

# Nigeria Ports and Arms Smuggling: Evaluation of Cargo Tracking Note Amidst Growing Insecurity

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## Structured Abstract

Article Type: Research Paper

*Purpose*—Smuggling of arms poses a grave danger and risk to the human community and threatens a country's internal security. In 2017, 2,671 pump-action rifles were intercepted at Nigerian seaports. Given the proliferation of arms and worsening insecurity in Nigeria, the federal government, in March 2021, re-introduced Cargo Tracking Note (CTN) to halt arms smuggling through the seaports. The quest of this study, therefore, is to determine if the reintroduction of Cargo Tracking Note can successfully curb arms smuggling through the ports.

*Design, Methodology, Approach*—Data for the study were generated from secondary sources and structured questionnaires administered to the Nigerian Police and Customs Officers. The study is theoretically based on the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) and International Ship and Port Facility Security (ISPS) Code.

*Findings*—The result of the study indicated mixed motivation of those engaged in arms smuggling.

*Practical Implications*—Unless Nigeria successfully deals with the issues that threaten its national unity, deployment of technology for national security, including CTN, will be a pipe dream.

Keywords: cargo, insecurity, Nigeria, port, smuggling

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Journal of Territorial and Maritime Studies / Volume 10, Number 1 / Winter/Spring 2023 / pp. 38–59 /  
ISSN 2288-6834 (Print) / DOI: 10.2307/JTMS.10.1.38 / © 2023

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## I. Introduction

A port, a sensitive economic gateway of a country, can also be a gateway of exploitation and insecurity for a country if it is poorly managed. Properly managing the port involves adequate technology deployment and human resource capacity to match. “Nigeria has six functional ports. Apapa and Tin Can Island Ports in Lagos are the main hub of maritime business in Nigeria and the main ports through which arms are smuggled into the country.”<sup>1</sup> Nigerian ports are further categorized into two, i.e., Western and Eastern ports. The Western ports are Apapa and Tin Can Island ports in Lagos while the Eastern ports include Rivers Port, Onne Port, Calabar Port and Delta port.

Cargo Tracking Note (CTN) is a security document with economic significance for managing of cargo from port of origin to port of destination. According to Abiodun, “CTN or Electronic Cargo Tracking Note (ECTN) is a system for collecting documents and processing information when exporting by sea to obtain prior information, to participate in security measures, statistics and generally to participate in the World Trade Organization (WTO) and the World Customs Organization (WCO) recommendations on trade facilitation and security.”<sup>2</sup> Cargo Tracking Note is used in many countries but became popular after the USA’s September 11, 2001, terrorist attack. For advanced countries, “it is needed for safety and security and in accordance with the International Ship and Port Facility Security (ISPS) Code.”<sup>3</sup> “The CTN was first introduced in Nigeria on December 9, 2009 by the approval of the Federal Executive Council (FEC), under the management of the Nigeria Port Authority (NPA), but was administered by a private firm known as Transport and Ports Management Systems Ltd.”<sup>4</sup> The scheme’s implementation did not last beyond 2011 due to the controversy over who should bear the cost between the government and shippers. On this note, Quadri further stated that:

Before its initial introduction, there were assurances that the scheme would not attract additional charges to shippers, namely importers and exporters, but it soon dawned on all that the assertion was far from the truth. CTN attracted various sums ranging from a minimum of 150 Euros to as much as 450 Euros depending on the type and size of cargo. Maritime industry stakeholders and the organized private sector condemned the implementation of the controversial scheme at the time leading to its hurried suspension on November 9, 2011 by the Federal Government.<sup>5</sup>

The attempts to reactivate the implementation of CTN between 2015 and 2020 were not successful until April 2021, when President Buhari through the Minister of Transportation, directed the Nigeria Shippers Council (NSC) to reintroduce CTN in the seaports. However, “to dispel the fear of a repeat of the past failures, Nigerian Shippers Council was directed to ensure that the introduction of the new phase of CTN is done in such a way that should not add to the cost of doing business at the ports but reduce importation of arms.”<sup>6</sup> According to Agha, “Buhari directed the Nigerian Shippers’ Council (NSC) to reintroduce Cargo Tracking Notes (CTN) in a bid to curb the proliferation of arms and increase in banditry across the nation. The government is convinced that CTN could play a crucial role in enabling the nation to address the growing spate of banditry, kidnappings and killings fueled by easy access to guns and ammunition.”<sup>7</sup> But the question is, can the re-introduction of Cargo Tracking Note successfully halt arms smuggling through the ports which fuel insecurity in Nigeria?

Globally in 2017, “it was estimated that there were at least one billion small arms in circulation and about 87.5% (875 million) of those arms are in the hands of civilians, while law enforcement agencies around the world accounted for a meagre 2%.”<sup>8</sup> According to Agha, “it is estimated that 70 percent of over 10 million illegal weapons in circulation in West Africa are in Nigeria. In 2017 alone, 2,671 pump-action rifles were intercepted at Nigeria’s seaports. The guns were legally registered for export in Turkey as pump-action rifles for hunting, but the manifests were changed in Morocco to become steel doors to enable the container to gain entry into Nigeria.”<sup>9</sup> “The number of small arms in circulation in Nigeria and in the hands of civilian non-state actors is estimated at 6,145,000, while the armed forces and law enforcement collectively account for 586,600 firearms.”<sup>10</sup> Abdulsalami, further reiterated “that the over 6 million illegal weapons are currently traced to civilians, many of whom are jobless, hungry and angry. Consequently, 80,000 Nigerians have died, and about three million Internally Displaced Persons (IDPs) spread across the country are all due to growing insecurity in the country.”<sup>11</sup>

