

CONTROL OF SMALL ARMS AND LIGHT WEAPONS, 2021

CONTROL OF SMALL ARMS AND LIGHT WEAPONS BILL, 2021

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PART I

OBJECTIVE AND APPLICATION

- (a) control the proliferation of small arms and light weapons in Nigeria;
- (b) provide a framework for the coordination, implementation and monitoring of all efforts geared towards the control of small arms and light weapons in Nigeria; and
- (c) prevent, combat and eradicate the illicit trade in small arms and light weapons.

This Act shall apply throughout the Federal Republic of Nigeria.

ESTABLISHMENT OF THE NATIONAL CENTRE FOR THE CONTROL OF SMALL ARMS AND LIGHT WEAPONS

(1) There is established a National Centre for the Control of Small Arms and Light Weapons, ("the National Centre") which shall be domiciled in the Office of the National Security Adviser.

(a) the coordinating body for all security and enforcement agencies under this Act.

(b) responsible for –

- (i) policy formulation, coordination and monitoring of effort to address small arms and light weapons related issues within Nigeria;
- (ii) monitoring of effort to prevent, combat and eradicate the illicit trade in small arms and light weapons; and
- (iii) providing regular briefings and reports to the Government on the progress and challenges of the implementation of the national policy and strategy on small arms and light weapons, with the aim of facilitating the necessary political will, understanding and support for activities and programmes dealing with small arms and light weapons.

4. Functions and powers of the National Centre

The National Centre shall -

- (a) implement strategies, plans and policies for the eradication of proliferation of small arms and light weapons;
- (b) supervise the implementation of the strategies, plan and policies for the eradication of proliferation of small arms and light weapons, by law enforcement agencies and other relevant Ministries, Departments and Agencies in Nigeria;
- (c) receive from the Nigeria Police Force, reports of activities on registration and licensing of fire arms and ammunition for the purposes of updating the national database;
- (d) register and securely store or destroy small arms-
 - (i) collected from the Nigeria Police Force, Armed Forces and other security agencies, and
 - (ii) seized or recovered from criminals, terrorist, insurgents and any other person in possession of illegal small arms and light weapons;
- (e) organize programmes of action to prevent, control, combat and eradicate the illegal trade in small arms and light weapons;
- (f) coordinate the design and implementation of an effective public education and awareness campaign relative to small arms and light weapons;
- (g) create and maintain a national database of all small arms and light weapons (SALW);
- (h) update the register of small arms and light weapons and transmit same to the United Nations (UN), African Union (AU), the Economic Community of West Africa States (ECOWAS) and any other international organization that may so require;
- (i) advise the Economic Community of West Africa States (ECOWAS), the African Union (AU) and United Nations (UN) on exemptions to be granted to member states for

weapons of categories 1, 2 and 3 of the ECOWAS Protocol on SALW to meet legitimate national defence and security needs, or to participate in peace keeping or other operations in accordance with the decisions of the United Nations, African Union, Economic Community of West African States or other regional or sub-regional body of which it is a member;

- (j) liaise with the Economic Community of West African States, African Union, United Nations in all matters relating to the eradication of proliferation of small arms and light weapons in general at the regional, continental and global levels;
- (k) initiate and develop mechanisms for exchanging information and experience with the National Centres, Commissions or National coordinating bodies for the eradication of proliferation of small arms and light weapons of other member states of the Economic Community of West African States, African Union and United Nations;
- (l) conduct periodic research, studies and surveys to gather accurate information on impacts of interventions, to track the mutating dimension of the problem of small arms and light weapons and the lessons learned; and to use such information; and
- (m) perform such other functions that may be assigned to it by Federal Government of Nigeria.

