

Contemporary Security Challenges and Agitation for State Police in Nigeria: Issues and Perspectives

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Abstract: This study examined some issues and perspectives regarding agitation for creation of state police in Nigeria due to contemporary security challenges across the country (insurgency, cattle rustling, armed robbery, kidnappings, raping, farmers/herders conflicts among others) and ineffectiveness of the Nigeria Police Force (NPF) in discharging its constitutional mandate of maintaining law and order as well as protecting live and property of the people; some individuals and groups are calling for restructuring of the force for effective and efficient policing. The study acquired and analyzed available data in documents; based on this, the study has found that there are two divergent perspectives regarding restructuring of the NPF. Due to increasing problems of insecurity, some Nigerians are in support of establishment of state police under the constitutional control of the state governments in Nigeria. This will be through devolution of power; by placing it on the concurrent legislative list. This is because, it will help in curbing the current security challenges in the polity; the state police force is expected to comprise officers who understand the language, geography/terrain and the peculiar security challenges of the people they would be policing. This is in line with the principle of federalism, to decentralize or create state police. While others are of the view that, there is no need for two-tier police structure in the country due to behavior of Nigeria's political figures. Objection is basically for fear of abuse of state police by state governors, ruling political parties and politicians which by extension fear of their use to intimidate political opponents, ethnic and religious minorities, and non-indigenes. The antagonists, advocated for internal reform of the NPF for effective service delivery. Considering the characteristics and character of Nigerian political actors, the study recommended the reform of the NPF.

Key words: Federalism, State Police, Nigeria Police, National security and Policing

I. INTRODUCTION

Since the return of civil rule in 1999, Nigeria's national security has deteriorated gradually to the extent that today there is no geo-political zone of the country that is not affected by one form insecurity tendency or the other - ranging from insurgency, cattle rustling, armed robbery, kidnappings, raping, farmers/herders conflict or vandalization oil facilities. One of the major security challenges is the Boko Haram insurgency in the North Eastern region, cattle rustling and banditry in the North West, kidnapping and farmers/herders clashes in the North Central; in the South East, South West and South-South geo-political zones; kidnapping, communal clashes, armed robbery, cultism,

militant activities, illegal oil bunkering and vandalization of oil and gas installations.

In order to manage national security challenges, successive federal governments set up specialized and complimentary policing agencies such as the Nigeria Security and Civil Defense Corps (NSCDC), National Drug Law Enforcement Agency (NDLEA), Independent Corrupt Practices and other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC) among others, while the mandate of Nigeria Police Force has remained the leading law enforcement agency at the forefront. Indeed, The Police is an integral part of a nation's security architecture and the frontline provider of internal security.

In view of the contemporary security challenges across the federation and ineffectiveness of the Nigeria Police Force (NPF) to discharge its constitutional mandate of maintaining law and order as well as protecting live and property of the people, there has been agitation from some quarters for restructuring the Nigeria Police Force to two tier structure (i.e. NPF and state police). That is to say, devolution of power. Now, the Nigeria Police Force is under the exclusive jurisdiction of the Federal Government of Nigeria. Therefore, there is the need to place it on the concurrent legislative list so that state governments in the country can set up state police force. This is in order to complement the effort of the centralized police structure (NPF).

Despite the failure of the NPF to address internal security challenges squarely, this paper is also conscious of their efforts (achievements) so far in spite of some challenges within and outside the force itself. Role of the security agencies is central to the realization of national security. This is in line with 14(2b) of the 1999 constitution (as amended); "The Security and welfare of the people shall be the primary purpose of government."

Against the principle of federalism (centralization of the NPF) and challenges of diversity, these have led to continuous call for the decentralization the Nigerian Police through constitutional devolution of the powers for states to establish, organize, maintain and control the police by subnational units making up the Nigerian federation.

The paper is structured into four sections. Section one is the introductory aspect that gives brief overview of

contemporary security challenges in Nigeria and the need for solutions. The second section is on the Nigeria Police Force – statutory role, brief history and challenges. The third section addressed issues on the debate for and against state police in Nigeria. While the fourth section is concluding remarks and recommendations.

Some Nigerians also emphasized the need to reform the Nigeria Police Force in order to perform its duties effectively and efficiently for the purpose of accountability, transparency and protection of lives and property of the people. Some Nigerians are advocating for restructuring of the Nigerian Police to have two tier structure, so that states should have a law enforcement organ under the absolute control of the individual states in Nigeria with clear spelt out responsibilities by the state law. The state police force is expected to comprise officers who understand the language, geography and the peculiar security challenge of the people they would be policing.