Most seaports across the country and the Federal Operations Unit (FOU) are an eye-opener to the fraud in the system where hundreds of billions of goods are seized and detained.<sup>12,13</sup> Perhaps, “worse still is that even contraband could be cleared at the ports with the right connection and cash.”<sup>14</sup> This could be part of the reasons for the proliferation of arms and ammunition in many parts of the country now used freely by kidnapers, terrorists or bandits. The reality is that “the current port system has failed, and a new approach with CTN should be a welcome development.”<sup>15,16</sup> Therefore, the concern of this study is to ascertain how and why arms are increasingly smuggled through Nigeria’s seaports into the country and determine if the reintroduction of Cargo Tracking Note can successfully curb the trend and reduce the spiraling insecurity in Nigeria.

## II. Theoretical Foundation

This study is theoretically based on the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (SAWL) in All Its Aspects (PoA) and International Ship and Port Facility Security (ISPS) Code.

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (PoA) is a “globally agreed framework for activities to counter the illicit trade in small arms and light weapons and control the negative consequences of Small Arms and Light Weapons. All UN member states adopted it in 2001. Since then, the UN has worked to support the implementation of the PoA at national, regional, and international levels.”<sup>17</sup> Although not legally binding, “the PoA is intended to prod national governments into imposing tough controls on the export and import of small arms to prevent their diversion into black market channels.”<sup>18</sup> The PoA is rather a global political framework in which participation and implementation by member states are based on voluntarism and the discretion of the states. That notwithstanding, the PoA represents a significant turning point in international efforts to curb the flow of guns and ammunition into areas of conflict and instability. For the first time, “it was clearly stated that governments have an obligation to put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production

of small arms and light weapons within their areas of jurisdiction and over the export, import, transit and retransfer of such weapons, and to take all necessary steps to apprehend and prosecute those of their citizens who choose to violate such measures.”<sup>19</sup> In this respect, the success of the implementation of PoA by member states depends on the availability of financial, technical and human resources. Otherwise, the lack of these resources were constraints to member states’ implementation of PoA. As succinctly captured by Maze & Parker:

Considerable resources have been mobilized and financial and technical assistance have[sic] been provided. However, it has not been clear what level of assistance is being provided, where resources are being mobilized from and where technical and financial assistance to implement the PoA is flowing to. It is not clear if there are specific issues that are receiving more assistance than others, or if some important issues are being neglected. There is no overall awareness of the degree of coordination and coherence in technical and financial assistance. Thus, we do not know whether needs are being met by the resources that exist.<sup>20</sup>

Despite these obvious limitations of PoA, Krause, maintained that:

- i. “If taken at face value and as a set of normative standards for states, the document presents an ambitious and far-reaching programme.
- ii. If compared to the multilateral ‘state of play’ ... it is also evident that a relatively large consensus (geographically and politically) has emerged that the unconstrained availability of small arms and light weapons ought to be addressed as a problem in itself, and that small arms represent, in a sense, ‘independent variables’ susceptible to concrete policy measures that will help achieve broader peace and security goals.”<sup>21</sup>

The broader security aspect of PoA qualifies it to be used as a theoretical framework for evaluating the implementation of CTN that equally serves the purpose of preventing illicit trade through the ports, including arms smuggling. CTN is a maritime technology for documentation and information processing, with security and economic significance for seaports, especially in countries where it is implemented. “The European Union, Asia, the Middle East, the United States and some African countries have made CTN compulsory.”<sup>22</sup> It is also important to stress that it is not only Nigeria that has introduced the technology. Twenty-four African countries currently use CTN. They include, “Angola, Benin Republic, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana and Guinea. Others include Guinea-Bissau, Ivory Coast, Liberia, Libya, Madagascar, Mali, Niger, Senegal, Sierra Leone, South Sudan and Togo.”<sup>23</sup> Nigeria is currently battling the consequences of the avalanche of small and light weapons within the country of which a significant quantity had been intercepted at the seaports.

Similarly, International Ship and Port Facility Security (ISPS) Code came into force in 2004. It is an offshoot of “Safety of Life at Sea (SOLAS) Convention of (1974/1988) on minimum security arrangements for ships, ports and government agencies.” It prescribes responsibilities to governments, shipping companies, shipboard personnel, and port/facility personnel to detect security threats and take preventative measures against security incidents affecting ships or port facilities used in international trade.<sup>24</sup> According to Maritime and Port Authority of Singapore, “the ISPS Code is part of the Safety of Life at Sea

Convention (SOLAS) and compliance is mandatory for the 148 Contracting Parties to SOLAS.”<sup>25</sup> For International Maritime Organization, “International Ship and Port Facility Security (ISPS) Code is a comprehensive set of measures to enhance the security of ships and port facilities, developed in response to the perceived threats to ships and port facilities in the wake of the 9/11 attacks in the United States.”<sup>26</sup>

Significantly, both PoA and ISPS Code were born out of similar security circumstances. While PoA is normative in principle and approach, the ISPS Code demands mandatory compliance. In common, both frameworks are detective, preventive and designed against illicit trade on arms and security threat and prescribes government responsibility for their effectiveness. Therefore, both frameworks are very applicable as building blocks of interpretation for this study.