PART III

POSSESSION, SALE AND TRANSFER OF FIREARMS

5. Possession of firearms

A person shall not have in his possession or under his control any firearm, or ammunition for any firearm or any component part of such ammunition, in the following categories except in accordance with a licence granted by the President acting on the advice of the National Centre-

- (a) lethal barreled weapon of any description from which any shot, bullet or other missile can be discharged;
- (b) muzzle loading firearm of any category;
- (c) component of any firearms;
- (d) weapon from which a shot is discharged; or
- (e) weapon, rifle or pistol from which a projectile can be fired.

6. Personal firearms

- (1) A person shall not have in his possession or under his control any firearm of one of the categories specified in section 5 of this Act ("personal firearm") except in

accordance with a licence granted in respect of it by the Inspector-General of Police, which licence shall be granted or refused in accordance with guidelines specified by the President on the advice of the National Centre.

(2) The Inspector-General of Police shall provide to the National Centre –

(a) details of all licensed personal firearms; and

(b) monthly analysis on seizures of illegal weapons.

7. Muzzle-loading firearms

(1) The Commissioner of Police of a State, with the consent of the Governor of the state may grant license for the possession or control of muzzle-loading firearm.

(2) The Commissioner of Police of a state shall give monthly report of firearms licenced under the provisions of subsection (1) of this section to the National Centre.

(3) The grant of a licence in respect of a muzzle-loading firearm in respect of which application has been duly made shall not be refused except for one of any reason specified by the President.

8. Grant of licences and permits

(1) Subject to the provisions of section 7 of this Act and the Firearms Act, the authority having the function of granting a licence or permit may grant licence or permit to a person deemed fit .

(2) The authority having the function of granting a licence or permit may, subject to the provisions of any regulations made under this Act –

(a) impose such terms or conditions as deemed fit; or

(b) revoke a licence or permit for such cause as he may consider appropriate.

(3) A person whose application for licence or permit is refused by the Police authority other than a decision by the President, may appeal in writing to the President through the National Centre, whose decision shall be final.

(4) Notwithstanding the provisions of sections 6 and 7 of this Act, no licence or permit under the provisions of this Act shall be granted if there is reason to believe that the applicant or holder of the licence –

- (a) is under the age of 21;
 - (b) is of unsound mind;
 - (c) is not fit to have possession of the firearm in question on account of defective eyesight;
 - (d) is a person of intemperate habits; or
 - (e) has been previously convicted of an offence involving violence or the threat of violence.
- (5) The Inspector General of Police or the Commissioner of Police of a state shall provide details of –
- (a) rejected applications for licence or permit to the National Centre within 1 month of the rejection; and
 - (b) revoked licences to the National Centre within 1 month of the revocation.

9. Safe custody of firearms

- (1) The owner of a firearm in respect of which a licence or permit has been granted in accordance with the provisions of this Act shall be responsible for the safe custody of the firearm to which the licence or permit relates.
- (2) The owner of a firearm, in the case of loss, theft or destruction of the firearm, shall –
 - (a) notify such loss, theft or destruction and the circumstances of it within 14 days to the authority who issued the licence or permit, surrender the licence or permit; and
 - (b) do such other action as the authority may consider necessary.
- (3) Where the holder of a licence or permit dies, a person lawfully in possession of the chattels of the deceased or a person to whom a firearm or ammunition of the deceased has been bequeathed may, notwithstanding any other provision of this Act, lawfully have in his possession a firearm or ammunition in respect of which the deceased person held a licence or permit for a period of 14 days after such death.

- (4) Notwithstanding the provisions of subsection (3) of this section, the Inspector-General of Police may, if he deems fit, seize the firearm or ammunition and retain or deposit same in a public armoury as provided in the Firearms Act, until a licence or permit is granted in respect of such firearm.
- (5) The occurrence of any of the situation provided in subsection (2), (3) and (4) of this section, shall be reported to the National Centre within 30 days for record and analysis.

10. Ammunition

- (1) A person shall not have in his possession or under his control any ammunition for any firearm and any component part of any ammunition or gun powder or trade powder intended or used as a component part, except in accordance with the terms of a license or permit granted to him and in respect of such firearm.
- (2) The provisions of sub-section (1) of this section shall apply in respect of all ammunition, except-
 - (a) lead shot for use only as a weight ; or
 - (b) blank cartridges other than those for humane killers not exceeding 2.54 centimetres in diameter.

