

# **Police Reform in Nigeria: The Devolution Debate**

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Oliver Owen**

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By:

CLEEN Foundation

**Abuja Office:**

26, Bamenda Street,  
off Abidjan Street  
Wuse Zone 3, Abuja  
Tel: 234-09-7817025, 07067899368

**Lagos Office:**

21, Akinsanya Street,  
Ojodu, Lagos, Nigeria  
Tel: 234-1-493-3195, 234 - 7612479, 09035200933

**Owerri Office:**

Plot 10, Area M Road 3,  
World Bank Housing Estate  
Owerri, Imo State  
Tel: 08128002962, 08130278469, 08060023936

Email: [cleen@cleen.org](mailto:cleen@cleen.org)

Website: [www.cleen.org](http://www.cleen.org)

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## List of Contributors

**Dr. Etannibi E. O. Alemika**, Professor of Criminology and the Sociology of Law, University of Jos; E-mail: [alemikae@yahoo.com](mailto:alemikae@yahoo.com)

**Mr. M. Adeniji Kazeem**, Honourable Attorney-General, Ministry of Justice, Lagos State; E-mail: [babajidemartins@yahoo.com](mailto:babajidemartins@yahoo.com)

**Dr. Kole Shettima**, Director, MacArthur Foundation, Africa Office, Abuja; E-mail: [kolshettima@yahoo.com](mailto:kolshettima@yahoo.com)

**Dr. Otive Igbuzor**, Executive Director, African Centre for Leadership, Strategy & Development (Centre LSD); E-mail: [otiveigbuzor@yahoo.co.uk](mailto:otiveigbuzor@yahoo.co.uk)

**Mrs. 'Kemi Okenyodo**, Executive Director, Executive Director, Rule of Law and Empowerment Initiative (also known as Partners West Africa – Nigeria), Abuja; E-mail: [kemiokenyodo@gmail.com](mailto:kemiokenyodo@gmail.com)

**Dr. Jimam T. Lar**, Department of History and International Studies, University of Jos, Nigeria; E-mail: [jimamtl2003@yahoo.ca](mailto:jimamtl2003@yahoo.ca)

**Mr. Chukwuma Ume**, Senior Technical Advisor, Police Programme Africa, Gesellschaft für Internationale Zusammenarbeit (GIZ), Nigeria; E-mail: [chukwuma\\_ume@yahoo.com](mailto:chukwuma_ume@yahoo.com)

**Dr. Oliver Owen**, Research Associate, Oxford Department of International Development, Oxford, United Kingdom; E-mail: [oliver.owen@qeh.ox.ac.uk](mailto:oliver.owen@qeh.ox.ac.uk)

**Dr. Kemi Rotimi**, Professor of History, Obafemi Awolowo University, Ile-Ife; Email: [kemirotimi1957@gmail.com](mailto:kemirotimi1957@gmail.com)

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# **Foreword: Why Has Police Reform Failed to Produce Reformed Police in Nigeria<sup>1</sup>**

*By Dr. Etannibi E. O. Alemika*

This opening statement is intended to set the stage for this volume on police reform in the country. Demand for police reform has become a routine activity in Nigeria. Indeed, advocacy for and against police reform has become an industry for protagonists and antagonists. The Nigerian government has not failed to respond to the demand. Between 2006 and 2012, three high-level Presidential Committees were constituted by the Federal Government to make recommendations for the reform of the police. However, the impact of the recommendations of the Committees is hardly noticeable within the police force because such recommendations have rarely been implemented.

Donor agencies and foreign governments have also expended substantial funds to support police reform in the country. But like the government's effort, the impact of their financial, technical and other forms of assistance is hard to determine in terms of the service delivery and the professionalism of the police. Perhaps things would have been worse without the interventions; it is possible that these efforts have prevented deterioration, or sustained the status quo, but failed to engender significant improvement in the organizational integrity, capability and performance of the Nigeria Police Force. I sense among the police officers that the frequency of the rhetoric of reform of the Nigeria Police and the absence of effective implementation that would improve performance and conditions of service have produced reform-fatigue and cynicism within the Force.

## **Why has police reform failed to produce reformed police in Nigeria?**

Why have reforms and interventions failed to produce fundamental and significant improvement in police service delivery? I think several factors, including the following are responsible:

- Foremost, police reform in the country has avoided critical and creative thinking about the embeddedness of police and policing in the power structures and relations in society. Therefore, police reform has failed to address what should be the philosophy and goals of police and policing in the country and what powers and resources should be deployed.
- Reform proposals and recommendations also continue to avoid a critical analysis of the forces and interests that led to the evolution, purpose and goals of the police forces in the country since the colonial era. This has led the government to engage in continuous attempts to reform the police without abrogating the colonial police law enacted in 1943.
- Police reform has moreover been driven by imitation and the importation of foreign, outdated, or rapidly changing policing rhetoric, models, and fads without critical

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<sup>1</sup> This article is based on the opening statement delivered by the author at the Roundtable of *Police Reform in Nigeria: Devolution Debate*, organized by CLEEN Foundation and Department of International Development, University of Oxford, Oxford, UK on January 28, 2016 at Abuja Nigeria

assessments of the crucial or fundamental security and safety needs and priorities of citizens. Donor and foreign government assistance tends to offer models of reforms that are constantly changing in the countries of reference, without adequate appreciation of socio-cultural, political and economic contexts in which reforms are being sponsored;

- Furthermore, reforms by the Nigerian government, as is the case in many countries, have been driven by political and economic expediency and, as such, reforms have often been abandoned and funds appropriated for them misapplied and misappropriated soon after the push factor has diminished in significance.
- Finally, reforms have often been undertaken against the police rather than with or for the police, and most often without an overarching philosophy and framework. Therefore, the rationale, goals and framework for interventions are often not clear to the police leadership and officers to enable them own and support the interventions.

Police and policing are attractive to Nigerians and especially those in power as symbols and instrument of power and influence rather than means of ensuring safety and security in conjunction with the promotion of economic, social and political conditions that are conducive to the attainment of human security and solidarity. Police reform in Nigeria needs to pay attention to these critical issues as bases for future proposals. As the next section reveals however, recent efforts have focused on organizational restructuring, human resources development, administrative changes and funding to the detriment of more foundational issues.

### **Police reform in Nigeria since 1999**

The Federal government constituted three committees between 2006 and 2012 to study and recommend measures for the reform of the Nigeria Police Force. The Committees are: 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, but not substantially implemented.

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. Several activities were undertaken but were apparently uncoordinated and not determined by rigorous and project development and implementation frameworks. 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, including welfare.

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

- 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.

#### *Other reform initiatives*

A Committee to develop a national public security strategy was established by the government during the tenure of Caleb Olubolade as Minister of Police Affairs (2011 – 2014). The report of this Committee has not been made available to the public, if it exists. Moreover, the conception of the Committee's mandate was problematic at its inception since its efforts were limited to the Police Affairs Ministry. A single security or law enforcement agency cannot develop a national public security strategy. Rather, such a strategy would require inputs from key branches of government and the private sector.

A Civil Society Panel on Police Reform was also established in 2012 by a civil society coalition under the coordination of CLEEN Foundation and with financial support from Justice for All (J4A), a programme supported by the UK Department for International Development (DFID). Its mandate was to replicate the terms of reference of Parry Osayande Committee and produce a report from the civil society perspective. The Report was published and is available on the internet. In addition, donor agencies and foreign governments, especially the British Government through DFID, and the European Union, have expended substantial funds to

promote police reform in the country.

These efforts have, however, only marginally affected the capacity, operations, performance, and integrity of the Nigeria Police Force. There are several reasons for this gap, which we cannot fully pursue here but have to do with the unwilling character of governance in Nigeria and the inadequate contextualization of the programmes by their sponsors. Yet the lingering gap between the aspirations of police reform and the unsatisfactory status quo has also fuelled a long-running debate about the devolution of the Nigerian police force.

### **Police Reform: Devolution**

Since 1970, Nigeria has maintained a centralized national police force. This development resulted from the recommendations of a panel constituted by General Aguiyi-Ironsi in 1966 to determine the desirability or otherwise of dual police and prisons systems at the federal and local government —or native authority<sup>2</sup>—levels. The Panel recommended that local police and prisons in the Northern and Western Regions, where they existed at the time, should be abolished and qualified personnel absorbed into the federal police and prisons services because they were found to have been abused. But the decision of Aguiyi-Ironsi was, however, influenced not only by this abuse but also by his government's desire to move Nigeria towards a unitary system of government. General Gowon's regime, which subsequently came to the helm, received the report and, in 1967, approved the recommendation for the abolition of local or native administration police and prisons departments.

Since 1999 when elected civilian governors took over power from the military, and with increasing problems of insecurity, there have been unrelenting demands that the state governments should have power to establish state police. Only Local Government Police and Native Authority Police existed up to 1970 in Western and Northern Regions respectively. Devolution can mean several things. These demands have often been expressed through either of two distinct perspectives on devolution. They are (a) devolving more power to field managers and commanders within the centralized system and deploying junior officers to their states of origin, or (b) devolving power for the establishment of state police to state governments by placing it on concurrent legislative list instead of its current limit to the exclusive list.<sup>3</sup>

#### *Devolution of power within the centralized system*

This position has been widely canvassed by at least three groups: field commanders and

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<sup>2</sup> Native Authorities were an administrative division (roughly parallel to contemporary Local Government Areas) used in Colonial Nigeria and shortly after Independence.

<sup>3</sup> The exclusive and concurrent lists, respectively, comprise the powers and responsibilities allotted to the federal government and powers which fall under the purviews of both federal and state governments in Nigeria's 1999 Constitution.

managers; advocates of community policing; and opponents of state police. The three federal government reform committees recommended the retention of centralized police system but recommended devolution of power and funding. There is not much opposition to this proposal except that the existing law and interests of very senior officers to exercise powers and disburse resources have not been addressed.

### *Establishment of state police*

Police are established to undertake policing duties along with many other agencies in society. Policing, the enterprise of ensuring compliance to norms, values and laws of a society, is not the sole responsibility of police forces. All states in Nigeria maintain policing agencies to enforce traffic, sanitation, revenue collection laws. Many created pseudo-police forces by supporting or providing legal backing to vigilantes and religious militias. What they have not created is an organization designated as a police force with generalized police powers, especially powers to detain suspects in cells and to bear lethal arms. The advocacy or struggle for state police appears to rest on the utility of these two powers of detention in cells and arms bearing, the ultimate police powers.

Significantly, objections to the idea of state police equally rest on the fear of the likelihood of abuse of these powers by state governors, ruling political parties and politicians— which extends to a fear of their use to oppress the poor and powerless, political opponents, ethnic and religious minorities, and non-indigenes. Employment into state civil service is, in practice, available only to indigenes, except for very few non-indigenes employed in a small number of states. State police will therefore be ‘indigenes police forces’. This will create distrust in the police by groups that are not represented in the force, just as the police forces may be used against non-indigenes and to defend political, ethnic and religious oppression. Police forces comprising indigenes would not reflect the population diversity within most states and would therefore be a gross violation of the norms of democratic policing.

Proponents of state police, on the other hand, hinge their arguments on (a) a norm of federalism in which the federating units maintain a police force; (b) reference to state governors as chief security officers — although there is nowhere in the Constitution where this term is used; (c) a hypothesized increase in effectiveness and accountability – though there is no evidence from areas (e.g. education and health) where state governments currently exercise jurisdiction to support the proposition (while, on the contrary, the (mal)functioning of State Independent Electoral Commissions negates it) and; (d) local knowledge and people will be more effective personnel – an important factor but by no means a necessary or sufficient condition.

The debate on state police has largely been driven by these factors. Further critical thinking is required for the development of constitutional, legal and institutional frameworks that will address the fears of antagonists and mitigate the prospects of abuse or mischief by those who

will have responsibility for the control, leadership, management and operations of police forces at the sub-national levels.

### **Avoidance of misplaced arguments and comparisons**

This is an opening contribution to a volume by a range of contributors and therefore I must avoid the temptation of undermining the expression of diversity of opinions on the issue by a long statement. Let me therefore conclude by pointing out some realities about policing across the globe and their implications for the debate on police reform in Nigeria.

First, it is important to note that there is no correlation between centralized and decentralized police forces and the efficiency, legitimacy and accountability of police forces – political, social and economic contexts determine these. There are countries with centralized police forces that are efficient, responsive and accountable, and there are decentralized police forces that serve the interests of the rich, powerful and dominant ethnic and racial groups. The United States of America which is often cited as a model for Nigeria, probably has the most decentralized police force structure in the world but experiences these problems.<sup>4</sup> There are wide variations in the way that police forces are organized in different countries and thus, there is no single way of organizing police forces. Centralized police forces are arguably also better suited to addressing certain challenges. Threats posed by transnational crimes and terrorism, for instance, are spurring many nations around the globe to strengthen their national police forces relative to local police forces.