The urgency to address the security situation in Nigeria through the reintroduction of CTN has now more than ever made Nigeria Port Authority to step up security measures in line with ISPS Code to detect, prevent and stop arms smuggling through the seaports both for maritime and national safety and frustrate the antics of those who want Nigeria destabilized violently. According to Special Agent in Charge for Homeland Security Investigations Los Angeles David Prince, “the transnational criminal organizations involved with maritime smuggling are a continuing threat to border security, public safety and national security.”<sup>27</sup>

### *2.1 Arms Smuggling: The Nigerian Scenario*

Small arms and light weapons are easy for criminals to conceal and transport, so trafficking in firearms is a lucrative business that fuels and funds other types of serious crimes.<sup>28</sup> No nation or region of the world is immune from the devastating effect of the proliferation and illicit trade in arms. But Nigeria currently attracts global attention due to its massive circulation, associated internal conflicts and growing insecurity. “The illicit proliferation of small arms and light weapons has dramatically impacted peace and security in Africa, threatening not only the existence of countries but also the livelihoods of millions of people across the continent.”<sup>29</sup> The market for illegal arms thrives in West Africa as the sub-region cannot produce weapons. As the UN noted, “most of the guns in circulation originated from outside the sub-region, and 69 Warsaw Pact weaponry dominates its market.”<sup>30</sup> Recently, “the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) estimated that 70 percent (i.e. 350 million) of the 500 million illicit small arms and light weapons in circulation in West Africa were domiciled in Nigeria.”<sup>31</sup> According to the Director of UNREC, “Nigeria is awash with illicit weapons in the hands of non-state actors threatening the country’s existence, as well as the lives and property of citizens.” Consequently, “the country is battling insurgents, killer herders, robbers, kidnappers and bandits using sophisticated weapons to cause mayhem across states in the country.”<sup>32</sup> Besides porous land borders, Nigeria’s ports and waterways are also easy routes to smuggle in arms. As such:

There is a presumed attempt to make Nigeria a destination country for SALW (Small Arms and Light Weapons), and the signs are ominous. Currently, criminals (terrorists, killer Fulani-herders, bandits, and cultists) who have access to guns have made life “brutish, nasty, and short” in Nigeria. They are killing, raping, abducting, and destroying on a colossal scale.<sup>33</sup>

More worrisome is that survivors of Fulani militia attacks and rescued/released kidnap victims report that “the criminals also have grenade launchers and machine guns. The so-called ‘bandits’ recently shot down a Nigerian Air Force jet.”<sup>34</sup> To curtail the menace of SALW, President Buhari ordered the military to shoot-on-sight any civilian bearing an AK-47 rifle. According to Punch Editorial Board, “the order has not achieved any substantial result. Rather insecurity has worsened and profiteers in illegal arms trading and smuggling continue laughing all the way to the bank while the security agents appear overwhelmed.”<sup>35</sup> Experts have argued that if the situation is not successfully checked, the scourge of arms smuggling will jeopardize the developmental gains achieved over the last 50 years and impede Nigeria’s capacity to achieve its developmental targets.

## *2.2 National Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (NPoA)*

As part of the efforts to curb the menace of arms smuggling, Buhari’s administration on May 3, 2021, *established* the National Centre for the Control of Small Arms and Light Weapons (NCCSALW). This is the local variant of the United Nations PoA. The Centre replaced the defunct Presidential Committee on Small Arms and Light Weapons and serves as the institutional mechanism for policy guidance, research and monitoring of all aspects of Small Arms and Light Weapons (SALW) in Nigeria.<sup>36</sup> According to Akinpelu,

The centre will provide the strategic framework for containing the proliferation of small arms and light weapons especially those coming from across our borders within the West Africa sub-region and through the maritime environment. The decision to establish the centre is part of an ongoing restructuring of the country’s defence structure to address the threats of Small Arms and Light Weapons in Nigeria.<sup>37</sup>

The rise in the smuggling of Small Arms and Light Weapons into the country and border areas has worsened terrorism, human trafficking, organized crime and insurrections in West Africa and Nigeria.<sup>38, 39</sup> As one of the measures in tackling the scourge of arms smuggling, “the new Centre will be fulfilling the requirements of the ECOWAS Moratorium on Import, Export, and Manufacture of Light Weapons as well as the UN Plan of Action to prevent, combat, and eradicate the illicit trade in SALW.”<sup>40</sup> Being the national focal point on SALW in Nigeria, the NCCSALW is expected to:

- i. Lead a multi-stakeholder process involving Government Ministries, Departments, Agencies and the Civil Society in implementing all national, UN and ECOWAS Plans of Action on the control of SALW.
- ii. Maintain international cooperation and also operate zonal offices in the Six Geopolitical Zones of Nigeria to ensure quick response and effective mobilization of resources.<sup>41</sup>

However, Kabir has argued that “since after the establishment of the National Centre for the Control of Small Arms and Light Weapons (NCCSALW), nothing much has been heard of the body.”<sup>42</sup> For Punch Editorial Board, “a single feat of the Centre is yet to be seen in the light of arms smuggling into Nigeria, especially from countries in the Sahel region such as Mauritania, Mali, Niger, Burkina Faso and Chad due to their long history of political instability.”<sup>43</sup> In line with the United Nations Programme of Action to Prevent,

Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, NCCSALW requires resources: technical, financial, human and the political will of the government on saddle to be effectively implemented. The menace of arms smuggling can only be curtailed when leaders demonstrate strong political will towards its eradication.