II. NIGERIA POLICE FORCE: MANDATE, FUNCTIONS AND CHALLENGES

State police refers to policing in a federal system in which the state government employs police officers for the purpose of policing the state. Aremu (2014:33) describes state policing as “territorial policing. It is a subnational form of policing in which there is devolution of security operations in the hands of the federating states of regions. State policing operationally when policing and all its operations and logistics are controlled by other tiers of government other than the national or federal government” (Agwanwo, 2014).

State police is the police formation organized and maintained by a state. However, in the particular case of Nigeria, state police is a kind of sub-national police formation which is established, organized, maintained and under the direct control and jurisdiction of a particular state (sub-national unit) government (Egunjobi, 2016:2).

According to Odekunle (1979), (as cited in Usuh, 2012:18), the central objectives of policing are:

- (a) To provide security, or at least a social and psychological feeling of security, for a majority of citizens in a majority of places, and for most of the time.
- (b) To prevent, control and combat criminality whatever and by whoever.
- (c) To maintain public order and peace.
- (d) To render assistance and service to all citizens needing or requiring security and
- (e) To favorably symbolize the law and the government by always upholding the rule of law.

III. STATUTORY FUNCTIONS OF NIGERIA POLICE

Igbuzor (2018), police is the principal agency charged with the responsibility of internal peace and security of nation-states globally. The 1999 Nigerian Constitution provides for the establishment of the Nigerian Police Force under section

214. This is in line with section 14(2b) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) “the security and welfare of the people shall be the primary purpose of government”.

Section 214 clearly states that:

Sub-Section (1) There shall be a Police Force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section, no other police force shall be established for the Federation or any part thereof.

Sub-section (2) Subject to the provisions of this constitution –

- a. the Nigeria Police Force shall be organized and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly;
- b. the members of the Nigeria Police Force shall have such powers and duties as may be conferred upon them by law.

Police Act, Cap P.19, Laws of the Federation of Nigeria (2004) provides under the Constitution and Employment of the Force; the general duties of the police. Section four (4) provides six broad functions for the Nigeria Police Force. They include (PLAC, 2018):

1. Crime Prevention;
2. Detection and apprehension of offenders;
3. Preservation of law and order;
4. Protection of life and property; and,
5. Enforcement of all laws and regulations with which they are directly charged. These include laws and regulations made by federal, state and local governments.
6. Performance of such military duties within or outside Nigeria as may be required of them by, or under the authority of this or any other Act.

In order to discharge their numerous functions, police in Nigeria are accorded wide powers by law Nigeria police have powers, (Usuh, 2012:34):

- To take measures to prevent crime.
- To investigate crime.
- To prosecute suspects.
- To search properties and persons in order to prevent crimes, detect or investigate crimes, apprehend offenders, and collect evidence for prosecution.
- To grant bail to suspects pending investigation or arraignment in Court.
- To serve summons.
- To regulate processions and assemblies.

Historically, policing in Nigeria witnessed an era when the pre-colonial societies in the Nigerian area maintained law and order through communal efforts and local institutions both in Southern and Northern part of the country; with the arrival of British as a colonial power that conquered Nigerian territory at various stages, introduced colonial policing first after

conquering Lagos, then the Lagos Consular Guard was first established in 1861 to deal with the political and economic problems faced by the colony. That Consular Guard, called the Lagos Consular Guard comprising 30 men was established in October 1861. It was not until 1st April 1930 that the Nigeria Police became unified under the command of an inspector general whose office was at the force headquarters in Lagos. This pattern was maintained by the colonialist till 1st October, 1960 (Aleyomi, 2013:5).

During colonial period; Britain ensured the continual existence of the police under the control of the regional governments by adopting indirect rule. The dual system of policing involving multiplicity of local forces and a national police force continued until 1966. The independence constitution of 1960 recognized the Nigeria Police Force as a Federal Force charged with the responsibility for maintenance of law and order throughout the country. Though, this power is not on the exclusive list, that was why the Regions had their own Local Police Forces - Native authority police in the North and the Local Governing Authority Police in the West.

Ugwu, Ngige, and Ugwuanyi (2013), maintained that pre-1966 decentralized era of policing demonstrated the participation of different levels of government in the implementation of police duties in Nigeria. After the 1966 coup, the Military centralized police operations in the country. The Inspector General of police (the highest ranking police officer in the country) take direct orders from the military Head of state and executes these orders to the specification of the Head of State. Apart from the military era of the period of 1966 to 1978, the second, third and fourth republic governance in Nigeria also continued with the centralization of police duties. The dissolution of the local police forces by the military was due to ill-qualified, poorly trained and poorly behaved; and above all constituted an instrument of oppression in the hands of traditional rulers, local governments and politicians (Usoh, 2012).