Efforts in this context should be informed by the needs and concerns of the citizens as well as the imperatives of national development, security and sovereignty. Debates about devolution should therefore avoid the unreflective impulse to import, transplant or promote foreign models that grew out of the struggles and power relations in those countries. Proposals should be rooted in Nigeria's social, political and economic structures, capabilities and dysfunctions. Police reform, and more widely security sector reform in the Nigerian context should be informed by the needs and concerns of the citizens as well as the imperatives of national development, security and sovereignty.

Nigeria has a problematic citizenship system. In countries that we are quick to compare with Nigeria, especially the United States, the definition of citizenship and associated rights is different from Nigeria. The American Constitution provides that a citizen of the US is also a citizen of the state in which he or she resides and cannot be discriminated against. This is different from Nigeria where citizens suffer exclusion from many services rendered by state governments where they are residents. They do not have a right to employment in the state

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<sup>4</sup> The U.S. has a highly decentralized police system, which many American police scholars now consider to be dysfunctional. Historically, such decentralization was used to resist state and federal interventions in defending the rights of the African Americans violated by local politicians and inhuman state legislations before, during and after the civil rights movement.

government bureaucracy in the state where they reside and may have been born. They have such rights in their state of origin or where they are indigenes by virtue of their historical ancestral antecedents. What this means, is that state police will effectively and legally be *state indigenes police*, which will be unrepresentative, unresponsive and unaccountable to the generality of the people who live within the state jurisdiction. This will violate some of the key principles of democratic policing and threaten human rights, personal security and national cohesion. The debate or any national law providing for devolution should address this serious reality.

Multi-layered police and policing systems are necessary in a large and populated country as Nigeria. Such a system can be structured in many ways. A system of democratic devolution, regulation and oversight is necessary for effective, responsive, accountable police system and services. Therefore, Nigeria needs a police system that embodies these qualities. This will require an entrenched constitutional provision mandating comprehensive national legislation making provisions for the organization, command, control, deployment, operations, level of force and scale of arms and ammunitions, supervision, oversight, training and curricula, professional and operational standards and federal intervention to dissolve police forces widely abused by state governments and politicians. Some of these provisions exist in many developed democracies, including Britain, where Home Office's supervisory or oversight roles continue to expand.

Devolution of power in the context of the Nigeria Police Force is necessary in the following areas: (a) devolving more administrative, operational and financial powers to field managers and commanders within the centralized system, (b) deployment of about 50% of junior officers to their states of origin, and (c) establishment of Security Board and Security Forum at the State and Local Government Areas respectively. These should consist of representatives of relevant government departments (education, health, social welfare and community development), representatives of community associations, religious and traditional institutions, labour and trade unions/associations, relevant professional bodies (health, legal), and shall have responsibilities for (i) ensuring synergy among security and law enforcement agencies, (ii) promoting partnership between community and the agencies, and exercise oversight over them, and (iii) advising the relevant national oversight bodies of the performances and challenges of security services. Reform of the country's police system requires the development of national security policy to situate the role of police and policing within the country's broad social, political and economic interests and governance. The enactment of a new police act consistent with contemporary national and global developments and threats is therefore a necessary first step.

Police and policing fields along with politics and economic management are the most dynamic spheres in contemporary societies and critical thinking are required for developing efficient and responsive police systems. Police and policing cannot secure a country if greater attention is not given to the consolidation of democratic and good governance, productive economy

where benefits are equitably distributed, socio-economic welfare of citizens and protection of the disadvantaged are guaranteed, and social solidarity among and within constituent groups is promoted. Disproportionately high emphasis on police and policing is a critical symptom of a dysfunctional society.

## **Introduction: The Devolved Policing Debate – The Need for Evidence**

*By Dr. Oliver Owen*

In early 2018, the issue of state police forces, never absent for long, came back into the headlines, having been endorsed recently firstly by Vice-President Yemi Osinbajo, then the 36 states in the form of the Nigeria Governors' Forum, and not forgetting the APC Committee on restructuring headed by Kaduna State Governor Mallam Nasir el-Rufai which recommended moving certain powers of policing from the exclusive domain of the Federal Government to the concurrent list of responsibilities shared between Federal and State.<sup>5</sup> This latest iteration of the debate is perhaps more interesting than previous rounds in that for the first time, there is an emergent north-south consensus on devolution which seems to be overcoming the previous split between southern states generally enthusiastic for more autonomy, and northern states concerned about being fiscally cut loose from Federal support. However, the current debate is still similar to previous rounds in one important sense – it relies mainly on idealism and sentiment rather than a solid base of evidence.

Since 1999 there has in fact been a complex and evolving field of relationships between the Nigeria Police Force (NPF) and other bodies performing functions which can broadly be described as 'policing' in the sense of crime control, public order or dispute resolution, such that while Nigeria has a single, central Nigeria Police Force, the system of crime control which obtains in most locations is often plural, collaborating with a set of other actors. Sometimes these are formal Federal bodies, such as the roles of the DSS/SSS, Army, EFCC, NDLEA or NSCDC<sup>6</sup> in performing various functions such as investigating and prosecuting certain types of crime, performing patrol, detention or offensive anti-crime operations, gathering intelligence or guarding persons and facilities. Sometimes they have been fully informal in origin, and their activities have ranged far beyond the limits of the legal, as in the well-documented cases of anti-crime militias of the immediate post-1999 years. Sometimes they have been local in scale and community-based such as the informal youth vigilance groups maintained by many rural communities. More often, they have been created with some form of formal recognition or backing, such as the VGN and other vigilance groups recognised by the local state and registered with the police. And more recently, the formalisation of these parallel policing providers has been entrenched with their recognition and resourcing at State level in many of Nigeria's 36 states. This process has been spurred either by conflict – thus the Civilian Joint Task Force in the North-East, which has become an essential auxiliary for Federal security agencies; or by increased crime or civic governance and service-provision challenges, thus bodies such as the Ekiti Peace Corps; or by certain types of crime and violence - witness the Livestock Guards of Benue, patrolling new open grazing laws, or the Tabital Pulaaku vigilance

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<sup>5</sup> <https://www.vanguardngr.com/2018/01/apc-ctte-restructuring-recommends-resource-control-state-police-others/> accessed 12<sup>th</sup> April 2018.

<sup>6</sup> Department of State Services/State Security Service, Economic and Financial Crimes Commission, National Drug Law Enforcement Agency, National Security and Civil Defense Corps, and others. The list is not exhaustive.

group which collaborate with police against livestock rustling in Taraba. In fact, many states have been using various levels of intermediary, auxiliary and parallel policing providers for some years now, whether it be Vigilante Group of Nigeria, anti-crime militias, civilian JTF, or other para-police institutions.

In yet others, State Governments have taken the opposite tack, reorganising Federal Agencies into special forces dedicated to particular types of crime control, backed with their own resources – hence Lagos’ Rapid Response Squad, with its roots in the Marwa-era ‘Operation Sweep’ or Kaduna’s Operation Yaki, with over 3,000 personnel whose resources and even insurance are provided by the State Government.<sup>7</sup> Moreover, while devolved forces are the norm in many countries (see Igbuzor, below) the call for increased devolution in Nigeria comes at a time when in many other jurisdictions, the trend is in the opposite direction, with police forces merging, consolidating, and sharing or outsourcing specialised or back-office functions.

But there is virtually no consistent and reliable evidence base even drawn from the examples which do exist which can inform our debate; a gap which this publication hopes to fill. The papers in this collection have been developed from presentations made at a workshop hosted by CLEEN Foundation and Oxford University Department of International Development at Bolton White Hotel, Abuja on 29<sup>th</sup> January 2016, bringing together practitioners and analysts to have a close look at the actual state of knowledge on this issue. Invitees were drawn from Federal and State Governments, the Office of the Vice-President, the NPF, universities in Nigeria and overseas, security trust funds, civil society organisations and development partners.

### **Tracing the debate**

There are three main arguments which consistently come up in advocating for state policing. These are firstly, and most commonly, the argument that locally raised, locally governed police forces will be better at relating to the public, responding to communities, and controlling crime, than a centrally controlled national police force descended from colonial institutions which used the doctrine of recruiting ‘strangers to police strangers’ to ensure the loyalty of police to government rather than the people. Secondly, there is the frequent observation that the Federal Government is not able to properly resource the police force it provides, able only to pay salaries while the police must turn to State Governments or goodwill donors to provide the actual funds to operate in a meaningful sense. And thirdly, there is the issue of principle and jurisprudence in a Federal nation – critics of Nigeria’s ‘centralised Federalism’ question why the centre makes one-size-fits-all laws for the constituent states, rather than each feeling free to move at its own speed. In order to have a proper look at what is at stake, we should take each of these in turn.

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<sup>7</sup> <https://consciencetriumphs.com.ng/2017/06/23/kaduna-has-over-3000-security-personnel-in-operation-yaki-adviser/> accessed 12<sup>th</sup> April 2018.

## Local recruitment and accountability

So, for the first issue – the effectiveness of locally-governed police forces. This is often based on a misunderstanding of the current situation, in that many advocates do not acknowledge the current situation, which is that the vast majority of constable-level recruits are posted ‘back to state’ to police a local public of which they are culturally and linguistically part. But that aside, they argue that localised governance of the police would allow it to become more accountable and responsive than the same officers obeying orders from distant Abuja. Against this, opponents, including media commentators such as the vocal retired Commissioner of Police Abubakar Tsav<sup>8</sup> highlight the dangers of this to national unity, via the threat state police may form to political opponents of a state administration, and its effects on national politics. The truth, the evidence seems to show, is both – the historical example of Nigeria’s own Native Authority police as ably written by historian Kemi Rotimi (2002)<sup>9</sup>, shows forces which were both effective in gathering intelligence and combating crime, *and* which were very partisan at times of political crisis and thus undermined democracy in their local settings. It is sad but true, as we can see from Hosni Mubarak’s Egypt or Yahya Jammeh’s Gambia, that the same policing structures which give us deplorable authoritarianism also result in low levels of everyday crime, simply because people live under a culture of surveillance and fear. I am not sure that Nigerians’ evident love of freedom of speech and action would tolerate that option.

Moreover, the question of local control over police recruitment poses a clear issue of public trust when we consider the status and concerns of non-indigenes in a system where ‘indigene-settler’ relations may be tense. If ‘state police’ were allowed to equate to ‘indigene police’, the role of the security forces in times of communal tensions could be deeply worrying and inflammatory. As it is, most states operated a clear system of taking indigenous origins into account in quotas for recruitment into civil service jobs; it would take a big, tightly-legislated and perhaps unprecedented revolution in mindset to also establish quotas explicitly for *non*-indigenes; yet without doing so the problems of a non-representative police force, with its attendant issues of uneven public trust, would simply be reproduced.

## Resourcing the police

Secondly, to examine the issue of resourcing. It is very true to say that currently the Federal Government can do little more than to pay police salaries, which themselves have come under increasing stress after the recent years of inflation and naira devaluation. The recent publicization that an Integrated Payroll and Personnel Information System (IPPIS) review has eliminated ghost workers and confirmed police staffing at 291,685 as of February 2017 could help to make the available funds go further.<sup>10</sup> For some time now, most police Divisions have

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<sup>8</sup> See for example <http://nationaldailyng.com/tsav-opposes-state-police/> accessed 2<sup>nd</sup> April 2018

<sup>9</sup> <http://www.africanbookscollective.com/books/the-police-in-a-federal-state> Accessed 12th April 2018.

<sup>10</sup> Although some analysts question why other, much higher estimations of police numbers (up to 370,000) have continued to be circulated, including by a number of official sources.

relied on secondary funding schemes, either illicit, in terms of roadside levies, or explicit, by developing Police Community Relations Committees (PCRCs) as fundraisers to build new facilities or fuel vehicles. Even some national-level operational units have become reliant on secondary goodwill funding. For most real operating funds, a State command must rely upon the generosity of the Governor or State Government, or such stakeholder-led initiatives as the Security Trust Fund successfully operated in Lagos for some years.<sup>11</sup> Federal Government budget constraints dictate not only equipment and operations, but also the number of police who can be recruited. Thus, the Buhari administration's recruitment of 10,000 new officers is welcome, but only replaces approximately the number due to leave the force in a year given a 35-year standard term of service, rather than expands it.<sup>12</sup>

But let's look at the counterfactual; not all states do currently manage to fund police operations to any meaningful degree, beyond occasional capricious handouts from the Security Vote. So how many would be able to bear the additional burden of a huge monthly State Police salary bill? While minimal legislation in tune with the best principles of subsidiarity in a Federal nation could make state policing an 'opt-in' rather than a one-size-fits-all solution, which Governor would realistically resist popular calls to create a State Police as a solution for insecurity and unemployment? So even those states which could not afford police might be likely to create them. Many states, including those with some of the worst security challenges, are already in fiscal crisis.<sup>13</sup>

And if it could not be paid on time, as seems likely at least in the states which at the time of writing are running close to a year's arrears in civil servants' salaries, the worst-case scenario could then be an armed and legally empowered group of men and women in uniform with a strong interest in paying themselves - which in such circumstances would prove more of a threat to security than a provider of it. Equally, what of the specialist functions, such as training institutions, specialist teams, labs, records, and so forth? A sensible solution might see these continue to be sourced collectively, or from the existing Nigeria Police Force, but the imperatives of political patronage and the contractor class would likely tempt many states to design their own unaffordable and semi-functional white elephant elements. Even the existing models of Security Trust Funds have varied widely in the quality of management and performance; Lagos's model of a semi-autonomous multi-stakeholder SSTF has been transformed into political domination, civil service capture, or just a patronage pork-barrel when reproduced in certain other, less accountable States.