### 2.3 Cargo Tracking Note

Generally, Cargo Tracking Note (CTN) is an official shipping document that conveys detailed information of cargo, its origin and destination and the vessel transporting the cargo for economic but more importantly security reasons. According to Anagor, “Cargo Tracking Note is a system for collecting documents and processing information of shipment. It helps for controlling, supervising and managing import and export, contains details of the exporter or importer, shipment value, method and type of shipment, freight cost, and the name of the vessel.”<sup>44</sup> For Oritse, “the Cargo Tracking Note is a system for collecting documents and processing information, when exporting by sea in order to obtain prior information, to participate in security measures, statistics, and generally in order to participate in the World Trade Organization (WTO) and the World Customs Organization (WCO) recommendations on trade facilitation and security.”<sup>45</sup> CTN has equally been viewed as a source of data that would enable governments to know everything that is coming into their territory through the seaport. In other words, “it is an official marine document that contains information relating to the cargo and its movement between ports.”<sup>46</sup> Below is a tabulated illustration of illegal arms shipment to Nigeria between 2010 and 2020.

**Table 2.1: Arms Shipment to Nigeria intercepted at Apapa and Tin Can Island ports between 2010 and 2020**

		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
Dec	Apapa												
	Tin Can												
Nov	Apapa	21,441,995											
	Tin Can							7505					
Oct	Apapa												
	Tin Can												
Sep	Apapa												
	Tin Can				143				1575				
Aug	Apapa												
	Tin Can												
July	Apapa												
	Tin Can									432			
June	Apapa												
	Tin Can	516											
May	Apapa												
	Tin Can								440				

		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
April	Apapa												
	Tin Can												
March	Apapa												
	Tin Can												
Feb	Apapa												
	Tin Can		46										
Jan	Apapa								661				
	Tin Can												
<b>Total</b>		<b>21,442,511</b>	<b>46</b>		<b>143</b>			<b>7505</b>	<b>2676</b>	<b>432</b>			<b>21,453,313</b>

Sources: Adenubi,<sup>47</sup> Bivbere,<sup>48</sup> Foyeku,<sup>49</sup> Oyedeji,<sup>50</sup> Elumoye,<sup>51</sup>

The above table shows the quantity of illegally imported arms intercepted by the Nigeria Customs Service (NCS) within the precincts of the Apapa and Tin can Island ports. It did not take into consideration other arms intercepted by NCS outside the port premises. The table equally indicates that most of the interceptions were in Tin Can Island Port but over 90% of the arms impounded were at Apapa port. The reasons could be that the arms trafficking syndicates have more compliant and compromised officers or port agents' staff in Apapa than Tin Can Island Port. It could as well be as a result of inefficiency and porosity of the port system. The few data on intercepted arms do not in any way indicate that there were no arms that successfully passed through the ports; rather it is a pointer to the massive importation of illegal arms into Nigeria. Table 2.1 also shows that over 90% of the arms intercepted were in 2010 and the other years were less than 1%. According to Adenubi, "a total of 21,548,608 arms and ammunition were shipped into Nigeria illegally between 2010 and 2017."<sup>52</sup> The period signifies the rising inclination of Jihad in Nigeria expressed through Boko Haram terrorism.

Among others, Cargo Tracking Note essentially serves the following purposes:

- **Security:** The general purpose of CTN is the detection and interception of illicit arms and products. By that, CTN contributes to the risk reduction and reliable auditing of imported goods.
- **Product profiling:** It improves security of the supply chain by revealing information about the origin and destination of cargoes. This involves being able to preemptively stop importation of illicit commodities whilst they are still in the country of origin. It serves as a greater assurance for the country's wellbeing and in government's fight against counterfeit products.<sup>53</sup>
- **Economic significance:** Economically, it is described as the best electronic platform in checking revenue leakages in import and export trades, in the form of under-invoicing, under-declaration and concealment of goods. According to GetCTN, "it was reported that up to 80% of imported goods are under-declared and Nigeria Customs Authority has promised that CTN documentation will end under-declared goods coming into Nigeria."<sup>54</sup>
- **Port traffic management:** the advance declaration system is widely believed to benefit port authorities especially ports that are inadequate and in poor condition.



For instance; “the ports that are in poor condition are the ones to benefit the most out of this new requirement. Because it provides real-time monitoring of inbound and outbound flow of vessels and allows enough time for port managers to allocate necessary space for docking and equipment for unloading.”<sup>255</sup>

## 2.4 Method of Study

The study adopted data triangulation method. It refers to the use of multiple approaches both qualitative and quantitative to analyze data to enhance the study’s credibility. Qualitatively, the study used secondary sources of data. Empirically, the study used data generated from five structured questionnaires randomly administered to 150 officers of Nigerian Customs Service and Nigeria Police Force. Chi-square through the application of SPSS was used to determine if there were any significant differences between the responses of the customs and police officers at alpha ( $\alpha$ ) level of (0.05) significance. When the P-Value  $\leq 0.05$ , there exists a significant difference in their responses but where the P-Value  $> 0.05$ , then there is no significant difference between their responses.

The questionnaires were purposively and randomly administered to the customs officers based on their central role in the export and import business and to the police officers based on their internal security role and arms recovery from criminals in the course of combating crime. E-mail and one-on-one contact were the medium of administration, from December 2020 to June 2021. Over 90 percent of the questionnaires were returned: Nigeria customs (90), police (50) and about 5% proxy response. Proxy response in the context of this study is responding to or answering questions with another person’s comment on the subject of the question. Due to the current security situation in Nigeria, security officers are cautious of their public utterances and responses to security questions to avoid being quoted or making public comment that does not serve the interest of the government of the day.

