

CONTEMPORARY TECHNOLOGICAL DEVELOPMENT IN WARFARE: A REFLECTION ON THE NEED FOR SUSTAINABLE INTERNAL SECURITY IN NIGERIA

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Abstract

The objective of this paper is to examine the rising pace of technological development in warfare and to determine its humanitarian consequences in Nigeria. This paper argues that adopting a contemporary technological development of warfare in Nigeria is not only a programmatic goal to be attained in a long term, but rather an immediate obligation on Nigeria to take steps in addressing the humanitarian consequences as these weapons becomes more technologically complex. The methodology underpinning the research is essentially descriptive, and thus, deductive logical content analysis is employed. This paper utilizes extant international and regional laws as well as other relevant enabling laws in the analysis. This paper recommends that developers of these technological weapon of warfare need to be aware of international humanitarian law principles that apply to the employment of weapons and in conclusion notes that the essence of re-examining the challenges is to be able to identify the key legal issues associated with employing weapons.

Keywords: Contemporary, Technology, Warfare, Internal Security, Nigeria.

1.0 INTRODUCTION

As weapons of warfare become more technologically complex as a result of development in technology, the challenges of complying with apparently simple requirement of international law become more daunting. However, a serious discourse on this technological development in warfare as well as its applications in Nigeria is timely and appropriate as it has threatened the internal security of Nigeria. This paper is inspired, in part, by Article 36 of Protocol Additional to the Geneva convention¹ which provides that:

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¹ Protocol Additional to the Geneva Convention 1949, Article 36.

In the study, development acquisition or adoption of a new weapon means or method of warfare, a High contracting party is under an obligation to determine whether its employment would in some or all circumstances be prohibited by this protocol or by any other rule of international law applicable to the high contracting party.²

However, given the relevance of the above provisions, it must be emphasized that the prospect of achieving or improving the internal security management architecture in Nigeria, including responses to new and emerging threats from Boko Haram, militancy, extremism, secessionism and other threats to internal security in Nigeria is, of course, provided under the Constitution of the Federal Republic of Nigeria.³ the constitution provides that “The security and welfare of the people shall be a primary purpose of government”

In light of the above development, it might be argued that government tends to lose its essence when it is unable to guarantee the basic internal security requirements of society. In this sense, national security is generally understood to be the preserve of the executive arm of government. As a result, the general public and even the political class often do not know what the legislative role in national security is, or ought to be. Furthermore, the intricacies of the production and application of these weapons of warfare with an autonomous firing option requires an understanding of the legal parameter and the way in which these weapons might be employed.⁴ It must be emphasized that the most important point of this paper is that it seeks to identify important questions associated with contemporary technological development in warfare, especially with respect to internal security in Nigeria. And that is the background against which the paper argues for particular effects which of course, has led to human/internal security threats arising from the employment of Small arms and Light weapons as the commonest instruments of violence used in communal conflicts, terrorism and militancy in Nigeria. This paper commences by examining the general notion of contemporary technological development in warfare and the corresponding threat to internal security in Nigeria. It then examines the conceptual dimension of the relationship between development in warfare and internal security by focusing on the “functionality test” as a concept arising in the former area and on its potential, and actual impact

² K Lawand, ‘Reviewing the Legality of New Weapons, Means, and Methods of Warfare’[2006] (88) (864) *International Review of the Red cross*, 925-930.

³See Section 4(2) (a) of the Constitution of the Federal Republic of Nigeria 1999.

⁴M Schmitt, ‘War, Technology and the Law of Armed Conflict’ in A Helm (ed) *The Law of War in the 21st Century Weaponry and the Use of Force*(Vol. 82,International Studies, 2006)142.

on the latter. Finally, it warns that the unique teleological underpinning of the technological development in warfare must be taken into consideration given the legal issues associated with those weapons. In addition, consideration must also be given to the type of weapon to be employed or applied which will not result to a breach to the penal and procedural law of Nigeria.

2.0 CONCEPTUAL CLARIFICATION

2.1. Technology and Security

Recent challenges and development in the weapons of warfare have made the writer to examine the conceptual interpretations and relevance of certain concepts, which has remained prominent in Nigeria today, including the concepts of Technology and Security. As a consequence, numerous initiatives have been set up to address this situation. However, these two concepts are closely related and are very important terms for sustainable internal security of any nation in the sense that they set parameters for legislation.