## **Controlling devolved policing**

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<sup>11</sup> See report, *Learning and Adaptation in Governance Reform in Nigeria: lessons from the experience of the Lagos State Security Trust fund*, LEAP/PERL paper, November 2017.

<sup>12</sup> Though police presence is not as simple as a 'numbers game' - the widely-misused UN ratio of police officers to population in actual fact would vary hugely given settlement or territorial variation, current security situation, and the availability of technological and logistical aids.

<sup>13</sup> See *State of States: The 2017 Edition*, BudgIT Nigeria.

Third is the issue of the legal origination of such structures. Many advocates of state policing hold that states should be free to *legislate on* their own police. Replacing a top-down Federalism with a bottom-up model may be the most democratic in principle, but it is the most potentially problematic in practice. By handing states the ability to build and operate their own police under their own mandate, Nigeria would be handing crucial powers to the level of government with least capacity to exercise them responsibly. As State Houses of Assembly, unlike the National Assembly, are not meaningfully autonomous from the Executive, 'state police' in many if not most States would basically equate to 'the Governor's police' under executive control and with few checks and balances against abuse. Shettima (chapter 1 in this volume) and others compare the fate of State electoral commissions (SIECS) as organs fully under the control of State Executives as an indicator of what might be expected to happen to state police forces if not made more broadly accountable.

As it is, Federal agencies have enough problems ensuring merit in the selection of personnel under constant pressure to recruit loyal followers of politically influential persons – imagine how much harder this would be for a State security agency. To be accountable, affordable and professional, any State Police Force to come would need to be answerable to the general public as well as the Executive and Assembly, perhaps through localised mechanisms including a variety of political, technical and civil representatives similar to the current national Police Service Commission, as well as to a national-level regulator, perhaps either the NPF or PSC as a guarantor of professional standards and national equity. It would also need to share many common facilities, resources, collaboration networks such as databases, and standardised and shared training facilities both basic and specialist with others and with the national level. And it would be less open to abuse if of closely-defined competence – perhaps with powers of arrest only, with the NPF reserving exclusive powers of investigation and prosecution, or with jurisdiction over compoundable (minor) offences only. Similar mixtures of jurisdiction exist in many countries, such as the US's mix of very localised forces with a Federal FBI.

That issue of clear delineations of powers is even more important when it comes to lethal force - perhaps state police would be best unarmed or armed only when licenced as Special Constables to the NPF, a legal possibility which in fact already currently exists. Already in many states, vigilantes recruited at the Local Government level, and issued with ID cards and registered by the NPF, make a valuable contribution to anti-crime patrolling and intelligence-gathering, albeit some with discernible issues of conflicts of interest during highly active periods in local politics. So in all, much as a few states itch to perform to the best of their ability in managing security challenges, it seems abundantly clear from the evidence that the safe way to go would be to move, if at all, at the pace of the slowest, with Federal law carefully dictating the scope, requirements, and checks and balances to be used by any state (see Ume, chapter 7

in this volume). Bayley and Shearing (2001)<sup>14</sup> perceptively pointed out that in these opening decades of the 21<sup>st</sup> century, there is an increasing division of powers between those who authorise policing and those who carry out its everyday activities; this is apparent in the everyday relationships between the NPF and parallel security formations which result in the ‘plural’ systems described by Lar (chapter 6, this volume). Perhaps what may be most fruitful is to look into what precisely can be done to neaten the status quo, and to develop legislation and protocols which more clearly delineate the respective powers of such bodies, with clear lines of responsibility, answerability and hierarchies of seniority, jurisdictional supremacy, supervision and authorisation.

### **What is not being done already?**

In fact, the call for State police can be an easy crowd-pleaser, a knee-jerk reaction to recurrent inadequacies of the centre, but the politics of it don’t stand up well to close scrutiny. For a start, very few State Governors fully exercise the powers they already hold over policing. The power to continue or discontinue prosecutions is already vested in a state’s Attorney General and is thankfully not often abused in that capacity. But with a few exceptions, most States underfund the police as much as does Federal Government, only noticing them when there is an imminent crisis. A Governor is the Chief Security Officer of a state, and it is true, lacks the means to hire and fire police officers, but then how many state governments use any other incentives or planning tools to ensure performance? How many create strategic policing plans with targets, resource them, incentivise or reward officers for achieving them? Lagos’ State Security Trust Fund (SSTF), including stakeholders from the public and business, as well as government, has proved effective in resourcing the police in Lagos State, but also in helping it set priorities in response to public concern – yet of the 14 other states governments which have established SSTFs, few have allowed stakeholders to exercise real control and thus most have been of limited impact in encouraging those outside government to contribute their money to support policing through this vehicle.

Equally, the Nigeria Police Council, recognised in the Constitution, exists on paper as a forum for allowing States a voice in control of the police alongside the President and executive branch, but how many Governors have called for its actualisation as a mechanism for shared voice and accountability? Even though, as Equally, as Alemika (in Foreword, below) points out, its more regular convening has in principle been agreed upon by national Police Reform Committees in 2006, 2008 and 2011, neither Executive the President, nor National Assembly, nor Governors of States nor collective bodies representing them has made any sustained call for its implementation. Indeed, for some parties to the debate, calling and re-calling for a system of fully-devolved policing they know will be opposed may have developed into a handy political distraction, a populist rallying-call which will never have to be implemented in real life with all

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<sup>14</sup> Bayley, D.H and Shearing, C.D. 2001: *The New Structure of Policing – Description, Conceptualisation and Research Agenda*. Washington: National Institute of Justice.

its technical headaches and need for sustained dialogue and commitment. Until and unless real evidence is deployed to establish the nature and scale of the problem, the feasibility of the solutions, and the safeguards needed, the call for state police is likely to remain more a political rallying-cry than a realistic solution to security provision in Nigeria. This volume is a contribution to pointing out the questions which need to be examined, and where some of the answers might lie.

### **The contributions in this volume**

Revisiting ‘how we got to now’ is the first step in avoiding the mistakes of the past; so the volume begins with an overview by Nigeria’s foremost criminologist, Professor Etannibi Alemika, of the University of Jos, of police reform efforts so far in the Fourth Republic, and what factors have continually precluded them from having tangible effects in promoting increased performance, increased public trust, and legitimacy. Professor Alemika finds that lack of a clear overarching philosophy, and an accompanying lack of commitment to implementation or ability to carry the police along as stakeholders, have been central to this failure, and thus factors which should be borne in mind in the current debate about devolution.

This contribution is followed by three short pieces which take the form of positions for devolution, against it, and arguing for the possibility of hybridity. The first piece, arguing for the desirability of legal devolution is by Lagos State’s Attorney General, Hon. M. Adeniji Kazeem, who speaks from the position of a devolved administration’s chief legal officer, faced with the practical problems of working with a Federal force in their everyday legal, operational and administrative manifestations and overlaps, affecting such spheres as postings and prosecutorial powers.

The second, by Dr. Kole Shettima, Director of the Macarthur Foundation in Nigeria, raises the opposite perspective, highlighting the risks and even dangers of devolved policing in today’s Nigerian polity with its system of powers concentrated in Executives. Shettima argues, in a position reflected by other recent political analysts,<sup>15</sup> that State Police would entail devolving powers to a level of government least able to exercise them accountably, in essence reproducing the exact same problems for which the centrally-controlled NPF is criticised at more local levels, a problem in which the experience of State Independent Electoral Commissions (SIECS) and their control by Governors and lack of broad accountability may be instructive; Shettima points to the need for social security measures to tackle the causes, more than the effects, of crime.

The compromise position is represented by Dr. Otiye Igbuzor, a prominent civil society activist who was also a Commissioner of the Police Service Commission under the tenure of DIG (Rtd.) Parry Osayande. In his view, devolution is necessary for increased accountability and effective

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<sup>15</sup> See for example by Jibrin Ibrahim, <https://opinion.premiumtimesng.com/2018/02/23/the-dangers-of-introducing-state-police-today-by-jibrin-ibrahim/> and from longer ago, by Chidi Odinkalu <https://www.youtube.com/watch?v=9cUxAaNGZg> both accessed 12<sup>th</sup> April 2018.

operation, but cannot be simply creating State Police forces under the control of governors. Instead, states would need their own broad-based and independent Police Service Commissions outside the control of Governors, to ensure standards and discipline, and these in turn should be under standards set and regulated by the Federal Police Service Commission to ensure national compatibility.

The next contribution by Kemi Okenyodo, Executive Director of Partners West Africa, addresses the technical, accountability and governance perspectives on the NPF in detail. This review of how the police are answerable to the public and the democratic institutions currently is all the more important in that much of the debate about state-level policing is dominated by ideology or emotion, and not the evidence base which this volume exists to fill.

One of the rhetorical objects most misused by both proponents and opponents of devolved policing is the former localised Native Authority Police Forces of colonial and early-independence Nigeria. For their defenders, they were authentic community-rooted institutions with real local knowledge and efficacy; for their opponents, they demonstrate the authoritarian potential of a police force which can be misused by local despots, traditional and political powers. Nigeria's foremost police historian, Dr. 'Kemi Rotimi of Obafemi Awolowo University, Ile-Ife, traces the actual nature of these police forces and the debates and tussles over local versus national control and subordination at the time, and shows us a much subtler mix of pressures at play, up to their eventual abolition amidst wider struggles between the central state and the regions.

The notion that hybrid or plural policing is an entirely new idea, or that the NPF and local forms of security have always been implacably opposed, is another myth, which is bust open here by Dr. Jimam Lar of the University of Jos, in his piece which traces those relationships as they emerged in Northern Nigeria, specifically in Plateau State. His piece argues that Nigeria is already in the third phase of plural policing, having first encountered it with the need to replace the NA Police Forces and the local government reforms of the 1970s, then a second time in the need to maintain security provision with diminished governmental capacity after Structural Adjustment, then a third time with the registration of the Vigilante Group of Nigeria (VGN) after 1999. The paper examines the everyday interactions between these and formal police and makes recommendations for effective coexistence and collaboration.

Finally, Chukwuma Ume, a criminology analyst and former prisons officer, takes a closer look at some of those plural or hybrid solutions since 1999, examining the distribution of powers and particular issues which emerged around well-known security formations of non-state origin which have acquired various levels of recognition at State level – the OPC in several South-Western states, Bakassi Boys in Abia State, and Hisbah of Kano State. Ume reviews these experiences and suggests that rather than adopting a blanket approach to State Policing or devolution, any devolution should be incremental, limited, and in step with the expansion of the oversight bodies.

We freely admit there are omissions in this volume. We sought, but were unable to get, contributions on the perspectives of police officers serving in everyday collaboration with plural security providers, and we were also unable to get what is badly needed, a comprehensive overview of all of the state-level parallel security providers operating in Nigeria today, in their full variety from Peace Corps to livestock guards; we commend such an essential study to any reader with the interest and capacity to do it.

However, despite these omissions, we hope that the diverse analyses and points of view contained here, and the evidence gathered in this volume, can serve to supply an appropriate level of evidence to a debate which has too often been dominated by ideological and populist positioning, but which is of central importance to the security, lives and property of all Nigerians and therefore merits extremely careful consideration.

# State policing: A Case for Devolution<sup>16</sup>

By Mr. M. Adeniji Kazeem

## Introduction

The need to ensure an efficient criminal justice system is predicated on the tripod reforms of the judicial institutions and processes, of prosecutorial agencies, and of the Police. The last segment of this tripod, the Police, being a federal agency established in the Nigerian Constitution, is riddled with challenges and oppositions. It is pertinent to evaluate some of the factors that can accelerate improved performance and their implications for the Criminal Justice sector. The prosecution of offences is based on investigations carried out by the Police and there is an inevitable correlation between the quality of the investigation and the prosecutorial decisions made by Attorney Generals of the states or the federation. It is appropriate to acknowledge the constraints the Police encounter given meagre resources and the paucity of funds available to Police as they carry out their investigatory roles.<sup>17</sup> Such challenges hamstringing the Police in its ability to comply with the legal thresholds and time limits for prosecutions stipulated in Nigerian Law.<sup>18</sup> To achieve this goal, it is important to explore what Policing and Security models the State can adopt to deal with the detection, investigation and prosecution of offenders and maintenance of law and order.

Dr Owen suggests<sup>19</sup> that there are four co-existing models of policing in Nigeria's contemporary policing strategy. These are: (1) Integrated informal co-existence with militias (2) Collaboration between the Police and more formalised outfits mostly administered at the Local Government Authority (LGA) level (3) Parallel uniformed formations in some states which include some elements of 'soft' policing, and (4) State-supported Federal agencies, organized and provided with resources at the state level.