## III. Factors That Influence Arms Smuggling Through Nigeria Seaports

To ascertain the factors that influence the trend of arms smuggling through Nigeria seaports and determine if technological application can curb the menace, the five structured questionnaires were tabulated and statistically analyzed. Question 1 was administered to only the police officers and as such their responses were estimated based on percentage while questions 2 to 5 were estimated using chi-square. Questions 2 to 5 were administered to both the customs and police officers.

### 3.1 Questions and Responses of the Officers of Nigeria Customs and Police

**Question 1:** From your observation as a police officer, are most of the arms recovered from criminals locally made or foreign made?

While 70% of the Police Officers were of the view that most of the arms recovered

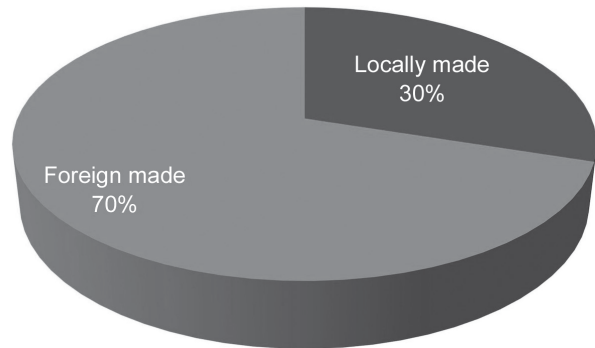
from criminals are foreign made, 30% maintained that they were locally made. The fact remains that the illegal arms in circulation in Nigeria are both locally and foreign made but a significant quantity that is foreign made passes through the seaports as indicated in Table 2.1. According to Abiodun, “the extremist groups also use locally made arms. Their most sophisticated arms are usually imported, concealed and smuggled into the country via seaports and porous land borders.”<sup>56</sup> The Cable & Punch, “reported the indictment of three Americans for illegally exporting arms and ammunition to Nigeria.

According to the report, the three persons indicted were listed as Wilson Nuyila Tita of Owings Mills, Maryland, 45 years old; Eric Fru Nji of Fort Washington, Maryland, 40 years old; and Wilson Che Fonguh of Bowie, Maryland, 39 years old.”<sup>57, 58</sup>

According to the indictment, on January 17, 2019, the defendants and their co-conspirators exported, attempted to export, or caused to be exported to Nigeria articles on the United States Munitions List (USML) the export of which was controlled under the Arms Export Control Act, without first having obtained the required license or written approval from the U.S. Department of State, specifically: 38 semi-automatic firearms; over 35,000 rounds of ammunition; and 44 magazines.<sup>59</sup>

Similarly, “the United States District Court for the Eastern District of California ordered the forfeiture of about \$6.1 million belonging to Nigeria after Ara Dolarian pleaded guilty to charges including illegal dealing in military-grade weapons and money laundering.”<sup>60</sup> Locally, “the Nigerian Police Force on June 2, 2021, uncovered a factory illegally manufacturing AK-47 rifles in Jos-South Local Government Area of the country. According to one of the suspects arrested in connection with the illegal factory, about 180 units of AK-47s were manufactured in the last three years and sold at N80,000 per unit.”<sup>61</sup> Furthermore, the force public relations officer noted that it would require extra knowledge of an expert to differentiate between AK-47s made in Europe and locally-made ones. Specifically, in Ogun state, the western part of Nigeria, the Student Union representatives averred that “more than ever, the circulation of unregistered and unlicensed guns on the street has massively increased. If the trend is not checked, the state may start experiencing gunfights with heavy casualties across the campuses.”<sup>62</sup> This development is attributed to the ineptitude and indifference of the Comptroller of Nigeria Customs Service (NCS) of Ogun 1 Area Command.<sup>63</sup> The trend of arms smuggling is on the rise between local and international collaborators in different countries and would require international synergy to curtail.

## Arms



**Figure 3.1: Pie chart of responses of the Police Officers.**  
Source: Field survey, 2021.

<b>Table 3.1: Cross-tabulation of responses of the officers to Questions 2 &amp; 3</b>		
<b>Variables</b>	<b>Officers</b>	
<b>Question 2</b>	Customs	Police
There are records of interceptions and seizures of arms imported into Nigeria, are you aware of the prosecution of any person in Nigeria between 2012 and 2021 for illegal arms importation?		
Yes	30 (60%)	20 (40%)
No	60 (66.7%)	30 (33.3%)
<b>Total</b>	<b>90 (100%)</b>	<b>50 (100%)</b>
$\chi^2 = 0.622, df = 1, P-V = 0.430^{NS}$		
<b>Question 3</b>		
Can deployment of Technology successfully stop arms smuggling through Nigeria seaports?		
Yes	75 (65.2%)	40 (34.8%)
No	15 (60%)	10 (40%)
<b>Total</b>	<b>90 (100%)</b>	<b>50 (100%)</b>
$\chi^2 = 0.243, df = 1, P-V = 0.622^{NS}$		

Values = frequency (percentage), NS = Not Significant  
**Source:** Field survey, 2021.