11. Prohibition of dealing in arms or ammunition

- (1) A person shall not buy, sell, transfer, expose for sale or transfer, or have in his possession for sale or transfer, any firearm unless the person is registered as a firearms dealer.
- (2) Notwithstanding the provisions of any other law, any application for registration as a firearm dealer shall be confirmed by the National Centre before approval.
- (3) The National Centre shall maintain a database of registered firearms dealers in Nigeria.
- (4) A person shall not buy, sell, transfer or expose for sale or transfer or have in his possession for sale or transfer any ammunition, except –

- (a) the ammunition specified at section 5 (b) of this Act or Part 11 of the Firearms Act; and
 - (b) he is registered as a firearms dealer.
- (5) The President may, upon the advice of the National Centre direct –
- (a) the registration of any person as a dealer in firearms; and
 - (b) that any such registration of a dealer be cancelled.

12. Registered dealer's armouries

- (1) A registered firearms dealer shall –
- (a) construct, in accordance with the requirements prescribed by Regulations pursuant to the Firearms Act, and maintain in proper repair, an armoury at each place in respect of which he carries on business;
 - (b) keep an up to date records of transactions at each place where he carries on business, and shall make such returns in respect of the records as may be prescribed by the National Centre;
 - (c) in the case of loss, theft or destruction of a firearm in his possession, shall notify such loss, theft or destruction within 7 days of the occurrence to the Inspector-General of Police and the National Centre, for record and analysis; and
 - (d) A registered firearms dealer shall permit inspection of each place where he carries on business and the records maintained, by a police officer, upon production by such police officer of the written authority of the Inspector-General of Police.
- (2) The National Centre –
- (a) may conduct periodic inspection of registered firearms dealers armoury across Nigeria; and
 - (b) shall keep records of all registered dealers armoury across Nigeria.

13. Sale or transfer of firearms or ammunition

- (1) A person, whether a registered firearms dealer or not, shall not sell or transfer any firearm or ammunition to any person, except-
 - (a) another registered firearms dealer; or
 - (b) the person produced a licence or permit authorizing him to possess such firearm or ammunition.
- (2) Any regulations made under this Act and pursuant to the Firearms Act may permit the sale or transfer of a firearm or ammunition by a registered firearms dealer to a person who is not the holder of a licence or permit intending to obtain such licence, upon conditions to be prescribed in such regulations.

14. Stamping of all firearms sold

- (1) A person, whether a registered firearms dealer or not, shall not sell or transfer any firearm unless-
 - (a) there is stamped permanently on it, the maker's name and number or such other particulars as may be prescribed; and
 - (b) the name or number is specified in any licence or permit produced in accordance with section 11 of the Firearms Act.
- (2) A person, whether a registered firearms dealer or not, shall not alter or render illegible the maker's name or number or other prescribed particulars stamped upon a firearm without the consent in writing of the Inspector General of Police.
- (3) Where the provisions of subsection (2) of this section is contravened, the Inspector General of Police shall notify the National Centre for record and analysis.

15. Collection and storage of small arms and light weapons

- (1) The National Centre shall have power to collect-
 - (a) small arms which are surplus to the national needs or have become obsolete;
 - (b) seized light weapons;
 - (c) unmarked light weapons;
 - (d) illegally held light weapons; and
 - (e) small arms collected in the implementation of peace accords or programmes for the voluntary handing over of the weapons.

- (2) A small arm or light weapon collected pursuant to the provisions of subsection (1) of this section shall be registered and securely stored or destroyed.
- (3) The National Centre shall promote and carry out programmes of voluntary handing over of small arms and light weapons.