To understand how the Nigeria Police Force operates, there is need to put the structure of the Police into perspective. The Inspector General is appointed by the President of Nigeria and subject to approval from the Senate. State Commissioners of Police are appointed indirectly by the Inspector General, through the Police Service Commission. Each state Police command has a cluster of zones that are headed by an Assistant Inspector General of Police. These zones need more operational coordination with state Police commands in order to fulfil the Police's investigatory and prosecutorial roles. Investigatory and prosecutorial powers are exercisable without consultation or reference to the state Attorney General.<sup>20</sup>

The State Governor has an overriding role to ensure law and order in the state. The role of the Executive Governor as the Chief Security Officer- is a *de facto* position in Nigeria (see discussion

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<sup>16</sup> This paper was originally delivered under the title 'Devolved Police service: A necessity for criminal justice delivery in Nigeria.'

<sup>17</sup> Inspector General Solomon Arase said the Police needed over 4.5 Billion Naira for operation in 2016, in his presentation to the Senate on 10 February 2016. The Minister of Interior Lt Gen. Dambazu requested for Intervention Funds to be domiciled in the Ministry.

<sup>18</sup> Under section 264 of Lagos state Administration of Criminal Justice Law 2011, the Attorney General is allowed a cluster of two 30 days within which to proffer legal advice in relation to those who are arrested and in detention.

<sup>19</sup> At CLEEN Foundation and Oxford University workshop on police reform in Nigeria: The Devolution Debate, 29<sup>th</sup> January 2016, Bolton White Hotel, Abuja.

<sup>20</sup> Sections 4 and 23 POLICE ACT respectively.

in Alemika, this volume)), and each State Commissioner of Police assists the Executive Governor to drive policy formulation and realization in relation to crime prevention.

The *de facto* security role which State Governors carry out also requires the cooperation of Attorney Generals, the chief law officers in each state. The role of an Attorney General under section 211 of 1999 constitution includes instituting and undertaking criminal proceedings against any person before any court of law in Nigeria (other than a court-martial) in respect of any offence created by or under any law of the House of Assembly. An Attorney General cannot control the power of the Police to prosecute, except by way of an Attorney General's "power to discontinue" under section 211(1) (b) of the constitution of Federal Republic Nigeria 1999 (as amended). An Attorney General is accountable to the citizens through the State House of Assembly and the Executive Governor. This provides an effective mechanism for Attorney Generals to monitor prosecutions in the state including those instituted by the Police.

### **State Policing**

One of the objections often raised by opponents to the idea of State Police is that the State Police Commissioner is not accountable to the citizens and the Attorney General. This non-deference of the State Police commissioners to the State Attorney General is meant to guarantee the independence of the State Police Commissioners. Rather, the State Commissioners of Police adhere to directives from the Inspector General of Police. The responsibility of the Attorney General to coordinate legal process to avoid abuse can thus potentially be made difficult by the conduct of a recalcitrant State Police Commissioner. This challenge can be curtailed by the constitutional mechanism that superintends the Police's power to investigate and prosecute. This is not an indictment of the Police but a critical overview on how to ensure better coordination of the roles played by the Police.

Opponents of State Police are also concerned about the likelihood of abuse by State Governors, who some observers believe might use State Police to intimidate opposition and political rivals. Such concerns are backed up by the high level of discretion state executives currently enjoy in wide-ranging spheres.

The fact Police Commissioners are often changed at random is also worrying for some observers who believe that frequent redeployments affect Commissioners' operational effectiveness and impacts negatively on their commitment to their posting. Observers worry that some state commissioners spend more time out of their command, to bolster their position and secure their tenure or influence further postings. Such insecurity of tenure among State Police Commissioners would lead to a lack of continuity in operational strategy and control.

The diversity in Nigerian society is a relevant issue for us to contend with as it affects logistics and national planning for development. The creation of State Police could impact on the availability of personnel to be recruited into the different state commands. There would be no need to adhere to Federal Character in recruitment and promotion in State Police structure. However, to overcome concerns about lopsided representation, there might be the need to reflect minorities living in each state to ensure effective community policing, where the ability to speak and relate with the local community is an advantage.

Furthermore, there is concern that synergies between the Police and other State Security Agencies will diminish if State Police are to emerge. Poor states might not be able to fund an effective State

Police Command. States with large populations and less human capacity (educationally disadvantaged states) might not be able to secure the requisite number of officers sufficient for a State Police Command. This is a legitimate concern, but it is possible that its potential impact may be exaggerated.

Lastly, the politicization of State Police Service Commission is also a possibility, especially where you have an overbearing Executive Governor who seeks to control and influence all political appointments in the state.

After having considered some of the arguments against State Police, let us consider the compelling factors for State Police. A State Police that commands revenue from the consolidated account of the state and enjoys the full support of the state government will increase efficiency in the Police Service. Where the state provides funds, there are accountability mechanisms to ensure that the funds are judiciously expended, and responsibility is apportioned for mal-administration. Such mechanisms would include the monitoring of Police officers by the State Police Service Commission. Accountability to a State Police Commissioner and State Police Service Commission would encourage effective Performance Management. Closely related is the point that robust discipline and accountability for police officers will be more feasible in a decentralized system.

The paucity in the funds currently available to the Police will be overcome by the availability of more resources for State Police Commands. The Police benefit enormously from the existing training infrastructure in the states and further synergy can be achieved. The existing Federal Police Training Centres and their training syllabi can be replicated at the state level with the establishment of State Police Training Institutes.

Under the present arrangement, the effective monitoring of arrests and the detention of suspects by the office of the Attorney General is difficult because of the lack of coordination in the arrest and detention of suspects by the different Police formations in a state. Under section 20 of the Lagos State Administration of Criminal Justice Law, 2011 the State Police Commissioner is obliged to provide a list of names of those arrested and detained in the state to the Attorney General. This obligation is onerous because under the contemporary system, the State Police Commissioner is not able to monitor all the arrests and detentions made by all the Police formations in a state, let alone to control them diligently. A National Police Computer with a database of arrested and detained citizens is therefore overdue. The database will not only serve as an intelligence tool but can assist to trace and identify citizens incarcerated. Therefore, even State Police would need to collaborate nationally on such matters.

The existence of State Police will also mean that policing will be added to the state functions that are monitored and held accountable by State Ombudsmen. This will overcome the insulated control and oversight that currently exists in relation to different Police Commands at the various states and the Police Service Commissions.

### **Legislative Reforms**

We will now consider the needed Constitutional amendment that can facilitate the establishment of State Police. Perhaps the most important is the need to remove Police as item 45 on the Exclusive List and make it a concurrent issue, which will allow all states of the Federation to be able to establish both State Police Services and corresponding State Police Service Commissions. There is the strong possibility of opposition on this reform especially from state without resources

to establish State Police. The reform agenda for the Police must start by liberalizing its establishment and replicating the positive attributes of the present Police structure in the States.

It is also imperative to amend Section 214-216 of Constitution of Nigeria 1999(as amended) in order to make the establishment of Nigeria Police a function of the State as well. There is need to review section 215(2) of the Constitution of Federal Republic of Nigeria 1999 (as amended), in order to deepen collaboration between Governors and State Police Commissioners. Section 215 also needs to be amended to allow the appointment of State Police commissioners the responsibility of the State Executive Governors, subject to the confirmation by State Houses of Assembly. Presently, the appointment of Police Commissioners for the states is carried out by the Police Service Commission. The appointment of Inspector Generals of Police is presently the responsibility of the President, subject to confirmation by the Senate. The Police Council is consulted before the removal of the Inspector General of the Police.

Section 28, 29 and 30 of the third schedule of 1999 constitution of Federal Republic of Nigeria will also have to be amended to allow for the establishment of State Police Councils and State Police Commissions. Finally, the present powers vested in sections 4 and 23 of the Police Act to investigate and prosecute should be replicated for the State Police as well.

The establishment of State Police is a necessity for the reform of the criminal justice system and the consensus of opinions is that we should intensify our efforts to make it a reality. There is need for the sensitization and mobilization of the members of the National Assembly to achieve this objective. The CLEEN Foundation's initiative in raising this discussion is a timely intervention.

## **State Policing: A Case for Concern About Devolution <sup>21</sup>**

*By Dr. Kole Shettima*

I have three inter-related historical and contemporary concerns. The first is our colonial and immediate post-independence experience with Native Authority Police established, for example, in Northern Region.

The Native Authority Police were instruments of reactionary local despots. Anyone who disagreed with those in control of the police could be banished from the land. Opposition political parties found it extremely difficult to operate. Permits for holding political rallies were denied. The police became synonymous with the state and vice versa. Individual liberties and rights were trampled upon. All forms of trumped up charges were brought against individuals for no other reason but for belonging to different political parties.

The second related point is the experience of state electoral commissions in contemporary Nigeria. Most Nigerians initially supported the idea of State Electoral Independent Commission (SIEC). However, the Justice Uwais Committee reported an overwhelming support for scrapping of SIEC<sup>22</sup>. This opinion came from every corner of this country and irrespective of political parties. What has changed with few years of our electoral experience? The reality is that it is almost impossible for opposition political parties to win any local elections because of state governments' control of the SIECs. Of course, there are exceptions and they are few and far-between. The position of Nigerians is instructive because the Uwais report was an aftermath of the shambolic elections conducted by Independent National Electoral Commission (INEC). One would have expected Nigerians to have called for the abrogation of INEC. However, the opposite was the position of Nigerians who asserted that even local elections should be conducted by INEC.

If we combine the power of policing with that of conducting elections, one can only imagine the type of elections that will be conducted, and the fate of individual freedoms, liberties and rights.

Given the state of insecurity occasioned by ethnic and religious violence, it is not an exaggeration to say that minority ethnic and religious groups will feel very unsafe to be protected by a police force that is dominated by majority ethnic and religious groups. For example, will Christians feel safe to be protected in a police barrack which is dominated by Muslims, and vice versa? In fact, minority groups will not even dare to seek protection in the

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<sup>21</sup> A version of this commentary was originally published under the title "Nigeria: State Police or State Social Security?" by Daily Trust on 3rd September 2012, since when the fundamental issues have remained remarkably consistent.

<sup>22</sup> The Nigerian Government, under the Yar'Adua administration, set up a Committee on Electoral Reform in 2007, which was chaired by former Chief Justice Mohammedu Lawal Uwais. The 22-member 'Uwais Committee' after broad consultations, produced a report in December 2008, containing wide-ranging recommendations for reforming Nigeria's main electoral institutions and laws.

offices and barracks of the police. Even now, there are allegations of security agents taking sides during ethnic and religious conflicts.

A third reason is the financial implications. Let me acknowledge that many state governments do support police formations in their jurisdictions. Without state governments support, most police formations would have been worse than they are now. It is safe to say that it is the support of the states, and the Nzo extortion on our roads, that enables the police to provide even the current level of service. However, setting up state police has very important financial implications which many states can't afford.

Many proponents of state police have argued that not every state must have its police formation if it does not want to or if it cannot afford to. This argument does not reflect our realities. It downplays the role the police force, when abused, can play as an instrument of coercion. Every governor would rather have any type of state police so that he or she can intimidate and kill opponents.

Secondly, the argument does not take into consideration the "irrationality" or bounded rationality of our politicians. Take for example the issue of state universities. Because education is on the concurrent list in Nigeria's constitution, probably every state now has a university. We know that it does not make sense for many of these states including mine, Yobe, to establish a state university because they do not need one. Many of these state universities are severely underfunded. In fact, even federal universities are severely underfunded. What many of these states need are quality secondary and primary schools and not universities.

We should also ask ourselves if we are applying the correct medicine to the problem. The debate about state police has no doubt been with us for a very long time, yet it has become strident as a result of the current insurgency. Has the deployment of the military curtailed the situation? Has the spending of a quarter of our federal budget on national security resolved the problem? The answers are obvious. Do we now scrap the Nigerian armed forces and replace them with state armed forces? Or do we create state armed forces in addition to the national armed forces? Do we create state security office instead of the office of the national security advisor?

I am not oblivious to the operational difficulties and contradictory provisions of our constitution. It is an anomaly to identify state governors as chief security officers of their states<sup>23</sup> but at the same time deny them any form of command and control of security

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<sup>23</sup> The usage 'Chief Security Officer' is not a wording from the 1999 Constitution, but a convention, used to express the rights and powers exercised under Section 215 (4 & 5) as defined thus: "(4) Subject to the provisions of this section, the Governor of a state or such Commissioner of the Government state as he may authorise in that behalf, may give to the Commissioner of Police of that state such lawful directions with respect to the maintenance and securing of public safety and public order within the state as he may consider necessary, and the Commissioner of Police shall comply with those directions or cause them to be complied with: Provided that before carrying out any such directions under the foregoing provisions of this subsection the Commissioner of Police may request that the matter be referred to the

operatives in their jurisdictions. It is imperative to look into how a form of duality of command and control can be constitutionalised.

State police will not necessarily end the state of insecurity in our land. In fact, to reduce the problem to maintenance of law and order in itself profoundly misses the point. This is my most important concern. The state of insecurity in our land is rooted in the injustices of our economic, social and political arrangements. Yes, it is true that there are individuals who may be "prone" to crime or don not like people of different faiths or ethnic groups. But such persons are in the minority. The majority of the insecurity is systemic. Why would anyone risk being jailed 20 years for kidnapping a woman frying *akara* by the roadside? The highest amount the kidnapper can get is N10, 000. But we hear of kidnappings for recharge cards!