In total, 64.3% (90) of the 140 respondents to question 2 in Table 3.1 maintained that they have not heard, read or witnessed the prosecution of any person in Nigeria for illegal arms importation between 2012 and 2021. 35.7% (50) of the respondents admitted to have heard, read or witnessed such prosecution. At this point, it is difficult to decipher the objectivity in the responses of the officers given the sensitivity of the subject and ongoing security crisis in the country. However, the statistical result indicates that P-Value  $0.430 > 0.05$ ; therefore, there is insignificant difference between the responses of the customs and Police Officers with regard to awareness about the prosecution of any person in Nigeria between 2012 and 2021 for illegal arms importation.

Much as there are prosecutions of arms smugglers in Nigeria, two major factors that may have influenced the responses of the respondents were:

- i. Lack of Diligent Prosecution: There have been various reports on the seizure of firearms by the NCS, but there is not much information in the public domain as to the prosecution of perpetrators.<sup>64</sup> Some of the attempted prosecutions are usually not publicized and representatives of government involved in such prosecutorial process show reluctance when perhaps someone highly placed in government circle is deemed to be involved. In such instances, “identities of the parties involved are usually concealed to the public and investigation continues without end.”<sup>65</sup>
- ii. Official indifference and corruption: According to Ayissi & Sall, “the vicious cycle of low salaries and corruption creates breeding grounds for the proliferation of small arms and light weapons among the civilian population. Customs officers are bribed by weapons dealers, while soldiers, police officers and security forces are known to have sold

government weapons to criminals.”<sup>66</sup> For instance, “it is on record that 88,078 AK-47 rifles and 3,907 assorted rifles and pistols were missing from Nigeria Police formations across the country.”<sup>67</sup> Also due to corruption, Customs operates against its extant rules by stopping and re-checking containers on Nigeria highways that the same customs already cleared at the ports.<sup>68</sup> Furthermore, “students in Ogun state, Western area of Nigeria, accused the Comptroller of Nigeria Customs Service, Ogun 1 Area Command, of incompetence and visible indifference in securing the borders of Ogun state. This gave rise to smuggling activities and the influx of illegal firearms into Nigeria and further worsening insecurity in the country.”<sup>69</sup>

Cumulatively, Table 3.1, Question 3 revealed that 17.9% of the Officers who responded “No” is insignificant compared to (82.1%) of the Officers who affirmed that deployment of technology in the ports can curtail arms smuggling through the ports. This is even more cogent when viewed in reflection of the current demand in port management where the order of the day is port automation for greater efficiency and productivity. Impliedly, the results showed insignificant difference between the responses of the and Police Officers in terms of whether the deployment of technology in the ports can successfully stop arms smuggling through Nigeria seaports as P-Value (0.622) > 0.05 level of significance.

**Table 3.2: Cross-tabulation of responses of the officers to Questions 4 & 5**

Variables	Officers	
	Customs	Police
<b>Question 4</b>		
What can Nigeria do to stop arms proliferation and growing insecurity?		
Good Governance	58 (64.4%)	32 (35.6%)
Proper Policing of the ports	12 (60%)	8 (40%)
Invest adequately in human resources deployed at the ports and purge bad eggs in port management	20 (66.7%)	10 (33.3%)
<b>Total</b>	<b>90 (100%)</b>	<b>50 (100%)</b>
$\chi^2 = .235, df = 2, P-V = 0.889^{NS}$		
<b>Question 5</b>		
What do you think is the motivation behind illegal importation of arms into Nigeria?		
Robbery and stealing	15 (75.0%)	5 (25.0%)
Hostile political atmosphere	13 (65%)	7 (35%)
The goldmine in kidnapping and banditry	12 (60.0%)	8 (40.0%)
Radical Islamic agenda	50 (62.5%)	30 (37.5%)
<b>Total</b>	<b>90 (100%)</b>	<b>50 (100%)</b>
$\chi^2 = 1.276, df = 3, P-V = 0.735^{NS}$		

Values = frequency (percentage), NS = Not Significant

Source: Field survey, 2021

Among the options in Table 3, question 4, the aggregate responses of the officers showed that 64.3% of them were of the view that good governance will curtail the

proliferation of arms and growing insecurity in Nigeria while 14.3% and 21.4% of the officers respectively maintained that “proper policing of the ports” and “investing adequately in human resources deployed at the ports and purging bad eggs in port management” will arrest the trend of arms proliferation. Much as each of the options will make a positive contribution in addressing the problem, one of the respondents stated that a 64.3% response in favor of good governance is an indication that Nigeria has a governance problem which affects every other part of its system. Malam succinctly posits that:

The proliferation of small arms and light weapons is adjudged as the most immediate security challenge to individuals, societies, and states worldwide, fueling civil wars, organized criminal violence, insurgency and terrorist activities posing great obstacles to sustainable security and development. This trend especially in Africa is attributed to the weakness and fragile nature of the states and their attendant failure to deliver in governance.<sup>70</sup>

Therefore, if the issue of governance is taken cognizance of, the rest of the problems will be concomitantly solved. In Nigeria’s current circumstance, good governance is perceived as one-size fits all solution to the proliferation of arms through the seaports and the consequent growing insecurity. The cross-tabulation result showed that P-Value 0.889 > 0.05, and as such there is no significant difference between the responses of the Customs and Police Officers among the three options of what Nigeria can do to stop the proliferation of arms and growing insecurity.