16. Management and security of stockpiles

- (1) The National Centre shall take the necessary measures to ensure the safe and effective management, storage and security of national stocks of small arms and light weapons.
- (2) The National Centre shall, pursuant to the provisions of subsection (1) of this section, establish effective standards and procedures for stockpile management, storage and security, including-
 - (a) appropriate site;
 - (b) physical security measures of storage facilities;
 - (c) inventory management and record keeping;
 - (d) staff training;
 - (e) security during manufacture and transportation; and
 - (f) sanctions in case of theft or loss.
- (3) The National Centre shall ensure that stockpiles of small arms and light weapons by manufacturers, dealers as well as individuals are securely stored in accordance with the appropriate standards and procedures.

PART IV

REGISTER OF SMALL ARMS AND LIGHT WEAPONS

17. Establishment of register of small arms and light weapons

- (1) The National Centre shall keep and maintain a computerised register of small arms and light weapons and a comprehensive national database, in which shall be recorded the following information-
 - (a) description of the product (type, model and caliber) and quality (where it concerns a batch);

- (b) content of the marking;
- (c) names and addresses of the former and current owners and, where possible, successive owners;
- (d) date of registration; and
- (e) information concerning each transaction, including-
 - (i) the name and address of the shipper, the intermediary (where applicable), the consignee and the user indicated on the end-user-certificate,
 - (ii) the point of departure, transit and destination, as well as the customs references and the dates of departure, transit and delivery to the end-user,
 - (iii) the export, transit and import licence (quantities and batches corresponding to the same licence as well as the validity of the licence),
 - (iv) full details concerning the method of transport and the transporter,
 - (v) the controlling agency or agencies at point of departure, transit and entry,
 - (vi) the nature of the transaction, whether commercial, non-commercial, private or public, conversion, repair, and
 - (vii) where applicable, the insurer and the financial institution intervening in the transaction.
- (2) The records in the Register of the National Centre shall also be kept in the custody of designated agencies.

18. Register of arms for peace operations

- (1) The National Centre shall-
 - (a) keep and maintain a register of small arms and light weapons destined for use in peacekeeping operations both within and outside the ECOWAS or AU territory to ensure the control of movements of small arms and light weapons and their effective withdrawal at the end of peace operations in which member states are participating; and
 - (b) declare to the executive secretariat of ECOWAS, AU and UN organization of all small arms and light weapons-
 - (i) used in peace-keeping operations, or

- (ii) seized, collected or destroyed during peace keeping operations in Nigeria and in the ECOWAS or AU region.

(2) For the purpose of implementing the provisions of sub section (1) of this section-

- (a) the Armed Forces, the Police and any other security agency engaged in peace keeping operations shall –
 - (i) prior to the commencement of the operation, submit to the National Centre a register or record of small arms and light weapons to be used in the operation, and
 - (ii) after the operation, submit to the National Centre a register or record of small arms and light weapons used in the operations or seized, collected or destroyed during the operations;
- (b) the National Centre may at any time necessary, request from the Armed Forces, the Police or any other security agency engaged in peace keeping operations, a register or record of small arms and light weapons to be used, used, seized, collected or destroyed during the operations;
- (c) a register of small arms and light weapons used by arms bearing agencies shall be forwarded to the National Centre quarterly; and
- (d) a list of ammunitions before and after a peace keeping mission by arms bearing agencies shall be forwarded to the National Centre.

19. Small arms registry

The National Centre shall establish a National Small Arms Registry to be managed by an arms Registrar who shall-

- (a) keep, maintain and update, from time to time, the Registers established under this Act;
- (b) transmit the Registers to the secretariat of the ECOWAS in accordance with the provisions of ECOWAS Convention; and
- (c) carry out any other responsibility in respect of small arms and light weapon record and documentation in the Nigeria.