Let us be honest with ourselves. More than 10 million of our children are out of school. Depressingly, graduate unemployment in some states surpasses 60 percent. We have become one of the most unequal countries in the world in the last few years. Please visit a prison to find out how many inmates are serving prison sentences because they are unable to pay a fine of N10, 000. (I never paid attention to that problem until during the last Ramadan). Compare that with the wealth stolen by a former bank Managing Director who, among other properties, bought 65 houses but ended up with merely 6 months imprisonment. The level of poverty in the country has increased from about 54.7 percent in 2004 to 60.9 percent in 2010<sup>1</sup>. However, this is happening at a time of unprecedented national wealth. According to a former Vice President for Africa of the World Bank, more than \$400 billion have been looted or mismanaged since 1960<sup>24</sup>. In addition, 80 percent of Nigeria's oil wealth is cornered by 1 percent of the population. Governments are busy demolition houses during rainy season rendering thousands of people homeless. Nigeria lists amongst the countries among with the highest out of pocket expenses for medical services. Most people who send their children to public schools are those who have no alternative, as is often true in rural areas. A significant population simply cannot afford education at all.

We treat our women as sub-human beings. We cage them in obnoxious customary, religious and statutory laws of maintenance, divorce, marriage, custody, inheritance and employment. They die like flies during pregnancy. Many of those who survive lose their children before the age of 5. We deny them education or make education unpalatable for them. Do we really expect to live secured with these horrific facts?

State police may give us a psychic victory, but it is another band-aid that will haunt us in the immediate future. If the current socio-economic trends continue and we hit a population of 230 million in the next two decades, the clamour will shift to village police. Let us invest in social

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President or such minister of the Government of the Federation as may be authorised in that behalf by the President for his directions. (5) The question whether any, and if so what, directions have been given under this section shall not be inquired into in any court."

<sup>24</sup> <https://www.vanguardngr.com/2012/08/nigeria-loses-400bn-to-oil-thieves-ezekwesili/>

security such as basic health, education, housing, and income, to combat insecurity because the next insurgency may not be based on a wacko ideology of Boko Haram but how to get rid of the 1 percent that monopolizes 80 percent of our wealth.

# Federal and State Policing: Notes towards a combined framework.<sup>25</sup>

By Dr. Otive Igbuzor

## Introduction

It is well recognised all over the world that peace and security of life and property are the primary conditions for the progress and development of any society.<sup>26</sup> Security is very important for both the people and the government. As one scholar put it:

Without security, individuals within a state will find it difficult to engage in productive activities. Similarly, without security, the state is bound to experience great difficulty in harnessing its human and material resources towards meaningful development and the promotion of the general well-being of the people.<sup>27</sup>

In line with this, the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that the security and welfare of the people shall be the primary purpose of government.<sup>28</sup> All over the world, the principal agency charged with the responsibility of internal peace and security of nations is the police. The 1999 Nigerian Constitution provides for the establishment of the Nigerian Police Force under section 214. It provides that there shall be a Police Force, and subject to the provisions of the constitution, no other police force shall be established for the country. Section 214 clearly states that:

- (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.*
- (2) *Subject to the provisions of this constitution-*
  - a. *the Nigeria Police Force shall be organised 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.*

In line with the provisions of the constitution, the powers and duties were conferred on the Police by the enactment of the Police Act (Cap 359 - Laws of the Federation of Nigeria) which empowers the Police with, among other things, the duties of:

- a. *Prevention and detection of crime;*

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<sup>25</sup> This piece was originally entitled 'Devolution and centralisation of policing: Issues of concern and the need for a framework for state police in Nigeria'.

<sup>26</sup> Arase, S. E. And Iwuofor, I. P. O. (2007), Policing Nigeria in the 21st Century. Ibadan, Spectrum Books Limited.

<sup>27</sup> Imobighe, Thomas (1998), The Management of National Security. Inaugural Lecture: Edo State University, Ekpoma.

<sup>28</sup> Constitution of the Federal Republic of Nigeria, 1999.

- b. *The preservation of law and order;*
- c. *Apprehension and prosecution of offenders*
- d. *Enforcement of all laws*
- e. *Performance of military duties within or outside Nigeria as may be required by them or under the authority of the act or any other act and*
- f. *Protection of life and property.*

The security situation in Nigeria has deteriorated over time. The Nigeria Police Force (NPF) has been unable to stem the tide of insecurity and increasing crime wave in the country. This has led to increased agitation for devolution and establishment of State Police forces. The country is now divided along two lines: those who support the creation of state police and those who are opposed to it. Meanwhile, there is little discussion on a framework for the operation of State Police forces that would prevent abuse and ensure greater security for the country. In this contribution, we argue that there is the need for devolution and establishment of State Police forces. We go further to give an outline of a framework for the operation of State Police forces in Nigeria. But first, we examine the arguments of the protagonists and antagonists of State Police.

### **Protagonists of State Policing**

The protagonists for State Policing argue that State Police forces are a feature of most federal systems.<sup>29</sup> In the United States of America, Australia, India and many other countries, there are both Federal and State Police. They posit that the argument that State Police will be used to intimidate political opponents and to rig elections is not tenable because the reason for State Police goes beyond politics. In other words, the abuse of State Police is not inevitable, but rather, depends on the nature and design of the devolution arrangements. In their opinion, what is necessary is to put in place a mechanism to prevent abuse. They point out that the regional and Native Authority Police which existed from Colonial Nigeria through the First Republic were abused because of a lack of a framework for operation that engendered independence and professionalism. Scholars have documented that the early colonial police nucleus was made up of outcasts, known deviants, ex-slaves and criminals who were both illiterate and jobless, deliberately chosen for maximum loyalty.<sup>30</sup> Furthermore, they contend that State Police forces will improve the security situation in the country especially as people recruited for State Police will understand the language, culture, values and needs of the people they are serving and will not sell, shoot or exploit them.<sup>31</sup> They contend that Nigeria is a very large and heterogeneous country and a single police force cannot be effective. This is particularly so as each state in Nigeria is more populous than many countries in the world.

### **Antagonists of State Police**

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<sup>29</sup> Nwolise, O. B. C. (2012), Oracle on the State Police Discourse in Nigeria: A Citizens Perspective. A Paper Presented at the October 2012 Edition of Nigerian Institute of Social and Economic Research (NISER) Seminar Series held in NISER, Ibadan

<sup>30</sup> *Ibid.*

<sup>31</sup> Nwolise, Op Cit

The opponents of State Police in Nigeria argue that State Police forces may be desirable, but the country is not ripe for it. Their main argument is that the “Governors do not have enough morals and maturity, and will recruit loyalists, and misuse them to rig elections, decimate political opponents, and oppress non-indigenes.<sup>32</sup> They also contend that most of the states are in bad financial situation and do not have sufficient resources to fund their own police forces.

### **Experiences of devolved policing across the world.**

Most federal systems have multi-police formations. Many countries, especially those that operate federal systems of government, establish both federal and state police forces. In the United States of America, there are Federal, State, County and Local police. In Canada, policing is done by the three levels of government: federal police responsible for enacting criminal laws and federal policing policy; municipal and provincial police responsible for administration of justice within their jurisdiction.<sup>33</sup> In Australia, policing is done at two levels: federal and state police. The federal police are responsible for federal laws including terrorism and drug trafficking while the state police are responsible for the state. In India, there is federal and state police. The federal police concerns itself with federal matters but the bulk of policing in the country is done at state level. Each state has a police force responsible for maintaining law and order within the state. In Brazil, there are five law enforcement institutions: the federal police; the Federal Highway Police; the Federal Railway Police; the State Military Police and Fire Brigade; and the State Civil Police. The Federal Police, the Federal Highway Police and Federal Railway Police are affiliated to Federal authorities while the State Military Police and Fire Brigade, and State Civil Police are subordinated to State governments. Federal police forces are responsible when there is violation of federal laws while state police forces take charge when state laws are violated. The State Military Police carries out preventive police duties while the State Civil Police carries out preventive police duties and the State Civil Police carries out detective work, forensics and criminal intelligence.<sup>34</sup>

It is important to note that Nigeria during the first republic (1960-66) operated Federal, Regional and Native (local) Administration Police. It was the advent of military rule that led to the abolition of the regions, along with regional and local police. Mechanisms would necessarily have to be put in place to prevent the abuse experienced during the first republic.

### **Framework for State Police in Nigeria**

The Nigeria Police Force has not been effective in policing Nigeria. As a federal system, the country ought to operate a multi-police formation to be effective. But there are fears – given the coercive operations of Native Authority Police in the First Republic and general perceptions about the conduct of some Governors – that State Police will be abused. It is therefore imperative to put

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<sup>32</sup> Nwolise, Op Cit

<sup>33</sup> State Police: Comparative Analysis, Observations and Recommendations

<sup>34</sup> Ibid

in place a comprehensive framework for the operation of State Police in Nigeria that will ensure harmonious operation of State Police with the Federal Police in a manner that will not lend itself to abuse. Scholars are in agreement that Police institutions across the world are moving away from the traditional model of policing in favour of a model oriented towards establishing a close working relationship with their communities.<sup>35</sup> State Police is better suited to adopt community policing. The framework outlined below is therefore designed to suit the context of Nigeria taking into cognisance the political history of the country.

**1. Control and Oversight:** Security agencies are given enormous powers to carry out their mandate and the exercise of these powers will have an impact on the quality of life and rights of citizens. Meanwhile, it has been recognised that all over the world, there is the potential for abuse in the exercise of powers by security agencies. This is why there is the need for the regulation of the work of security agencies by domestic and international law. Some of the international instruments for regulating the work of security agencies include the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the Covenant Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment; and the United Nations Code of Conduct for Law Enforcement Officials. One of the mechanisms that has evolved to regulate police powers is civilian oversight.

For the operation of State Police forces in Nigeria, and to work with the Federal Police Service Commission, there is the need to establish State Police Service Commissions made up of Chairmen who must be non-partisan and members drawn from interest groups such as the Nigeria Labour Congress, Media, Civil Society, Women's groups, the Nigeria Bar Association (NBA), and the private sector. The power of Governors should be limited to policies and the appointments of the State Chief Executive of the Police but should not extend to operational use and control of the force.

**2. Recruitment, Promotion and Discipline:** Management studies have established that the people within the organizations are what make organizations great.<sup>36</sup> The recruitment, promotion, and discipline of State Police officers should be conducted by the State Police Service Commission and based on the criteria of merit and *strict adherence of rules and guidelines*.

**3. Training:** It is widely acknowledged by all that human capital development is the key to superior performance and sustainability of any organization. In order to maintain national standards, the country should maintain common facilities for all police forces in the country including training, criminal intelligence, and forensic laboratories.

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<sup>35</sup> Igbuzor, O (2012), National Security and Policing in Nigeria. Abuja, African Centre for Leadership, Strategy & Development.

<sup>36</sup> High Impact Management

**4. Powers of State Police:** The State Police should be responsible for the normal police functions within the state. The jurisdiction of the state police should be limited only to the state. The State Police should be responsible to the Governor of the State subject to oversight by the State Police Service Commission and the State House of Assembly

**5. Funding:** The State Police should be funded by the state government and it should be a first line charge on the state account; i.e. outside the budget which is decided by political authorities.

### **Conclusion: The way forward?**

Peace and security of life and property are the primary conditions for progress and development of any society. All over the world, the principal agency charged with the responsibility of internal peace and security of nations is the police. Many countries, especially those that operate federal systems of government, establish both federal and state police. At independence, Nigeria operated federal, regional and local police forces, but regional and local police forces were abolished by the military. Meanwhile, over the years, the remaining federal police — the Nigeria Police Force — has failed to effectively police the country. There are now agitations for State police. But legacies from the First Republic continue to fuel opposition against state police. There is therefore the need for a framework for state police that will ensure effective policing at the state and community level and at the same time ensure professionalism. The framework should address the issues of training and funding, control and oversight, recruitment, promotion, discipline and the powers of state police

The following recommendations may take the matter forward:

1. The 1999 Constitution should be amended to provide for State Police. The Police Force should be removed from the exclusive legislative list. Policing should be placed on concurrent legislative list to enable the establishment of State Police.
2. The Federal Police Service Commission should set up and enforce the overall standards and policies for the operation of State Police in the country.<sup>37</sup>
3. To prevent the abuse of State Police, a proper framework for operation of State Police should be adopted and implemented. The framework will insulate State Police from political control and manipulation.
4. The training of State Police Officers should be comprehensive and mainstream respect for human rights in all aspects of policing to inculcate the culture of respectful policing from the onset.

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<sup>37</sup> The UK operates an Inspectorate - Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS; <https://www.justiceinspectors.gov.uk/hmicfrs/>) - which oversees the otherwise autonomous Police Forces in this respect, ensuring standards in both operations and management.



