mountains in northern Mali.
10. In my role as force commander, I had a number of additional relevant observations concerning how COE was managed in this African-led operation, which lead to some recommendations about how to improve practices. These include the following:
- a. ECOWAS depended on TCCs with significantly different levels of professionalism and numbers and types of weapons, which created asymmetries between contingents and affected morale. For, even with the best equipment, if it is not of sufficient quantity, mission effectiveness will be jeopardized, as troops will be reluctant to engage attacking forces.
  - b. ECOWAS needs to have lists of equipment and schedules of reimbursement to avoid situations in which TCCs pledge what they do not have. Furthermore, the ECOWAS schedule of reimbursement should be harmonized with that of the UN.
  - c. Relatedly, there is a need for templates that include compatible terms, as the interoperability of COE is key.
  - d. The multitude of languages within a mission can generate problems as contingents may not always understand commanders and important guidance on COE may get lost in translation.
  - e. Accountability and information on COE-related matters is needed at all levels.
  - f. A formal arms register could be used to catalog all of the arms holdings of a contingent in PSO. This is to ensure that the movement of arms within the contingent area

of responsibility can be monitored, as each contingent will have to sign for the use of such weapon, and state in the register the specific assignment for which they are to be employed. The arms register could be replicated and given to the COE team for their record and inspection, which could be done on monthly or quarterly basis.

- g. The responsibility for the mandatory daily/routine monitoring of arms stockpiles should be solely the responsibility of a contingent logistic team. However, it is important that the report of such monitoring should be forwarded to the COE team for record keeping purposes and follow up verification. I wish to suggest here the need for a follow-up verification inspection by the team to confirm veracity.
- h. Loss/damage to weapons cannot be ruled out in peace support operations. But it is important that when it occurs, national pride should not be an overriding factor. It is important to note that such weapons can end up in the hands of non-state actors. Therefore it is necessary that loss/damage of weapons should be reported and thoroughly investigated.
- i. Faithful implementation of punitive and remedial actions is key in maintaining the integrity of a contingent in PSO. Where loss/damage occurs and investigations are thoroughly conducted, troops found culpable should be appropriately punished and mission headquarters informed. Such action could deter further incidents.
- j. Cases of loss/damage to arms have occurred on a number of occasions from UN and regional peace operations; some of these cases were treated at the contingent level without recourse to mission headquarters. This practice is further encouraged by the lack of weapons and ammunitions management policy at either the UN or regional level. The formulation of such an important policy will in no small measure curtail a lot of cases, especially of loss of arms by contingents.

## **Nigeria's illicit small arms control measures**

11. This section describes Nigeria's efforts to establish and maintain effective small arms control measures in line with international and regional instruments. Nigeria has made a number of multilateral commitments in recent years to address the flow of illicit small arms, including the 2001 UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol); the 2001 UN Programme of Action (PoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; the 2005 International Tracing Instrument (ITI); the 2006 ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials; and the 2013 Arms Trade Treaty. This work is coordinated by the national Presidential Committee on Small Arms and Light Weapons (PRESCOM), established in 2013.

12. Unfortunately, Nigeria's reporting on its progress in implementing the PoA and ITI has been spotty. Between 2002 and 2016 Nigeria only submitted three national reports

in compliance with its obligations under the PoA (in 2005, 2008, and 2016) and two under the ITI (2008 and 2016). This represents an area for future improvement (Small Arms Survey and GRIP, 2017).

13. Current small arms legislation in Nigeria includes the Firearms Act (FA) of 1959 and the Robbery and Firearms (Special Provisions) Act of 1984 (Federal Republic of Nigeria, 1990). The PRESCOM has proposed a Bill to replace FA 1959, which as of mid-2017 has passed second reading at the National Assembly. The FA 1959 thus remains the existing generic law for the control of SALWs in Nigeria and the legal backbone for the regulation of weapons and ammunition in the armed services and security agencies.

14. The FA expressly permits only the Armed Forces of Nigeria (AFN), the Nigeria Police (NP), and designated security agencies to possess arms and ammunition. Indeed, the FA prohibits the possession of any firearm by an individual, except by licence, on the approval of the President. However, the Inspector General of Police or a Commissioner of Police may exercise discretionary approval of the President to issue firearms subject to approval by the National Council of Ministers or State Governors, respectively. The FA also specifies fines and terms of imprisonment for illegal importation, possession, and manufacture of small arms and light weapons. Implementation is the responsibility of all security agencies but the roles of the AFN, NP, and Nigerian Custom Service at border entry points are crucial.