Odekunle (2001), a renowned criminologist went as far to enumerate factors responsible for this problem (and challenges) of the force in Nigeria, as follows:

- (1) The colonial origin and heritage of the force which continue to influence the selection, training and orientation of a majority of policemen.
- (2) Improper recruitment.
- (3) Insufficient length of training period and attention in training recruits for the “rank and file”.
- (4) Inadequate or faulty training curricula.
- (5) Restrictive/exposure of recruits to only “professional police officers”.
- (6) “Police sub-culture” which tends to influence the “working personality” of new constables.
- (7) Discourtesy permanently among the policemen on the streets, in the station etc.
- (8) Organizational re-orientation of policemen.
- (9) Aggression (potential and actual) of the mobile police (e.g. suppressing riots and demonstrations).

- (10) Poor police- public image.
- (11) Discouraging conditions of service.
- (12) Traditional obsession with “security” and a “know-all-about crime” mentality of inadequate resent.
- (13) A materialistic, socio- economic environment (i.e. a society gets what police force it deserves) and
- (14) The burdensome character of our inherited legal system (Odekunle, 2001), (as cited in Usoh, 2012: 149- 150).

Some of the major challenges that undermine the effectiveness of the Nigeria Police Force and other security agencies in the country include political interference, shortage of fund/logistics and embezzlement of security votes by top hierarchies of the forces in some circumstances. Political interference by extension undermines the cohesion, effectiveness and performance of the Nigeria Police Force (Owen, 2014).

Owen, (2014) pointed out that problems of public security are perhaps the biggest challenges to Nigeria’s consolidating democracy, since 1999, without an effective internal policing, the wider state, society and economy will find it difficult to function effectively and maximally. Other factors also aggravated the security situation - rapid urbanization, population growth, rising inequality, unemployment, mass migration, breakdown of older systems of social order and poverty which give rise to a huge range of criminal challenges including robbery, kidnap, corruption, fraud, terrorism, sexual assault, domestic violence, communal strife, and criminality in politics.

Regarding reform of the Nigeria Police Force, three committees were constituted between 2006 and 2012 to study and recommend measures for addressing the challenges of the force. The Committees are: Muhammad Danmadami Presidential Committee on Police Reform which was constituted in 2006 by former President, Olusegun Obasanjo. A white paper on the Report of the Committee was approved by the government.

A second Presidential Committee on the Reform of the Nigeria Police, chaired by Mohammed D. Yusuf, a retired Inspector-General of Police was constituted in January 2008 by former President Yar’adua. It completed its work in April 2008. The mandate of the Committee was to review and harmonize previous reports. A white paper on the Report was approved and an implementation committee was established. Substantial amounts of money were released between 2009 and 2011 to the Ministry of Police Affairs. A third Presidential Committee chaired by Parry Osayande, a retired DIG and Chairman of the Police Service Commission at the time, was constituted in 2012. It submitted its Report, but a white paper was not issued. Its mandate was primarily to consider the factors militating against the effectiveness of the police, focusing on the issue of conditions of service, welfare among others (Alemika, 2018:6-7).

The key recommendations of the three Presidential Committees constituted in 2006, 2008 and 2012 include:

- a. Reorganizing police divisions and units;
- b. rationalizing ranks to reduce the hierarchical structure in the Force;
- c. raising the entry qualifications for junior officers;
- d. decentralization of administration and devolution of powers to commanders at the zonal, state, area and divisional command levels;
- e. upgrading the Police Academy to a degree awarding institution;
- f. providing adequate funding and equipment;
- g. improving training through better facilities, trainers and curricula;
- h. reorganizing the Mobile Police Force;
- i. enhancing remuneration;
- j. adapting and adopting a community policing framework relevant to the country;
- k. improving relations between the police and the public;
- l. prioritizing capacity development in the areas of intelligence, investigation, forensics, prosecution, and information management;
- m. improving performance and discipline;
- n. the establishment of police associations and collective bargaining system;
- o. and improving the effectiveness of the Police Council through regular meetings and a renewed commitment to the responsibility conferred on it by the Constitution.

IV. AGITATION FOR RESTRUCTURING AND THE CALL FOR STATE POLICE IN NIGERIA

Restructuring in the context of Nigeria is a consistent call and move for political reorganization of Nigeria's federal structure, system of government as well as other aspects desired for constitutional amendment (Abbas and Wakili, 2018:6).

Agwanwo (2014) conducted a study on "State Policing and Police Efficiency in Nigeria" with a view to examine the state of the national security vis-a-vis the effectiveness Nigeria Police Force, the study recognized inability of the police to effectively perform its constitutional duties, among others factors, is now blamed on the over-centralization of the force in Nigeria. In view of the security challenges across the federation and arguments for or against the establishment of state police, the study advocated for the establishment of state police as one of the lasting measures to curbing the recurring crime problem in the country.