# Devolution & Centralisation: Technical, Accountability & Governance Issues

By Mrs. 'Kemi Okenyodo

## Introduction

Policing has remained one of the most daunting challenges of governance in Nigeria since independence in 1960. Given the political history of Nigeria and the country's ethnic structure, maintaining law and order in an effective, efficient and accountable manner — and in such a way that responds to citizens' real security and safety needs, which conforms to democratic practice — has eluded even the most well-meaning post-independence administration to date.

Driven partly by different political priorities and by the constant dissatisfaction of citizens with policing (across a wide spectrum of indicators), police reform has persistently been an unresolved governance agenda for various federal governments. This challenge has become increasingly dire since the transition to democracy in 1999 with the ever more strident groundswell of social pressure for a new order of democratic policing in the context of growing insecurity.

The various reform efforts since 1999 have focused on issues relating to increasing policing capacity in the areas of personnel strength, materials for work, and welfare. Though these issues are not in any way irrelevant, there are more daunting challenges confronting the nation, which invariably also affect the police<sup>38</sup>. Critical issues that come up in relation to police effectiveness and efficiency include the insufficient independence—particularly operational independence—of the police, the archaic legal framework undergirding the current policing structure, and the need to put inclusive accountability processes in place.

The police reform efforts that have been made in Nigeria over the past 17 years have broadly focused on the Nigeria Police Force (NPF). The NPF emerged from the colonial British constabulary system and were extensively shaped through decades of post-independence military authoritarianism. Given this history, the NPF has struggled to imbibe democratic values and tenets. Transforming from a police force that operated essentially in the cast of an alien and coercive instrument for subjugation and control of *natives* and *subjects*, into a *citizens'* own protection service, in conformity with the new democratic dispensation, is a challenge.

Contemporary challenges to policing in Nigeria have also affected the NPF such that it has not been able to function effectively. Some of the challenges include rapid urbanisation, population growth, inequality, corrupt practices and corruption, unemployment and others. The identified challenges have resulted in change in the types of criminal activities that plague the society, including: kidnapping, terrorism, cybercrime, communal conflict, rural banditry, cattle rustling and the like. Even with the duplicative or complementary efforts of other government policing agencies such as National Drug Law Enforcement Agency, Economic and Financial Crimes Commission, National Security and Civil Defence Corps to deal with some of these emerging criminal activities, the NPF continues to be the leading law enforcement agency in the frontline of these challenges.

Public confidence in the police continues to erode based on the NPF's inability to effectively

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<sup>38</sup> CSO Panel Report

tackle emerging criminal activities, hence the ongoing discussions on the need to address the merits and demerits of a centralized police organization. This paper shall make an attempt to discuss this from the technical, accountability, and governance perspectives.

### **Structure of the Nigeria Police Force**

The constitutional and statutory framework under which the NPF operates significantly challenges its effectiveness, governance, and performance. Section 214 – 216<sup>39</sup> established the NPF, while the Police Act<sup>40</sup> provides for its organization, discipline, power and duties. However, within both legal frameworks, two major issues stand out:

- A lack of autonomy. This has often led to the politicization and lack of professionalism in the NPF;
- An opaque leadership appointment procedure without regards to performance. This has consistently denied the NPF the services of its most competent officers at leadership levels.

In addition, the NPF is structured in a way that over-centralizes its operations. Notwithstanding its 5-tier command structure, too many decisions begin and end on the desk of the Inspector General of Police (IGP).

### **Governance and Accountability**

The operational head of the Nigeria Police Force is the Inspector General of Police, appointed by the President of the Federal republic of Nigeria. The IGP is assisted by 7 Deputy Inspectors General of police who head different administrative departments, constituting the 7 management directorates of the NPF.

The highly centralized command structure of the Nigerian Police Force, covering a very diverse federal polity, may pose some challenges in its service delivery. The centralized nature of the force, while allowing for easier inter-state co-operation than in de-centralized police systems, tends also to dis-empower state level commands, create bottleneck, distance the people from the 'their' police, and also filter human and material resources towards the centre. As a result, many frontline units at the state command level are under-resourced and nominally supervised because decision-making, concentrated at the central level, is highly restrictive in some contexts.

Accountability is also centralized and largely 'upward-looking' – i.e. the police leadership are answerable primarily to the Presidency, which houses the relevant Ministry, Police Service Commissions and the Police Council. The National Assembly's control is spearheaded through Legislative Committees, which are evidently not endowed with capacity and outreach to maintain

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<sup>39</sup> 1999 Constitution of the Federal Republic of Nigeria

<sup>40</sup> Police Act

and conduct an effective and efficient oversight functions.<sup>41</sup> This centralised overall accountability arrangement narrows the opportunities for the robust involvement of members of the public and even, by extension, the oversight powers of lower third tier Local Governments.

The Police Service Commission (PSC), the Constitutional oversight body with powers restricted to recruitment, promotion, and dismissal remains fledging chiefly because of its self-restricting limitations.<sup>42</sup> Statutorily, the PSC ought to be one of the most powerful civilian oversight bodies on policing in Nigeria, as it is charged with the responsibility for the NPF's appointments, promotions, and discipline. However, a combination of factors including self-defeating restraint, political interference, budgetary constraints, and the inability to set up and maintain a functional investigative unit, have affected its disciplinary functions over the Nigeria Police Force, thereby robbing the PSC of its relevance and vibrancy. Philip Alston Jones<sup>43</sup> highlighted a serious consequence of the PSC's limitation when he noted that, "in terms of governmental accountability, the Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation."

The Commission's mandate is potentially empowering. However, despite the efforts of one or two excellent (and notably, usually self-driven) Commissioners, its performance has been dismal and self-restraining. Tellingly, its Quarterly Reports to the President are not published.

Broadly, Nigeria has adopted the pattern of having security agencies, including the Police, subject to civilian oversight. This is why institutions such as the Ministry of Interior, National Human Rights Commission, Public Complaints Commission, and the Police Council exist. However, these oversight agencies, even though some of them have strong and focused mandates, have unwittingly imposed restrictions to their mandates, underling the need for this review. For example, the Public Complaints Commission, which is the Ombudsman for the country is, according Section 6 (d) of its enabling Act, restricted from reviewing complaints that are related to the conduct of the military, police, and other uniformed personnel. However, the Public Complaints Commission is empowered to look into the administrative infractions of all Ministries, Departments and Agencies. As such, nothing prevents the Public Complaints Commission from investigating the lack of service delivery of the Police Service Commission - this means it has the potential power of being the agency that polices other oversight agencies.

The appointment of persons to the management of the oversight bodies is also an area of concern. Most of the time, such appointments are based on political patronage and not competence or capacity to do the necessary work required in the organizations. Finally, most of the accountability and oversight bodies lack appropriate funds to function.

Due to the fact that the accountability mechanisms are not functional, ad-hoc informal pressure and influence driven based on whims of political officer holders have emerged. Hence, we see every government making an attempt at reforming the Nigeria Police Force. This high-level interest, though necessary for substantiating the reform initiative, can also be an avenue of

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<sup>41</sup> An instructive case of reference was the public declaration of the Senate President indicting the National Assembly over lapses in its legislative function that may have necessitated the lee way on the on-going investigation over misappropriations of funds for arms procurement by the office of the National Security Adviser.

<sup>42</sup> Former UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution, Country Mission to Nigeria. 2005; quoted in "Opportunity for Justice", CLEEN foundation 2006 p.174

<sup>43</sup> Former UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution, Country Mission to Nigeria. 2005; quoted in "Opportunity for Justice", CLEEN foundation 2006 p.174

entrenching political interference in the police. Political interference where it exists in the police undermines the cohesion, effectiveness, and performance of the Nigeria Police Force. If publics see the police as partisan, this will deeply impact their trust and further alienate them from participatory community policing. The centralized and hierarchical accountability structure of the NPF as it is now renders it vulnerable to political interference, as certain officers may compromise their professionalism to curry political favour in the hope of future career advancement or mere patronage.

The system of police complaints has been poorly understood, little used, and not highly valued within such a context. For example, before the recent introduction of the Complaint Response Unit<sup>44</sup> under the present leadership; the NPF had established offices of the Provost Marshal, and the Police Complaint Bureau. It is against this backdrop that “the CRU is expected to act as a central, ICT-driven public complaint unit of the Force. It will take full advantage of ICT and social media platform to interface with the public towards receiving and processing complaints from members of the public and giving requisite feedback on actions taken on such complaints. It is designed to complement existing in-house public complaint monitoring and processing frameworks<sup>45</sup>, with a touch of 21<sup>st</sup> century internet-based technology, which, among other things, could aid privacy, speed of reports, and responses.

Furthermore, strongly tied to the issue of police structure, governance, and accountability are the calls for the creation of separate police forces for each state. Importantly, there has also been strong opposition to these calls on the grounds that they could become politicized<sup>46</sup>; ultimately become hobbled by the challenge of inadequate resources as have the Federal police or fail to collaborate amongst themselves and with the Federal police.

The other argument for state police forces is often political, as opposition politicians or those at the receiving end of political harassment assert that Federal Government misuses the police. The case for state police forces remains in debate, as the Federal Government has not yet consented to it. However, state governments, many of which already partially fund NPF state commands largely support the call.

A close examination of the police accountability structure, seems to reveal that a level of devolved scrutiny of the Nigeria Police Force exists in practice. For example, the Police Council which is

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<sup>44</sup>CRU is a community-oriented compliant management system, exploring some of the options provided by modern day technology obtainable to police law enforcement officers in most advanced countries. It is a customer service point for the Nigeria police. The unit deploys a multi-platform complaint reporting mechanism to aid speedy intervention in citizens' complaints at all times. Its operational procedures indicate upon receipt of complaints, which are then forwarded to any of three already trained designated officers in each of the 36 states and the Federal Capital Territory. The complaints are channeled through to the state Provost Marshal, O/C state Intelligence Bureau and O/C state Control Room for immediate necessary action and reported back to the CRU call center. Responding officers are expected to verify, resolve and submit reports on all cases passed to them within a given time frame. Every proven case of misconduct would attract sanctions even after resolutions. 25 officers who run shift duties man the Call Centre, which is stationed at the Force Headquarters. These officers have undergone a three-day special training offered by an International developmental partner.

<sup>45</sup> IGP Solomon Arase; Force HQ Abuja 2015

<sup>46</sup> This syndrome played out prominently in the South West and Northern Nigeria during the first republic when there were remnants of Native Authority Police. See Alemika E and Chukwuma I (2003) Analysis of Police and Policing in Nigeria: CLEEN Foundation p10-11

made up of the President as Chairman, Governors of each State of the Federation, Chairperson of the Police Service Commission and the Inspector General of Police, have the responsibility of ensuring effective organization and administration of the police (this however does not include matters relating to operational control, appointment, discipline and dismissal of members of the Force). They are also responsible for general supervision and advising the President on the appointment of the Inspector General of Police. With a framework like this in place, it seems one of the major things that needs to happen as a matter of urgency is for the President to ensure that the Police Council starts to meet periodically and with a set agenda. This strategic engagement at the leadership level would assist in bringing some form and structure to the process of devolution of powers and processes within the NPF.

The attempts that have been made in reviewing the Police Act have recently cumulated in the submission of the final draft of the proposed Police Bill to the leadership of the Nigeria Police Force. There are innovations in the Bill which—though some are hinged on constitutional amendments and thus unlikely to speedily pass— could assist to address some of the issues already identified.

#### **a. Establishment of the Police Council**

The new Bill is proposing that the membership of the Nigeria Police Council should expand to include the Attorney General of the Federation and the supervising minister responsible for the police as the Secretary. Previously the supervising minister of the police was not a member of the police council. To make the Police Council effective it is imperative that the supervising minister of the police and the Attorney General of the Federation are members. The schedule for the meeting was also proposed to be bi-annual.

#### **b. Appointment of the Inspector General of Police**

The Bill also expands the operational autonomy of the Inspector General of Police by spelling out clear criteria for any candidate that can be appointed to the office of the IGP. The Bill states that, "The person to be appointed as Inspector General of Police shall be a senior police officer of not below the rank of an Assistant Inspector General of Police with the requisite academic qualifications of not less than a first degree or its equivalent." In addition to professional and management experience, a number of important clarifications are also included:

The process for appointment has been made broader:

- (i) Interested persons shall make an open and formal application to the Police Council;
- (ii) The Nigerian Police Council shall be responsible for the screening and selection of three applicants using the stipulated criteria for competences and qualification;
- (iii) The President shall appoint the Inspector General of Police from the recommended applicants subject to the confirmation of the Senate.

Additionally, the secured tenure of office for the IGP is fixed in the Bill at 5 years single term subject to the statutory retirement requirement in the public service. The reasons or possible grounds for removal of the IGP is also clarified as follows: "The Inspector General of Police shall not be removed from office except for a gross misconduct, gross violation of the constitution or demonstrated incapacity to effectively discharge the duties of the office". The process for removal is stated as follows:

- (i) A report or complaint of gross misconduct or incapacity to perform has been made against him by any person, including the President
- (ii) The Nigerian Police Council considers the allegations against him serious and sets up a committee of the Council to investigate the matter,
- (iii) The Committee investigates the allegation, and after fair hearing, recommends that the person be removed from office; and
- (iv) The Senate Confirms the removal of the person by a two-third majority votes of its members.