In aggregation of the responses to question 5 in table 3.2, 14.3% of the officers respectively submitted that robbery and stealing, hostile political atmosphere, and the goldmine in kidnapping were the motivation behind the illegal importation of arms into Nigeria. 57.1% maintained that the motivation behind the illegal importation of arms into Nigeria is the radical Islamic agenda. The current administration in Nigeria led by the Islamic Fulani segment of the country had been accused of using the State apparatus to pursue the agenda of Islamization and “Fulanization” of Nigeria. The ethno-religious posture of the administration gives credence to the accusation. For instance, “the service chiefs and heads of other security agencies are predominantly Fulani Muslims from the Northern part of Nigeria.”<sup>71, 72</sup> Secondly, “the failure of the administration to designate AK-47 Rifle-carrying Fulani herdsmen as terrorists even when they have been declared the fourth deadliest terror group in the world by Global Terrorism Index.”<sup>73</sup> Thirdly, “the administration’s intolerance of dissenting views from southern Nigeria that are dominantly Christians.”<sup>74</sup> According to Kuwonu, “across different conflict situations in Africa, the impact of small arms and light weapons is so destructive. The AK-47 rifle has claimed a significant number of African lives.”<sup>75</sup> For instance, “Boko Haram has, in the last decade, killed over 25,000 people in North-East of Nigeria. The group has sustained its attacks on the nation, brutally killing thousands of people including soldiers, women and children. All these armed activities continue unabated, partly because of unchecked arms proliferation in the country.”<sup>76</sup> The illicit trafficking and diversion of small arms and light weapons, along with their retransfer to unauthorized end-users generates high levels of armed violence and foment crime and terrorism.<sup>77</sup>

As a result of the free reign of terror on Nigerians by the AK-47 wielding Fulani herdsmen that have metamorphosed into banditry, “a former Defence Chief, Governors, ethnic socio-cultural groups and other eminent citizens had called on Nigerians to defend

themselves against herdsmen/bandits attacks and killings.”<sup>78, 79, 80, 81, 82</sup> The situation has turned Nigeria into a hotbed of illegal arms and ammunition, such that there are more arms in the hands of non-state actors than state actors.

In summary, the statistical cross-tabulation output showed that the P-Value  $0.735 > 0.05$ ; therefore, there is insignificant difference between the responses of the Customs and Police Officers as to the motivation behind the illegal importation of arms into Nigeria.

### *3.2 Discussion of Factors That Influence Arms Smuggling Through Nigeria Seaports*

The following factors influence arms smuggling through Nigerian ports.

i. Bad governance: Buhari’s administration has been unable to cover its ethnic and religious bias in Nigeria’s multi-ethnic Federalism. It has consistently bred suspicion of dominance and fierce competition for land and natural resources along ethnic and religious lines. It is the reason AK-47 rifle-carrying Fulani herdsmen in Nigeria are untouchable and that has exacerbated farmers and herders armed conflict in Nigeria. According to Amaize, “the Fulani herdsmen are above the law. They are untouchable, protected by those who are supposed to prosecute them. If the activities of the herdsmen remain unchecked, another civil war may erupt. This has led to the call for all ethnic nationalities in Nigeria to defend their territory from Fulani-herders invasion.”<sup>83</sup> For instance, “many communities in North West and North Central areas of Nigeria as well as wealthy individuals who can afford it are contributing money to buy guns and other weapons to protect themselves against bandits, terrorists and other criminals.”<sup>84</sup> This has resulted in the race for arms acquisition and smuggling both through the seaports and porous land borders.

ii. Official collaboration: As destructive as arms and ammunition are, it is a capital-intensive venture as well as money spinning when conducted illegally. As such, it is alluring and economically seductive, the reason many in official and private capacity have fallen to the temptation locally and globally. The statistical data on illegal arms in circulation and intercepted in Nigeria is far from accurate. Beyond the issue of poor documentation, official involvement in arms smuggling is also the reason for inaccurate data on illegal arms circulation. Also, “arms supplied by developed countries to neighboring West African nations find their way into Nigeria”<sup>85</sup> and there is no reliable data in that regard.

iii. Mixed motivation: Every human action, irrespective of how wrong or right it is, is dictated by motive. The motivation behind the massive arms smuggling into Nigeria by Nigerians and their external collaborators appears to be complex due to the enabling factors such as insurgency that has spiraled from the North to the South, endless herders-farmers conflict, militancy in the south-south, secessionist agitation in the Eastern and Western parts of the country, lucrative abduction and kidnapping, armed robbery, banditry, disunity and lack of transparency in governance, political intolerance and ethnicity, unemployment and above all corruption in governance. There is an ongoing internal war in Nigeria and illegal arms smuggling business is currently thriving.

## **IV. Implementation of CTN and Security Implication**

The attempts to implement CTN in Nigeria seaports from 2010 till date had always been constrained by corruption. The barrage of attacks and its subsequent suspension in 2010 was later justified when it was discovered that “the project was used to scam millions of people in the industry by some powerful individuals in the presidency at that time.”<sup>86</sup> Currently, “Nigeria’s ports are still locked in a congestion crisis caused by the various manual processes and 100 percent physical examinations involved in the cargo clearance chain as well as the high cargo dwell time and corruption due to human contacts, thereby costing the federal government N1.08 trillion yearly loss in revenue.”<sup>87</sup> In this current attempt to reintroduce CTN for third time in Nigeria, “the process of appointing operators of the Cargo Tracking Note (CTN) has become a subject of litigation. In the suit marked FHC/ABJ/CS/1587/2021, CASER (Citizens Advocacy for Social and Economic Rights) alleged among others, that the Minister of Transportation manipulated the appointment process to the benefit of two local and inexperienced firms—Medtech Scientific Ltd and Rozi International Nigeria Ltd.”<sup>88</sup> Usman, reiterated that:

CASER filed the suit in the public interest, considering the dire security implications and serious economic consequences for the Federal Government of Nigeria and indeed all Nigerians, who would risk continuing to groan under the heavy weight of insecurity and dwindling financial resources in the event of appointing incompetent and compromised persons to operate the International Cargo Tracking Note in Nigeria which would be tragic.<sup>89</sup>

According to CASER, “Nigeria’s current state of widespread insecurity is partly attributed to previously failed attempts to implement the CTN, both in 2010 and 2015, because of incompetent and corrupt agents recruited to operate the scheme at those times.”<sup>90</sup> In 2022, the situation has not changed. In addition, the failure to implement the CTN appears to be the deliberate acts of some government officials to corruptly enrich themselves and their crony companies. It has aided the importation of illegal weapons freely into Nigeria; “making Nigeria the 3rd most terrorized country in the world, after Afghanistan and Iraq.”<sup>91</sup> While it was estimated in 2017 that 70% of over 10 million illegal weapons in circulation in West Africa were in Nigeria, today, 350 million of over 500 million SALW in West Africa are circulating in Nigeria. The trend is on the rise, and that has resulted in the escalation of armed conflicts, insurrection and daily killings.

## **V. Can the Re-Introduction of Cargo Tracking Note Successfully Halt the Smuggling of Arms and Ammunition That Fuel Insecurity in Nigeria?**

According to the cumulative response of the respondents in Table 3.1, Question 3, 82.1% of the Officers affirmed that deployment of technology in the ports can curtail arms smuggling through the ports. CTN as a type of port technology among others, such as cargo scanners, e-call up system, etc., serve different purposes and all come under the categorization known as “Port Automation.” Port automation is a current trend in port

management for greater efficiency and productivity. It is a global practice for Port-of-now and future without which it cannot be considered as Smart, Sustainable and Resilient. It involves digitization and digitalization of port operations. Therefore, CTN as a technology can curtail arms smuggling through the Nigerian ports.

However, making CTN work in Nigeria seaports is about human capital and their patriotic disposition in applying CTN correctly for its purpose. As such, that the CTN may not successfully curtail arms smuggling in Nigeria ports is not because of the technology itself but because of the human factor in managing it, taking note of the ethnic crisis and corruption in governance, official sabotage and the fact that it is an imported technology. Human resources aspect of managing the CTN in Nigeria is the problem.

Furthermore, the potential of CTN to curb arms smuggling in Nigerian ports depends on human capital because the technology is manipulated by individuals who could choose to operate it in the interest of the nation or personal ulterior motive, thereby scuttling organizational and national interests. "For a country like Nigeria that is bedeviled by public corruption, poverty, deep religious and ethnic divides, growing secessionist agitation and declining nationalism, scuttling national interest is sometimes an adaptive and survival strategy."<sup>92</sup> Beyond the prevention of illicit arms passage through the ports, Yakubu Abdulmumin, a superintendent of police, maintained that "adequate deployment of technology will help in the detection and prevention of crime in the country and advised government at all levels to adopt the approach."<sup>93</sup> Abdulmumin further explained that the use of technology would address the internal security challenges in Nigeria and can be used to locate the bases of bandits, terrorists and other criminals. Human capital support is pivotal to technological application for security and development because patriotism precedes technological development.

## VI. Conclusion

Arms smuggling is a universal phenomenon but can only be potent in a country if the environment is favorable. Despite some successful interceptions, the Nigerian Customs Service's pattern of operations makes the environment conducive to the illegal enterprise of arms importation. For instance, Customs stopping container trucks on the highways already cleared at the ports by the same Customs for further checks shows distrust among personnel, lack of transparency and economic exploitation of importers. All that point to the fact, that instead of the internal security that CTN can offer through the prevention of illegal passage of illicit arms through the ports, corruption has limited the potentials of its application, hence the passage of illegal arms and ammunition and the spiraling armed violence and insecurity in Nigeria. Patriotism, trust, transparency and accountability precede technology in development. When these factors are lacking in government business, CTN cannot guarantee curtailment of illegal arms importation through the ports. It takes the human factor to make it effective and efficient. Until Nigeria successfully deals with the issues of bad governance and corruption which are the triggers of insecurity, technological deployment for national security, including CTN, will be a pipe dream.

From the whole discourse, the study recommended thus:



**i. Good governance:** This is the antidote to corruption and poor governance and a sure way to de-escalate the growing armed violence and conflicts in Nigeria and discourage illegal arms smuggling into the country. CTN in Nigeria's context is tackling the symptom and not the disease. The disease is the failure of governance which, if addressed, will make the implementation of CTN effective and successfully curb arms smuggling into Nigeria and the consequent growing insecurity.

**ii. International synergy:** As Nigeria deals with customs officers and other parties locally involved in arms smuggling, the country should devise effective means of tracking and dealing with external collaborators through international collaboration. That will discourage international arms smugglers from focusing on Nigeria.

**iii. Patriotic zeal:** This should be the responsibility of the Nigerian government through its actions and inactions to rebuild and earn the faith and trust of the citizens, thereby inducing motivation for nationalism. If that is achieved, patriotic zeal should be a prerequisite for recruiting into Nigerian Customs Service or working with the Nigerian Port Agency. The onus of determining patriotic zeal shall be that of the government.

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Submitted: 06-23-2022 • Sent for Review: 07-01-2022 • Decision: 09-15-2022 •  
Resubmission: 11-01-2022 • Decision: 11-06-2022