Furthermore, it is interesting to note that, with the increasing accuracy of weapon delivery technology and increasing lethality of new warheads, there is growing interest in the development of non-nuclear strategic weapons. It must be emphasized that while new technologies can facilitate the rapid spread of ideas, this can have both positive and negative consequences. Also, as the use of new technologies in peace operations expands, their benefits and draw backs have attracted increasing attention from researchers and policy makers. For instance, it should be noted that while Unarmed Unmanned Aerial Vehicles (UUAVs) can improve data collection, transportation, and communication in peace operations, it has also become part of the conflict dynamic with all the attendant risks.⁵ One may constantly argue that the ways these new technologies are used can also be controversial. More so, it must be emphasized that these advancements in new technologies also offer new opportunities for managing conflict and building peace, particularly at the local level. In a similar vein, this paper notes that in peace building, these technologies can as well bring risks. Also, access to new technologies is often uneven and can be manipulated by governments, and users face privacy and security risks.⁶

⁵HP Larrauri and P Meier, *Peacekeepers in the Sky: The use of Unmanned Unarmed Aerial Vehicles for Peacekeeping*, (ICTA4 Peace Foundation, 2015).

⁶HP Larrauri and A Kahl, 'Technology for Peace Building; Stability'[2013] (2) (3) *International Journal of Security and Development*.

On a practical level, given the increasing importance of information technology (IT) in Nigeria, it is not surprising that parties to a conflict might seek to gain advantages over their adversaries by using various tools and techniques for exploiting certain aspects of cyberspace. In this sense, the relevance of the technology to security is manifold and the role of technology control as an important tool for national security strategies is significant. As identified, the control of technology is exercised through either “Arms control” agreements or “Export control” regimes. It must be acknowledged that the arms control initiatives of recent decades have proved fairly successful in reducing the proliferation of potentially dangerous technologies and weapons. Thus, the export control regimes have not prevented the creation of additional balances and may have accentuated certain regional conflicts, thereby adding to the causes of proliferation. However, this paper notes that the impact of some of the new technologies on national security in Nigeria will be even more pronounced in the future. Given the nature of the present security threats in Nigeria which range from one agitation to another, the rationale for collective action thus rests on the fact that the nature of the security threats confronting Nigeria today can only be tackled collectively by means of a nationally coordinated strategy that recognizes both the inter-connectedness of the threats and the importance of addressing them all simultaneously. Basically, security in this context, is a direct synonym to safety, which signifies absence of threat.⁷ As corollary of the above, traditional notions of security, shaped to a large extent by the Cold War, were primarily concerned with a state’s ability to protect its sovereignty from external threats.⁸

Similarly, according to the Human Security Report submitted to Kofi Annan, the definition of security⁹ is broadened to include state security and the security of people. Thus,

Security becomes an all-encompassing condition in which individual citizens live in freedom, peace and safety and participate fully in the process of governance. They enjoy protection of fundamental rights, have access to resources and the basic necessities of life, including health and education and inhabit an environment that is not injurious to their health and well-being. Eradication of poverty is thus central to ensuring the security of all people, as well as security of the state.

⁷J Gould and WL Kolb (eds) *A Dictionary of the Social Sciences* (London: Tarstock Publications 1964).

⁸FNGinwala, ‘Rethinking Security: An Imperative for Africa’ Presentation at the Parliaments Uniting for African Unity Conference Cape Town 2002.

⁹See Human Security Report submitted to Kofi Annan (Former United Nations Secretary General in 2003).

In the light of the above, it is extremely important to note that it is the responsibility of the State to ensure or guarantee the welfare or human security of their citizens. Admittedly, the principle of state sovereignty as traditionally accepted under-international law and enshrined in Article 2(7) of the United Nations Charter¹⁰ reads as follows:

Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially in the domestic jurisdiction of any state or shall require members to submit to such matters to settlement under the present charter; but this principle shall not prejudice the application of enforcement measure under chapter vii.