Similar provisions are also made for the Deputy Inspector General of Police, Assistant Inspector General of Police and the Commissioner of Police.

The Bill also makes provisions for the powers, duties and functions of the IGP, Deputy Inspector General of Police and the Commissioners of Police. It also makes provisions for delegation of responsibilities by the IGP to Zonal, State, Area and Divisional Commands guided on the principles of efficiency and effectiveness

## **Conclusion**

The process of initiating the devolution of powers and responsibilities within the Nigeria Police Force as it should be encouraged and supported by the Police Council while the process of passing of the proposed Bill through the mechanism of the national assembly is ongoing. The central point is the need to ensure the effectiveness of the Nigeria Police Force such that service delivery is optimal and available to all citizens rather than a selected few.

# **The Relationship Between the NPF and the NA/LGPFs in the Northern and Western Regions, 1919-1966**

*By Professor Kemi Rotimi*

## **Introduction**

From quite early in the colonial period through independence and up to the early years of military intervention in Nigerian government and politics, there existed Native Authority/Local Government Police Forces, NA/LGPFs. These forces were maintained by the local governments in the Northern and Western regions of Nigeria. The forces ran parallel to the armed, centrally controlled Nigeria Police Force.

The forces were brought into existence as part of the efforts to secure colonial rule at the local government level in those parts of Nigeria where centralised political systems had existed in pre-colonial times. Within such systems, there had been bodies of men who performed the common police duties of maintaining law and order and preventing or detecting crimes. The larger study from which this piece has been extracted, has dealt in detail with the incremental process by which elements of local, indigenous policing in Northern and Western Nigeria, which were initially independent of imperial rule, were gradually reconstructed in the imperial image as the totality of institutions of the colonising power increasingly pervaded the colonial domain. The forces flourished until 1970 when they were abolished.

The study shows the dominant factors that influenced the emergence, development, role and extinction of the forces. The study traces the history of the forces from their emergence in the early years of colonial rule—largely by the adaptation of the pre-colonial police organisations in the centralised kingdoms of Western Nigeria and the emirates of Northern Nigeria—through to 1970 when they ceased to exist. The study also examines policies that related to the establishment, organisation, training, control, and role of the forces. The policies are analysed within the context of the general political or administrative practices in the regions, both during and after colonial rule.

Important to the work is the influence of those people outside of the forces who shaped them. These included British political and administrative officers; the local traditional power elite, known generically as the Native Authorities (NAs); the new power elite that emerged through party politics and who held the reins of government from the era of decolonisation till the collapse of the First Republic in 1966; the successor military elite who effected the abolition of the forces; and the officers of the parallel police organisation, the Nigeria Police Force (NPF). These external interest groups variously determined work conditions, management styles, and duties. Their influence varied from the positive to the negative. Few important changes or developments came from within the forces, generated by policemen. There was also very little input from the ordinary members of the public. Ultimately, the forces turned out to be what those who owned them wanted them to be: pillars of support for those who held the reins of government. The image of these policemen that has endured is that they were dutiful servants of their masters but masters of the general public.

## **The Establishment of the Northern NAPF**

The relationship between the officers of the NPF and the NA/LGPFs very much mirrored the colonial administrative practices within, and between, the two regions.

The NAPFs were raised in the Northern region from 1907 through the adaptation of the pre-colonial *dogari* (traditional palace guard) police institution in the emirates. The forces were created in pursuit of the British administrative policy of ruling the territory 'through native chiefs on native lines' (see below). Their creation was intended to achieve, among others, the objectives of securing the doubtful loyalty of the Emirs and Chiefs, building up the native administrations, and keeping down the costs of administration. There was a decided preference by the administrative officers to police much of the region exclusively with the NAPFs; so, between 1907 and 1915 a spirited attempt was made to exclude armed Government Police from the emirates. The attempt was ultimately unsuccessful, thus the two types of force had to co-exist. Yet steps were taken at various points to ensure that the NAPFs were not overshadowed by the Government Police Force.

The first attempt to define the desired relationship between the two types of force was made in 1919. The administration of the Northern region was then headed by H. S. Goldsmith, who was Lieutenant-Governor between 1917 and 1921. Goldsmith saw to the fashioning in 1919 of what may be called a 'code' to govern the relationship between the Government and the Native Authority policemen. He found a willing ally in the Acting Inspector-General of the Government Police Force (North), Captain A. G. Uniacke. The significance of the code lies in the fact that it foreshadowed the relationship between the two kinds of force. Events in later years hark back to this moment in history.

This policy, which comprised six suggestions, was circulated in a government memorandum to all Residents under the title 'Cooperation between *Dogarai* and Government Police'.<sup>47</sup> The suggestions, in sum, amounted to subordinating the Government policeman to these three people in sequence: the *dogari*, the Government policeman's own superior officer, and the District Officer whenever the issue was of a local interest. The IGP began by stating that he was not in favour of placing NA police in a township under 'the entire control of a Police Officer' because it would 'undermine ... the authority of the District Officer and Native Administration'. The ubiquity of the expression 'a Native Town under Native Administration' shows how determined the administrators were to keep Government policemen from native administration areas of influence. The sixth suggestion was that:

*If Police are tracking an offender and the offender takes refuge in a Native Town under Native Administration the Constable should still continue to follow up the offender and should call the first Dogari he sees to help him so that the person being followed may be arrested.*

The SNP signed off the memorandum by adding that:

*... His Honour the Lieutenant-Governor shares the views expressed by Capt. Uniacke; that Police Officers in the Provinces should be instructed to follow the procedure suggested by the Acting Inspector-General of Police.*

In 1925, H. R. Palmer assumed office as Lieutenant-Governor in the North. Palmer had been in the Northern service since 1904 and had played a key role in the emergence of the NAPFs in the region; indeed, he had been a strong advocate of the exclusive policing of the emirates by the NA police. Between 1925 and 1930, when the separate Government Police Forces of the Southern and Northern Protectorates were amalgamated into the Nigeria Police Force, Palmer and his

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<sup>47</sup> National Archives, Kaduna (NAK). ZarProf. 1858, SNP, Kaduna to all Residents, 17 December 1919.

subordinates had implemented a number of measures that showed their preference for policing Northern Nigeria more with the NA police than with men of the NPF. These include the extension of NA police institution into the southerly, more acephalous provinces of the region and the change in nomenclature of the NA police from the inherited pre-colonial label of *dogarai* (s. *dogari*) to *yan doka* (s. *dan doka*). In addition, the princely-liaison officer scheme was instituted in 1928. Under the scheme, children of the nobility, especially those with royal connections, were encouraged to join the forces as officers. The scheme did change the ordinary citizens' perception of the forces; it earned the job of policing some respectability. A formal training programme in police duties was also instituted in 1929 at the Government Police Training Depot in Kaduna. Finally, the administrators tried unsuccessfully to arm the NA police. All of these measures were intended to make the NA police compare favourably with the armed Nigerian Police.

Notwithstanding the efforts at parity, the NAPFs had great need for the assistance of NPF officers in the areas of training and administration. But the operation of the 1919 code, fashioned to govern NAPF/NPF relations in the Northern region, tended towards the marginalization of the NPF. That code was somewhat indirectly challenged in 1936 when the IGP of the NPF, Major A. Saunders, prepared a memorandum on the NPF but devoted some paragraphs to the NAPFs.<sup>48</sup> He specifically addressed the issue of NAPF/NPF relations, and on the terms and conditions under which the services of European NPF officers should be allowed to NAPFs.

At the annual conference of Residents for 1937, the arguments on the issue of NAPF/NPF relations boiled down to three.<sup>49</sup> First, it was contended that with all the inadequacies of the NAPFs their men were still to be preferred to those of the NPF. The second argument put forth was that if one type of force was to give way to the other, the NPF was the force to be decommissioned. Lastly, the Residents contended that if the NPF was to have the upper hand, it would be in the more acephalous, southerly communities derogatorily called 'certain backward areas'.

In 1939, Saunders' successor, Colonel A.S. Mavrogordato, again submitted a memorandum specifically on NAPFs to the central government.<sup>50</sup> On NAPF/NPF relations, he was of the view that NPF officers should be 'detailed' for duty with NAPFs instead of being 'seconded' to them.<sup>51</sup> He was quite vague in his use of these terms but, unlike his predecessor, he was more flexible and showed an awareness of the sensitivity to any suggestion that might tend to imply the loss of control by Native Authorities of their forces. In the North, his remarks were merely noted without comments at the Residents' conference for that year.

### **The Establishment of the Western NAPF**

It is relevant to compare, at this juncture, developments in the matter of NAPFs/NPF relations in the Western region up to the end of the 1940s. In the West, the relations were not as 'codified' as in the Northern region. But it is correct to note that whereas NPF officers were in a situation of having 'responsibility without authority' in their relationship with NAPFs in the Northern region; in the West, NPF officers were super-ordinate whilst NAPFs served as subordinates.

The experience of G. A. V. De Boissierre who served in both regions is handy for illustration. The officer had run into trouble with the political authorities in the Zaria and Kano native

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<sup>48</sup> National Archives, Ibadan (NAI). CSO 26/4/31861 Vol.I, IGP, NPF, Lagos to CSG, Lagos, 22 October 1936: "Memorandum on the organization and administration of the Nigeria Police Force".

<sup>49</sup> NAK.CFR 3/1, Record of the proceedings of the conference of Residents, 1937.

<sup>50</sup> NAI. OyoProf. 1/1078 Vol. II, CP, NPF, Lagos to CSG, Lagos, 18 March 1939. Full title cited earlier in n. 87 above.

<sup>51</sup> NAI. OyoProf. 1/1078 Vol. II, The memo, pg. 6.

administrations in the mid-30s when he attempted to exert more than acceptable control over the NAPFs in those areas. De Boissier's transfer to the South and his rapport with the Resident of Oyo province gave him unlimited freedom to operate as a police officer. He took maximum advantage of it and was very happy at the outcome.

Before his arrival, the NAPFs in Oyo Province had been re-organised into a provincial force with units deployed to local government areas. Resident White unmasked the intention of administrative officers to subject the Oyo Provincial Police Force to control in 1940. In a memorandum to his subordinate DOs, he expressed the wish that 'administrative control of all NA Police should be taken over by the Superintendent of Police, Ibadan.'<sup>52</sup> This would mean that the police in Ibadan town would come directly under the control of the Superintendent of Police for all purposes, including disciplinary purposes. The detachments at the other divisional headquarters would be visited by the SP or his assistant from time to time. The gain from it all would be a higher standard of efficiency. He told a lie that the arrangement would be temporary and that it would be reversed as soon as the Native Authorities 'have themselves become more competent' to resume control. The DOs were to sound out the Native Authorities for their views. Two of the Native Authorities, Ibadan and Oyo, showed a clear perception of issues and of the administrative officers' subterfuge. In its own reaction, the Ibadan Native Authority traced the history of the NAPF in Ibadan and recounted the measures that had been taken in liaison with the NPF, to improve the bearing and standard of efficiency of the men.<sup>53</sup> Doubtful of the sincerity of the Resident, it pleaded that,

*we respectfully ask the Honourable Resident not to give chance to the detractors of native administration system in Nigeria to say that after nearly forty years of our police [department's] existence it has lamentably failed to make progress on the right line.*<sup>54</sup>

Some pressure was brought on the council by the Resident who attended a meeting subsequent to this initial reaction. But the council would not budge, arguing that the move was 'tantamount to the surrender of the elementary principle on which Native Administration has (sic) founded.'<sup>55</sup> It again pleaded that 'since the Government have made it plain that nothing under the heaven will move them to destroy the fabric of this institution,' the Resident should rethink the matter and maintain the *status quo*. The arguments of the Oyo Native Authority were very similar to Ibadan's.<sup>56</sup>

The controversy raged on until 1942 when the issue was slated for discussion at the Chiefs' Conference. Resident White prepared a memorandum on it.<sup>57</sup> The thrust of his argument was that the supervision the Assistant District Officer in charge of the force was then able to give was inadequate considering his multifarious duties, which constituted a drag on the efficiency of the policemen. A finer job would be done if an officer of the NPF was allowed to put in the necessary professional touch. As a sop, he pledged that the officer would be 'in relation to the Native Authority in precisely the same position as the ADO does today.' He even employed blackmail by making false analogies with the situation in Kano and Ilorin at the time. There are no records of

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<sup>52</sup> NAI. OyoProf. 1/1078 Vol. II, Resident, Oyo to DOs, Ibadan, Oyo, Ife/Ilesa, 25 April 1940.

<sup>53</sup> NAI. OyoProf. 1/1078 Vol. II, The Olubadan-in-council to DO, Ibadan, 7 May 1940.

<sup>54</sup> NAI. OyoProf. 1/1078 Vol. II, The Olubadan-in-council to DO, Ibadan, 7 May 1940.

<sup>55</sup> NAI. OyoProf. 1/1078 Vol. II, The Olubadan-in-council to DO, Ibadan, 23 May 1940.