PART V

CONTROL OF THE MANUFACTURE OF SMALL ARMS AND LIGHT WEAPONS

20. Control of the manufacture of small arms and light weapons

- (1) The National Centre shall-
 - (a) control the manufacture of small arms and light weapons in Nigeria;
 - (b) regulate the activities of local and artisanal small arms and light weapons manufacturers; and
 - (c) adopt strategies and policies for the reduction or limitation of the manufacture of small arms and light weapons so as to control the local manufacture as well as their market within ECOWAS.
- (2) The National Centre shall prepare and maintain an exhaustive list of local manufacturers of small arms and light weapons and ensure their registration in the Register of Small Arms and Light Weapons established under section 17 of this Act.

21. Measures for the control of manufacture of small arms and light weapons

The National Centre shall not grant a request for the manufacture of small arms and light weapons except the manufacturer gives information relating to -

- (a) details of the arms to be manufactured and the quantity, exact type and kind of arms using ECOWAS classification system, including all serial numbers and other markings;
- (b) the procedure for marking and entering details of each small arm and light weapon into the Register of Small Arms and Light Weapons established under section 17 of this Act; and
- (c) information on the storage and management of the small arms and light weapons after manufacture.

22. Tracing

- (1) The National Centre shall exchange with other ECOWAS, AU and UN State Parties, information on -
 - (a) illegal small arms and light weapons;
 - (b) seized small arms and light weapons; and

- (c) trafficking in weapons that contravene international law or the internal laws of the States in which the operations take place, including condemnation of the person or institution implicated, sanctions, disposal, destruction methods and neutralization.
- (2) The National Centre shall, in the case of other small arms and light weapons, exchange the following data on a regular basis with the bodies mentioned in subsection (1) of this section -
 - (a) manufacture, marking system and techniques used, and authorized manufacturers;
 - (b) transfers, exports to and imports from all other states, and transits;
 - (c) information available concerning national legislation, existing practices and controls, authorized dealers and brokers; and
 - (c) existing stockpiles, management, inventory, security, surplus, loss, theft and destruction.
- (3) The National Centre may initiate a tracing request through ECOWAS, AU or UN in relation to small arms and light weapons found within Nigeria that it considers to be illegal.
- (4) A request by the National Centre for assistance in tracing illegal small arms or light weapons shall contain sufficient information, including-
 - (a) information describing the illegal nature of the small arms and light weapons, its legal justification and circumstances under which the small arms and light weapons were found;
 - (b) marking, type, caliber and other relevant information; and
 - (c) intended use of the information being sought.
- (5) Where the National Centre receives through the ECOWAS, AU or UN request for assistance in tracing illegal small arms and light weapons found in the requesting member state, the National Centre shall acknowledge its receipt within a reasonable time frame.

- (6) A request from a member state received under subsection (5) of this section shall contain the information set out in subsection (4) of this section and any other information as may be specified by the National Centre.
- (7) The National Centre shall provide reliable responses to tracing requests made by other member states within 1 month from the date of receipt of the request.
- (8) In responding to a tracing request, the National Centre shall provide all available information sought by the requesting member state that is relevant for the purposes of tracing illegal small arms and light weapons.
- (9) The National Centre may seek additional information from the requesting member state where a tracing request does not contain the information required under this section.

PART VI MISCELLANEOUS

23. Offences and penalties

- (1) Any person in possession of firearms or ammunition without a licence shall on conviction be liable to 2 years imprisonment or a fine of not less than N1, 000, 000.00 or both where the person has no previous criminal record.
- (2) Any person with previous criminal records found in possession of firearms without a licence shall on conviction be liable to 5 years imprisonment without fine.
- (3) Where a person commits an act of violence with a firearm that is not licenced such person shall on conviction be liable to 6 years imprisonment.
- (4) A person who commits an offence under this Act for which no penalty is prescribed shall be liable on conviction to not less than 1 year imprisonment or a fine of not less than N500, 000.00 or both.

24. Public education and awareness programme

- (1) The National Centre shall, in the interest of promoting peace, design public and community education and awareness programmes at national, state and local levels in order to involve Nigerians in the efforts to control the proliferation of small arms and light weapons.
- (2) The National Centre shall, in pursuance of subsection (1) of this section, develop and partner with civil society organizations at national, state and local levels, including women, youth and other organisations, for better information and public awareness on the danger of proliferation of small arms and light weapons.