However, the moot question is: what should prevail since Article 2(7) exceptionally allows forcible measures as a last resort to be authorized by the Security Council against the territorial integrity of a sovereign state? In this context, it is to be noted that the Secretary General appears to go one step further by advocating a responsibility to protect in terms of both peaceful and more forcible measures to protect the citizens of a failing state or totalitarian regime.

3.0 IMPACT OF NEW TECHNOLOGIES OF WARFARE ON INTERNAL SECURITY IN NIGERIA.

It is commonly accepted that in Nigeria today, the application and possession of Small Arms and Light Weapons cannot be overemphasized. With technological developments, new species of means and methods of warfare began to appear. The various rules in place did not anticipate these technological advancements in warfare. Also, it is often assumed that the impact of these new technologies on security is of two dimensions. Firstly, on the positive impact of new technology it is interesting to note that the advancement in technology has led to the emergence of information technology (IT). Of course, through the information technology, parties to a conflict might seek to gain advantage over their adversaries by using various tools and techniques for exploiting certain aspects of cyber space. In order words, the term “Cyber warfare” as commonly used in this context will refer to means and methods of warfare that consists or cyber operations amounting to or conducted in the context of armed conflict within the meaning of international humanitarian

¹⁰United Nations Charter 1945, Article 2(7)

law only. In the same vein cyber operations also frequently referred to as computer network attacks directed against or sent via a computer or a computer system through a data stream.¹¹

On the emergence of armed drones, while it is common to state that the emergence of armed drones is useful for legitimate self-defence, it must be emphasized that its usage or application must comply with the minimum standard of international humanitarian law rules applicable to the conduct of hostilities, particularly on those rules relating to precautions in attack, distinction and proportionality. From the above context, it is worth noting that under the International Humanitarian Law, the rules of war do not expressly prohibit drones nor are they considered to be inherently indiscriminate or perfidious. The use of drones must comply with the existing International Law.¹² Autonomous weapons are sophisticated combination of sensors and software that can learn or adapt their functioning in response to changing circumstances.¹³ An autonomous weapon can loiter in an area of interest, search for targets, identify suitable targets, prosecute a target and report the point of weapon impact.¹⁴ It is important to underline that this type of weapon can also act as an intelligence, surveillance and reconnaissance asset to the Nigerian military. In addition, in recognizing the technical problem associated with the employment of automated and autonomous weapons, it can be argued that most weapons are not unlawful, and as such, it is how a weapon is used and the surrounding circumstances that affect legality.¹⁵

Networking is also of great importance in discussions of this nature. It is widely agreed that in certain key respects, mobile phones and social media have presented opportunities for the empowerment of citizens and also has transformed their relationship with the state. While these new technologies can facilitate the rapid spread of ideas, it can have both positive and negative consequences. However, the easy manipulation of information and sources and the risk of viral dissemination without verification can propagate misinformation. Also, these technologies have revolutionized people's ability to organize and coordinate protest movements. For instance, the

¹¹See United States Department of Defense, Dictionary of Military and Associated Terms.

¹²J Gans, "Keeping up with Drones: How Criminal Laws Deal with New Technology" *Pursuit* published by Melbourne Law School, University of Melbourne, 2017.

¹³J Kellenberger, *International Humanitarian Law and New Weapon Technologies*, at the 34th Round Table on Current Issues of International Humanitarian Law, San Remo, 2011, 5.

¹⁴Canzalone, 'Readying Air forces for Network Centric Weapons' 2003 <<http://www.dtic.mil/ndia/2003targets/>> accessed 25th June 2021

¹⁵PSpoerri, Round Table on New Weapon Technologies and International Humanitarian Law Conclusions San Remo, 2011.

ENDSARS Protest in Nigeria where young people protested police brutality. The demonstrations began in response to a video that circulated online showing a man being beaten, apparently by members of the police Special Anti-Robbery Squad (SARS). Government efforts to counter and block these technologies have failed. It is however observed that while new technologies can facilitate the rapid spread of ideas, this can have both positive and negative consequences. In this case, the easy manipulation of information and sources and the risk of viral dissemination without verification can propagate misinformation. Also, in recognizing the relevance of social media technology, the spread and uptake of ENDSARS radical ideologies was facilitated through “SoroSoke Online Radio Station” in Nigeria.