Aleyomi, (2013), due to magnitude and complexity of security challenges in Nigeria and poor performance of the Nigeria Police Force in this respect, some Nigerians have been agitating for setting up of state Police under the control of state governors as Chief Security Officers of their states. Regardless of arguments for or against the establishment of state police, there is the need to investigate the missing link that led to poor performance of the NPF in contemporary

time. Particularly shortage of manpower, under funding of the force, political interference and corruption among others. The paper maintained that, as the struggle for state police continues to gain momentum, it is imperative that the current police structure should be well funded and equipped for better service delivery, especially now that the country is facing serious security challenges. In addition to that, whether state police is established or not, there is need for constitutional and police reforms to address leadership crisis and corruption in Nigeria.

Mercy and Nanji (2015), considering the rising insecurity in Nigeria in recent times and the centralization of the Nigeria Police Force in a federal state, which is against the principle and practice of true federalism, some are of the view that, there is the need to decentralize the force, to ensure that states establish, maintain and control their police formations. Through this, the level of insecurity in the country will be reduced drastically. Today, the Force is not properly funded and supervised due to its centralized administrative structure and responsibilities. The two tier police structure (federal and state police), as is obtainable in America and other developed nations may boost the quality of its performance. Devolving the responsibility for police operations at the grassroots to the states in addition to giving attention to their welfare, especially the rank and file, will checkmate the security challenges currently facing the nation.

Nwogwugwu and Kupoluyi (2015), central to the arguments for or against the establishment of state police in Nigeria due to the failure of the Nigeria Police Force to address the current security challenges. This is because, the force has performed below expectation. Though, enforcing law and order in the country is facing a lot of challenges, which includes - improper remuneration of officers, faulty recruitment of unqualified men and women and poor funding, among others. In view of the above, the paper recommended that, the National Assembly should amend the relevant sections of the 1999 constitution (as amended) to provide for state police. In order to checkmate the possible abuse of the police system in Nigeria (both at Federal and State levels), the National Assembly should through relevant legislative re-engineering, transform the police a strong institution that will not be misused by the chief executives (president or governors).

The agitation for a decentralized police force structure in Nigeria is in line with the principle of federal system of government being practice in the polity. However, Federal states adopt security system that serve their contextual size, population, political, legal, ethnic and cultural identities and developmental levels. Yet, the centralized police structure under the monopoly of the Federal Government has been abused to some extent by the ruling party, particularly for political reasons. Demands for state police have grounds despite fear of possible abuse by the state governments. Therefore, there is the need for reform from the present arrangement of strictly federal monopoly of police operations

in Nigeria towards less monopolizing structure through the greater involvement of state governments in management of national security (Ugwu, Ngige and Ugwuanyi, 2013).

Eme and Anyadike (2012), in the face contemporary security challenges confronting the nation, some proponents of a state police believe that it is only a decentralization of the force as obtained in most developed countries can rescue the nation from the present condition. Through this, they maintain, will give room for the central command to focus on specific security concerns of national dimension. Those in favor of establishment of state police argued that, it is consistent with the principle of true federalism and decentralization of powers and that the arrangement would permit the state government to effectively maintain law and order at the state level.

In Nigeria's case, the powers shared among the federated units (Federal, State and Local Government Areas) are those included on the Exclusive list, concurrent list and Residual list (1999 constitution, as amended and Ewetan, 2012:1083).

- i. **Exclusive List:** this means all those matters which the federal government alone can make laws or polices e.g. external affairs, defense, security currency, mines and power, railways, ports and other matters that are regarded to be of national significance.
- ii. **Concurrent List:** Both the federal and regional or state governments can make laws or polices on any policy in this section of constitution. This contains among matters relating to healthcare, housing, agriculture, water resource, education, among other matters of local nature.
- iii. **Residual List:** this contains items in which the state alone can make policies. Under this, we have local government and chieftaincy matters, etc.

V. CONCLUSION

There is no doubt that Nigeria's internal security system is in serious crisis due to its failure to address security challenges confronting the nation; that led to the call for establishment of state police as one of the options for addressing national security challenges at the moment. Irrespective of structure (Federal or State Police), Nigerians require government to discharge its constitutional obligation of protecting life and property as well as providing peaceful environment for peaceful co-existence and economic prosperity.

VI. RECOMMENDATIONS

In view of character and characteristics of politicians/those in position of authority and politics in Nigeria, the study recommends the reform of the Nigeria Police Force for effective and efficient service delivery; accountability, transparency and above all protection of lives and property of the people.

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