25. Directives of the President

The President may give to the National Centre such directives of a general nature or relating specifically to matters of policy, with regards to the exercise of the functions of the National Centre as he may consider necessary and the National Centre shall comply with the directives.

26. Regulations

The National Centre may make regulations and issue guidelines as are necessary or expedient for the effective and efficient implementation of the provisions of this Act.

27. Dissolution of the Presidential Committee for the Control of Small Arms and light Weapons

As from the commencement of this Act, the Presidential Committee for the Control of Small Arms and light Weapons (PRESCOM) constituted by the President is dissolved.

28. Savings and transitional provisions.

- (1) The dissolution of PRESCOM as specified in section 27 of this Act shall not affect anything done or purported to have been done by the PRESCOM.
- (2) The right, interest, obligation, proceedings, assets and liability of the PRESCOM existing before the commencement of this Act shall by virtue of this Act be deemed

to be that of the National Centre, to the extent that they are not inconsistent with any of the provisions of this Act.

- (3) Any reference to the PRESCOM or any person under its control or a document issued in the name of the PRESCOM shall be read, unless the context otherwise requires, as a reference to the National Centre established under this Act.

29. Interpretation

In this Act,-

"ammunition" means devices designed to be shot or projected through the means of firearms, including -

- (a) cartridges,
- (b) projectiles and missiles for light weapons, and
- (c) mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems;

"AU" means the African Union;

"Convention" means the Economic Community of West African States Convention on Small Arms and Light Weapons, their Ammunition and Other Related Materials, done at Abuja on 14th June, 2006;

"ECOWAS" means the Economic Community of West African States;

"illicit" means all that is carried out in violation of this Act and the Convention;

"light weapons" means portable arms designed to be used by several persons working together in a team and include notably-

- (a) heavy machine guns,
- (b) portable grenade launchers, mobile or mounted,
- (c) portable anti-aircraft cannons,
- (d) portable anti-tank cannons, non-recoil guns,
- (e) portable anti-tank missile launchers or rocket launchers, and
- (f) mortars with a caliber of less than one hundred millimeters;

"marking" means inscriptions permitting the identification of arms covered by this Act and the Convention;

"muzzle-loading firearm" means firearms into which the projectile and usually the propellant charge is loaded from the muzzle of the gun, including Dane-guns, Flint-lock guns and Cap-guns;

"National Centre" means National Centre for the Control of Small Arms and Light Weapons established under section 3 of this Act;

"other related materials" means all components, parts or spare parts for small arms or light weapons or ammunition necessary for its functioning; or any chemical substance serving as active material used as propelling or explosive agent;

"small arms" means arms used by one person and include -

- (a) firearms and other destructive arms or devices such as an exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile system or landmine,
- (b) revolvers and pistols with automatic loading,
- (c) rifles and carbines,
- (d) machine guns,
- (e) assault rifles, and
- (f) light machine guns;

"small arms and light weapons" includes ammunition and other related materials;

"tracing" includes the systematic monitoring of the movement of small arms and light weapons and their ammunition and other related materials, from the manufacturer until the end user, with a view to helping members states or competent authorities to detect illegal manufacture and trading; and

"weapons of categories 1, 2 and 3" means light weapons, small arms and ammunition, respectively.

30. Short title

This Act may be cited as the Control of Small Arms and Light Weapon Act, 2021.

EXPLANATORY MEMORANDUM

(This memorandum does not form part of the Bill but is intended to explain its purport):

This Bill seeks to provide for the control of small arms and light weapons in Nigeria and the establishment of National coordination body at ONSA to coordinate and implement activities to combat the problem of the proliferation of small arms and light weapons in Nigeria in line with the UN, AU, ECOWAS Convention and other international instruments and Protocols on small arms and light weapons.