15. Despite the thoroughness of the legal framework, the law's implementation has been hurt by bureaucratic bottlenecks in the processing of licences, rising insecurity, and relatively small fines for violations. Together, these inadvertently encourage an "amenable atmosphere" for the violations. Indeed, small arms also find their way into the civilian population due to a breakdown of state structures, lax control over legal armouries, and poor conditions of service of security personnel. This is why the military has created additional checks and balances.

16. Military regulations for the control of weapons and ammunition are typified by the operating procedures in the Nigerian Army (NA). The NA has a longstanding commitment to an active policy in arms control, disarmament, and non-proliferation. This is in furtherance of its international security objectives, while at the same time ensuring that its defence obligations are met and the full range of its missions are fulfilled. The NA promotes this philosophy of security at the highest and lowest possible levels of forces. It therefore actively contributes to effective and verifiable arms control, disarmament, and non-proliferation efforts through its policies and activities.

17. Every unit in the NA is expected to have a standard procedure and armoury/magazine rules and regulations. These directives guide the control of arms and ammunition to units/soldier and cascade from Army Headquarters (AHQ) to the lowest level of the military engagement. The basic principles of these regulations are:

- a. **Organisation and authority.** The Director of Army Policy and Plans (DAPP) at AHQ is responsible to the Chief of Army Staff for the control and general administration of arms, ammunition and other related equipment. He oversees a centralized Ordnance Depot for this purpose. Arms and ammunition are allocated to AHQ, Division, and Brigade garrisons as well as units as approved on a Combined Indent and Voucher Form AFB 1033 used for that purpose. These establishments maintain armouries managed by professional Armourers under the authority of their Commander.
  - b. **Security of armouries.** Armouries maintain exacting standards of safety as well as continuous defence in-depth. For instance, magazines are required to be monitored electronically and physically; seals are changed daily; and subjected to daily and routine checks.
  - c. **Personalisation of weapons.** The basic principle for the security, safety, and control in the NA is to dedicate weapons to personnel. This system facilitates record keeping as well as internal *marking and tracing*.
  - d. **Record keeping.** The DAPP maintains a universal register of arms and ammunition holding in the NA while armourers maintain such registers in their Areas of Responsibility. The register includes such details as the type/class, quantity, calibre, disposition, location, operational status, unique identification number, and attached personnel.
  - e. **Conditions for issuance.** Weapons/ammunition are issued on a need-to-have basis. At all times, high calibre weapons are issued in-bulk to units only. In peacetime, weapons are issued to individuals on guard duties or exercises. Other individuals authorized to possess weapons are issued such weapons with assigned Control Numbers on AFB 1033. In times of conflict, weapons are assigned to personnel for the entire duration of operations.
  - f. **Monitoring.** In peacetime, unit weapon holdings are verified daily through the Issuing Register and periodically through a *Scale a Parade*. In times of conflict, units conduct daily *Stand To* at designated times. During these parades, personnel are required to assume the highest level of operational readiness and fall-in with their assigned personal weapons and ammunition including associated operational gears.
  - g. **Loss and damage procedures.** Units are obliged to formally report and thoroughly investigate damage/loss of weapons/ammunition to higher levels of command. All such cases are to be procedurally concluded before actions such as punishment, striking-off strength, or replacement are taken. The Armed Forces Act expressly forbids the loss of weapons/ammunition (Federal Republic of Nigeria, 1975).
18. **Individual responsibility.** The NA personnel have certain obligations towards the control and handling of weapons and ammunition. These include:
- a. *Zeroing and classification* of assigned weapons during Classification Exercises.
  - b. Physical security and safety for assigned weapons and ammunition during duty, exercise, or operations.

- c. Ensuring good condition of assigned weapons.
- d. Immediately report on damage/loss of weapons and ammunition to higher authority.

## Conclusion

19. This paper provides my personal experience in MISMA/AFISMA, identifying some of the challenges that were specific to those missions relating to the deployment, handling, and storage of the missions' lethal COE. It also provides a brief examination of the procedures for the control and handling of weapons and ammunition in the NA. These procedures are applicable in a peace operation field except as otherwise directed in the MoU or SOFA. The regulations draw strength from national and international goals of limiting the risks of global proliferation of SALWs as a means of improving global security. It is also evident that there is the absence of a clear weapons and ammunition management policy which makes it difficult to coordinate weapons and ammunition management in peace operations.

## References

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