4.0 NEGATIVE IMPACT OF NEW TECHNOLOGIES OF WARFARE ON INTERNAL SECURITY.

Obviously, the use of new technologies today has significant bearings on the security perceptions and defence operations of any nation. How individual nation will adapt to these new technologies is as yet unclear. However, the real problem of these new technologies in Nigeria today is how to manage technology to ensure national economic growth and development, while also protecting against misuse of these technologies so that internal security and stability concerns are not compromised.

In changed circumstances, the problem of the proliferation of technology extends well beyond nuclear missile related issues and includes other types of weapon of mass destruction, as well as potentially powerful conventional weapon technologies that are too diverse to control and are within the reach of many nations. On the other hand, it suffices to state that the emergence of technology today in Nigeria has made the youth to resort to all sorts of cybercrimes which provide capital intensive technique of production as a better alternative to labour intensive technique of production. This means that while the potential use of information communication and technology for development, governance and peace has posed questions about how to govern the internet, issues related to security and to cyber security in particular have made these questions more compelling.¹⁶ Adopting a more enlightened approach, and given how these new technologies affect internal security in Nigeria and complicate the application of existing national legal framework

¹⁶JS Nye, ‘Nuclear Lessons for Cyber Security’ [2011] (5) (4)*Strategic Studies Quarterly*, 18-38.

from many different vantage points, it must be emphasized that greater clarity and consensus on how to apply these frameworks is timely. At the global level, it should be noted that the United Nations has undertaken several initiatives in this regard for instance, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while countering terrorism have both issued reports to clarify the applicability of international law surrounding the use of armed drones.¹⁷

Admittedly, the high level of unemployment among our youths in Nigeria today is a result of the emergence of technology. However, the spread of terrorism, and religious fundamentalism through cyber exploitation has added a serious twist to the internal security and vulnerability of Nigeria. In addition, another twist of the internet technology is that, it can be used by terrorists in the dissemination of propaganda. Propaganda generally takes the form of multimedia communications providing ideological or practical instruction, explanations, justifications or promotion of terrorist activities. These may include virtual messages, presentations, audio and video files developed to achieve a selfish aim. Thus, the promotion of violence is a common theme in terrorist-related propaganda.

5.0 EMERGENCE OF SMALL ARMS AND LIGHT WEAPONS OF WARFARE IN NIGERIA

The application of Small Arms and Light Weapons in Nigeria is traceable to the period shortly after the Nigeria-Biafra Civil War which prompted weapons proliferation all over the country. Since the end of the Civil War, the proliferation of small arms and light weapons in Nigeria has given rise to several crimes which have threatened the internal security of Nigeria. In this light, it must be emphasized that the unabated proliferation of these small arms and light weapons has also led to illegal arms trafficking within and across the borders of Nigeria. It will be remembered that the crude nature of Nigerian politics is ofcourse, one of the key factors driving the process of small arms and light weapons proliferation. Generally speaking, the failure of Nigerian government to execute a comprehensive disarmament and arms destruction programme after the civil war in 1970 exacerbated the proliferation of guns and illicit arms trafficking. Security is

¹⁷See Heyns, Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Execution, Emmerson, Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Freedoms while Countering Terrorism.

essential in Nigeria and it should be noted that the lack of security in Nigeria will result to anarchy. Traditionally, security of lives and property is the exclusive preserve of the state but the dynamics of the world today has clearly revealed that security is the responsibility of all.¹⁸ In another vein and in the context of security, this paper notes that security is a major human need and is so paramount that the absence of it will render a state ineffective in spheres of life. However, there seems to be synergy amongst schools as to what internal security is all about.¹⁹ It is worth noting that the governance failure in Nigeria has added to the increase in unabated proliferation of small arms and light weapons which. Also, the process of globalization has congealed both time and space, making it easier for ideas, goods, persons, services, information, products, and money to move across borders with fewer restrictions. While globalisation has enhanced the movement of goods and peoples across borders, it has as well facilitated the activities of criminal groups. In this context, it must be noted that Nigerian relaxation of national boundaries intended to enhance regional integration has inadvertently facilitated transnational organized crimes such as trafficking in small arms and light weapons. Literally, Nigeria cannot be described as a country at war, but it is predominantly militarized and is plagued by armed criminality. For instance, the Niger Delta Militants issues, armed robbery, kidnapping cases and other criminal activities are all the result of proliferation of small arms and light weapons in Nigeria.²⁰

These developments demonstrate that guns and weapons of choice in armed robbery cases in Nigeria are used to perpetrate murder, rape and other kinds of assault by state and non-state actors²¹ comprising vigilantes, militias, cultists, armed gangs and other criminals.²²

This paper noted that in most armed conflict in Nigeria, small arms are the predominant weapons of aggression. It is clear today that the ECOWAS²³ Convention on Small Arms and Light

¹⁸AAbolurin, *Civil Populace, Internal Security and National Development: Any Hope?* Faculty of Education, University of Ibadan (Ibadan: His Lineage Publishing House, 2012)

¹⁹L Christopher, 'The Social Impacts of Light Weapons Availability and Proliferation, International Alert' *Journal of Humanitarian Assistance* <<https://sites.tufts.edu/jha/archives/65>> accessed 25th June 2021.

²⁰See Report of the Round table on harmonization of National Gun Control Laws with ECOWAS SALW Convention Facilitated by PANAAFSTRAG and NANSA Abuja 2006.

²¹ R Stohle, "Consequences of the Proliferation and Misuse of Small Arms and light Weapons" *Small Arms Working Group Fact Sheet* 2006, 5.

²²GJeremy and O Ismail, 'Armed Violence and Insecurity in Nigeria: The Niger Delta in Perspective' *Small Arms Survey Occasional Paper 20*, (Geneva: Small Arms Survey, 2007) 61-62

²³The Acronym for the Economic Community of West African States of which Nigeria is a Member State.

Weapons, their Ammunition and other Related Materials of 2006,²⁴ which is the West African Sub-Regional benchmark for regulating small Arms and light Weapons provides that small arms are destined for personal use and which include firearms and other destructive arms or devices, while light weapons are portable arms designed to be used by several people working together in a team such as heavy machine guns, portable grenade launchers and other similar devices. It must be emphasized that literally, small arms and light weapons range from clubs, knives and machetes to weapons just below the United Nations register of conventional arms,²⁵ but the specific weapons broadly categorized as Small Arms and Light Weapons under the official definition contained in the International Instruments have special attributes which on the whole make them highly favoured for irregular warfare and criminality. Ultimately, they are widely available, low in cost, extremely lethal, simple to use, durable very portable, easily concealed and possess legitimate military, police, and civilian uses.²⁶

It is argued here that most weapons are not unlawful as such it is how a weapon is used and the surrounding circumstances that affect legality.²⁷ This perception is applicable to automated and autonomous weapons, unless such weapons are banned by treaty. In other circumstances, another important dimension or explanation for the enormous humanitarian tragedies arising from the emergence of small arms and light weapons in Nigeria is the fact that the unintended consequences of these weapons have led to several agitations that has threatened the internal security of Nigeria.

However, the very terms used to describe these weapons can cause problems beyond any particular legal or policy constraints.²⁸ The important point to remember is that, the proliferation of arms and weapons has also led to the widespread use of child soldiers in African conflicts. Given the vulnerabilities of children, the United Nations Convention on the Rights of the Child²⁹

²⁴Hereinafter Referred to as “The Convention” or “The ECOWAS Convention”. The Convention came into Force in 2006 following its 9th Member State ratification by Benin.

²⁵See the Report of the Panel on small Arms and Light Weapons Government Expert (1997) para. 24

²⁶R Stohl and EJ Hogendoorn ‘Stopping the Destructive spread of small Arms: How Small Arms and Light Weapons Proliferation Undermines Security and Development’ *Centre for American Progress*, 2010 <<https://www.americanprogress.org/issues/security/reports/2010/03/10/7511/stopping-the-destructive-spread-of-small-arms/>> accessed 25th June 2021.

²⁷P Spoerri, “Round Table on New Weapon Technologies and International Humanitarian Law Conclusions”, at the 34th Round Table on Current Issues of International Humanitarian Law, San Remo 2011.

²⁸See Defence Science Board Task Force on Directed Energy Weapons, US Department of Defence 2007, pp. 2, 11 and 13.

²⁹United Nations Convention on the Rights of the Child 1989.

and the Additional Protocol that came into force in February 2002, obliges state parties to ensure respect of international humanitarian law applicable to them in armed conflicts, that is those that are relevant to the child, and to ensure that persons who have not attained the age of eighteen years do not take part in hostilities, even though, as the Additional protocol stipulates, those who are seventeen maybe recruited into armed forces, but not to be deployed for hostilities until they are eighteen years.³⁰ It can be argued that insurgent forces like the Boko Haram, Niger Delta Militants, Fulani Herdsmen and Independent Peoples of Biafra (IPOB) that were not state entities were not obliged by this convention since they were no signatories to it. In addition, an important and contested point to note is that the above argument is no longer tenable since in the light of the *Martens clause* which has modified the general participation clause in the Hague Regulation and other conventions that followed, especially in having imbued the character of customary international law to all international humanitarian laws.³¹ In a similar vein, it should be noted that beside the United Nation Convention on the Rights of the Child, there is also the African Charter on the Rights and Welfare of the Child.³² This charter adopts the same position as the United Nations Convention with respect to children in armed conflicts and urges state parties to take all necessary measures to ensure that no child is recruited into the armed forces or takes part in hostilities.³³

Against this background, it is important to recall that these technological advancements in warfare has ofcourse, raised a number of specific problems that might arise through the use of these weapons.

6.0. CONCLUSION

With the ever-increasing technological complexity of weapons and weapon systems, it is important that among others, that the developers of these weapons be aware of the key international humanitarian law principles that apply to the employment of weapons. Despite various regulations made in this regard in Nigeria, there were still instances of civil unrest, proliferation of arms and light weapons and cybercrimes. Thus, these provisions proved to be

³⁰Convention on the Rights of the Child 1989, article 38

³¹K. L. International Law. By L. Oppenheim *Disputes, War and Neutrality* [Volume 2, 7thedn; London: Longmans, Green & Co. 1952. liii and 883 and (index) 56 pp. 80s. net.]

³²African Charter on the Rights and Welfare of the Child 1990.

³³African Charter 1989, article 22

inadequate since they were often based on methods and means of warfare adopted in the past and failed to take cognizance of any future technological development. However, a review of the possible approach aimed at promoting a sustainable internal security in Nigeria shows that there are certain key guiding principles of human rights jurisprudence which ought to be borne in mind. As these new dimensions to means and methods of warfare has threatened the internal security of Nigeria through proliferation of small arms and light weapons, efforts should be geared towards banning or atleast limiting their production and/or application in domestic matters. Nevertheless, it is necessary for the means and methods of warfare adopted in any armed conflict or internal unrest to conform to the existing rules of international humanitarian law.

Also, as human rights restrain governmental action with respect to individuals under the government's jurisdiction, such rights can originate nationally such as the rights provided under the 1999 Constitution of the Federal Republic of Nigeria, as well as in International Treaties. This paper has examined the issue of technological development in warfare and its role on internal security in Nigeria. Some issues that are central to new technologies of warfare and internal security include corruption, lack of technological know-how, inadequate legal mechanism, proliferation of arms, militancy, terrorism and robbery as the case may be All these constitute a major source of insecurity in Nigeria. In light of the dangers that modern technology of warfare poses to the internal security of Nigeria, it must be emphasized that new technology of warfare has a great role to play on national security in Nigeria. However, the growing importance of these technologies of warfare not only presents new opportunities to benefit modern society, but also brings challenges to the approach and methodology of securing that society from external attack.

7.0. RECOMMENDATIONS

As the challenges posed by the contemporary development in warfare remain unabated, the problem of insecurity in Nigeria has been further compounded by lack of a functional legal framework as a tool in tackling insecurity in Nigeria. However, this paper recommends as follows:

- i. The issue of defence should be a focal point of the Nigerian Government.
- ii. Science and Technology related research should be a paramount concern of both government and private sector.
- iii. There should be adequate border patrol and use of Geographic Information Service.

- iv. Adequate scanning of imported goods using modern scanners that can detect weapons and other materials used in making bombs and explosives.
- v. Training and re-training of military officers, para-military personnel and other security agents involved in capacity building.
- vi. Efforts should be made to encourage cooperation amongst agencies in the information technology sector and in the Defence and Security Sector.