<sup>56</sup> NAI. OyoProf. 1/1078 Vol. II, DO, Oyo to Resident, Oyo, 12 June 1940; also, minutes of Oyo native administration council meeting of 24 June 1940.

<sup>57</sup> NAI. BenProf. 1/336 Vol. II, Chiefs' conference, 1942, memorandum on subject no. 5.

discussions at the meeting, but subsequent developments showed no diminution in the efforts of the administrative officers,<sup>58</sup> in league with Superintendent De Boissierre, to wrest control from the Native Authorities.

The first hint of a breakthrough is a 1943 memorandum prepared by G.A.V. de Boissierre, SP, NPF, headquarters Oyo-Ondo Province, Ibadan and addressed to the Resident, Oyo.<sup>59</sup> In it, he gave details of the management of the force under him. The hint is confirmed in his first annual report on the NA police prepared in 1944.<sup>60</sup> He had gained control of the force since April 1943. He could not hide his joy at realising this long-sought but much-denied opportunity, when he concluded the report by saying that:

*In conclusion I wish to say how pleased and honoured I am in having being (sic) given the privilege of supervising the N.A. Police and I appeal to the Authorities to let their slogan be where the N.A. Police are concerned "NO EXPENSE IS TOO MUCH AND NOTHING IS TOO GOOD FOR THE FORCE!"*<sup>61</sup>

This informal arrangement later got legal backing after the first Native Administration Police Forces Rules were promulgated in 1944 for all the forces in Nigeria.

### **NAPF Developments at the National Level**

The year 1944 was very significant in the history of NAPFs in Nigeria. That year, the central government in Lagos approved the first set of rules ever to govern matters of appointments into the organisation and discipline of men of the NAPFs.<sup>62</sup> Drafted primarily for the Northern NAPFs they were also approved for those of the West. Largely similar, the significant difference was *in the matter of control*. The Northern version *gave primacy to the Native Authority*, acting in the first instance through its Chief of Police (Sarkin Yan Doka) in matters of discipline whereas the Western version *subordinated the Native Authority to the NPF officer-in-charge of the NAPF*.<sup>63</sup> For the North the rules merely represented a formalisation of the status quo.

In the West, the process of defining NAPF/NPF relations was effectively concluded with the adoption of the 1944 rules. They conferred superiority on the NPF and gave them much leverage in the conduct of NAPF affairs. On the contrary, in the North, the *status quo ante* the rules was maintained. Indeed, the more responsibilities for assistance in NAPF affairs the NPF got in subsequent years the less power they got to perform. This 'responsibility-without-power' phenomenon did not please the NPF officers but there was not much they could do to change their lot.

There were two parallel developments in 1948 in the North and the West which fit well into the discussion here. In the North, there was a reiteration of the government's position on the desired relationship between the NAPF and the NPF. In a memorandum on the supervision of NAPFs it was noted that there some confusion existed about the position of senior service NPF officers vis-a-vis the NAPFs in the Provinces.<sup>64</sup> The government noted that the forces had not in the past

<sup>58</sup> NAI. OyoProf. 1/1078 Vol. II, Minutes of Ibadan N.A. Inner council meeting, 17 May 1943.

<sup>59</sup> NAI. OyoProf. 1/1078 Vol. II, SP, NPF, Ibadan to Resident, Oyo, 2 July 1943.

<sup>60</sup> NAI. OyoProf. 1/1078 Vol. II, SP, NPF, Ibadan to DO, Ibadan, 31 January 1944.

<sup>61</sup> NAI. OyoProf. 1/1078 Vol. II, SP, NPF, Ibadan to DO, Ibadan 31 January 1944.

<sup>62</sup> It will be cited as NAPFs Rules, 1944.

<sup>63</sup> NAPFs Rules, 1944. Paragraphs 28, 29 & 35 were amended. in the Western version to confer the native authority's powers on the NPF officer-in-charge.

<sup>64</sup> NAK. MakProf. 57/S.4, SNP, Kaduna to all Residents, 29 November 1948.

benefited from the services of the NPF as had other native administration departments from their government counterparts. The situation was about being ameliorated with the posting of more senior NPF officers to the provinces. But it warned that the officers should realise that they occupied 'exactly the same position in regard to the Native Authorities as do the officers of other departments.' The NPF officer, like the administrative officer, was essentially a teacher with the primary duty to 'train the Native Authority to manage its own affairs in the most efficient way possible.' Government was aware that this was a more difficult task than 'the exercise of direct control' which could not be permitted so that 'the established policy of indirect administration is (not) forsaken.' For the avoidance of doubt, the government firmly ruled that 'it is not therefore the duty of the Police Officer directly to control a Native Authority Police Force.' He was to 'supervise such a force on behalf of the Native Authority' as an adviser. In the discharge of his duties, he was the Resident's lieutenant and it was through him that he would route his advice to the Native Authority.

At the same time, in the West, the Resident of Ondo province was urging the government to take over policing there from the NAPFs. The Resident of Ondo province took it upon himself to request government's take-over of policing from the native administrations without having consulted them. His relief who did, found out that the native authorities were not ready to have the NPF replace the NAPFs.<sup>65</sup> But while the acting Resident was still trying to determine the wishes of the Native Authorities, the head of the NPF for the Western Provinces had written to the force headquarters in Lagos, on the basis of the substantive Resident's information, to say that the Native Authorities were anxious to have the government take over policing.<sup>66</sup>

Available records show that some pressure was put on the Native Authorities to surrender. By June 1949, only the Ekiti and Akoko Native Authorities had refused to budge.<sup>67</sup> The issue was apparently raised on the floor of the regional House of Assembly, where recalcitrant Native Authorities got support<sup>68</sup> but not enough to make the administrative officers desist from pursuing their objective. In 1950, the Lagos NPF Commissioner wrote to his regional officer in Ibadan to say that the NPF could not take over the NAPFs that year.<sup>69</sup> The latter officer duly notified the over-eager Resident at Akure<sup>70</sup> putting paid to the attempt to coerce the Native Authorities.

When the administrative officers had thus been frustrated, they resorted to a backdoor measure to wrest control from the Native Authorities of their police forces. The Oyo Provincial Police Force standing rules were sent to them for adoption. The Ekiti Native Authority put up a spirited fight when their question about who would control the force could not be satisfactorily answered.<sup>71</sup> In a letter to the Resident, the DO remarked that 'the members at present, feel they are being asked to sign away their position blindly.'<sup>72</sup> This resistance did not however endure

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<sup>65</sup> NAI. OndoProf. 1/1809 Vol. III, Ag. Resident, Akure to SWP, Ibadan, 13 July 1948. This letter shows that the substantive Resident's action was unilateral.

<sup>66</sup> NAI OndoProf. 1/1809 Vol. III, ACP, NPF, Ibadan to CP, NPF, Lagos. 21 June 1948.

<sup>67</sup> NAI. OndoProf. 1/1809 Vol. III, The information here has been pieced together from the various correspondence between the offices of the Resident and the District Officers of these divisions.

<sup>68</sup> NAI. CSO 26/11874 Vol. XVIII, Annual report, Ondo province, 1949, pg. 63.

<sup>69</sup> NAI. OndoProf. 1/1809 Vol. IV, CP, NPF, Lagos to ACP, NPF, Ibadan, 1 June 1950.

<sup>70</sup> OndoProf. 1/1809 Vol. IV, ACP, NPF, Ibadan to Resident, Akure, 27 July 1950.

<sup>71</sup> OndoProf. 1/1809 Vol. IV, Minutes of the meeting of Ekiti federal native authority executive committee held at Ado-Ekiti, 6 October 1950.

<sup>72</sup> OndoProf. 1/1809 Vol. IV, DO, Ado-Ekiti to Resident, Akure, 16 October 1950.

because subsequent developments in the region showed that the Oyo province's arrangement was replicated on a wider scale.

The discussion in this section may be ended by examining the reactions from the North and the West to a Colonial Office document on the future of NAPFs in the colonies. The reactions eloquently underscore the arguments about the greater paternalism of colonial administrative officers in the North and the relative position of strength or weakness of the NPF vis-a-vis the NAPFs of the West and the North respectively.

The document was a report prepared in 1949 by the Inspector-General of Colonial Police based in London after a tour of the colonies. The report was sent by the Colonial Office to the territories in 1950 for comments. It invited special attention to the two paragraphs on NAPFs,<sup>73</sup> with a stress on their relation to the central police force. The dispatch also requested that comments on these forces be embodied in a separate communication.

In the main report, the IG of Colonial Police had raised questions about the organisation of these forces and had expressed the fear that they provided 'no surety of a fair and impartial policing and would be no safeguard against internal disorder.'<sup>74</sup> As political consciousness grew, so too did the possibility that local controlling authorities could put NAPFs to political use. He therefore recommended that appropriate measures be introduced to provide some guarantee of proper standards of efficiency and impartiality, either by a system of frequent inspection, by grants-in-aid subject to satisfying the standards required, or by a combination of both.<sup>75</sup> One way to achieve this goal, in his view, was to maintain 'a Federal Police superimposed upon individual forces related to local authorities.'<sup>76</sup>

The report and accompanying letter were forwarded from Lagos to the regional government in Kaduna from where it was to be circulated to Enugu, Ibadan and the Colony Administration in Lagos.<sup>77</sup> As was typical of the relationship between the government in Kaduna and the central government in Lagos — one of intense rivalry bordering on hostility — it took three reminders from Lagos to get Kaduna to respond. The Eastern, Colony, and Western administrations had reacted promptly.<sup>78</sup> The Northern administration did not respond until September.<sup>79</sup> The comments of the Eastern and Colony administrations are not important since the NAPFs did not exist in their areas.

The reply from the West opened with a declaration to the effect that

*as far as the restoration of law and order is involved — one of the most vital functions of a Police Force — Native Authority Police are useless and on occasion worse than useless.*<sup>80</sup>

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<sup>73</sup> NAK. MIA 701. The full report is not available but the section on NAPFs was attached to the letter cited in n. 201 under the title, "Extract from Report on Colonial Police Forces by Inspector-General of Colonial Police. Organization of Police Forces and Native Administration," pgs. 48-49.

<sup>74</sup> Paragraph 48 of the report.

<sup>75</sup> Paragraph 49 of the report.

<sup>76</sup> Paragraph 49 of the report.

<sup>77</sup> NAK. MIA 701, Ag. CSG, Lagos to SNP, Kaduna, 2 June 1950.

<sup>78</sup> NAK. MIA 701, SEP, Enugu to CSG, Lagos, 3 June 1950; Commissioner of the Colony, Lagos to CSG, Lagos, 27 June 1950; also, SWP, Ibadan to CSG, Lagos, 29 July 1950.

<sup>79</sup> NAK. MIA 701, SNP, Kaduna to CSG, Lagos, 11 September 1950.

<sup>80</sup> NAK. MIA 701, SWP, Ibadan to CSG, Lagos, 29 July 1950.

This was why, the government further said, it had always advocated that the central government take-over the NAPFs whenever possible. In spite of the administration's conviction however, it had not been possible to do so for two reasons. Firstly, the government had not succeeded in persuading the Native Authorities to relinquish ownership of the forces and the administration did not want to apply pressure because that would violate accepted policy. But as has been noted in the case of Ondo province, this was a less than honest statement. Secondly, it would have been financially impossible to effect a take-over at the time. This was a more plausible reason.

The Northern administration had first referred the entire report to the head of the NPF in Kaduna for comments. He had commented on the NAPFs thus:

*I regard the present condition of most Native Authority Police Forces as a menace in the future, unless completely fresh ideas are brought to the fore. They are not likely to withstand the impact of propaganda in the future, which will have so much of truth and substance to breed on. Either they must become thoroughly efficient on modern standards or hand over... The past has got to give way to the present, before the pressure of events compel it.<sup>81</sup>*

His views reflected his own and his officers' frustration in their efforts to improve the standard and efficiency of the NAPFs. As he said elsewhere in the report 'we cannot progress in teaching the Native Authority Police to be policemen, when the system will not permit them to act as such'.

The thrust of the government's reply from Kaduna was that the NAPFs were of greater importance in policing than the NPF. For one reason, the maintenance of law and order was primarily effected through the medium of the Native Authority system and those so saddled with such a responsibility should not be without the necessary agency. Secondly, the history of policing in the North showed a poor presence of the NPF such that as at that time, out of a total number of 6,239 policemen the NPF accounted for 1,223 while the remaining 5,016 belonged to the NAPFs. Thirdly, it would have been financially unwise to seek to increase the number of Nigerian policemen to enable them assume responsibility for policing the whole of the territory.<sup>82</sup>

The administration then advised that the central government should continue to have a police force whose main functions would be to train the NAPFs with a view to raising their standards and also to provide more efficient and reliable force for the purpose of internal security. So that the latter point might not be mistaken for an agreement with the view of the IG of Colonial Police, it added that it did not subscribe to the officer's view that NAPFs generally provided no security.

The final reply from Lagos to London was a rehash of the arguments by the administration in Kaduna; to wit, NAPFs were performing a useful function in the country and it would be politically and financially impracticable to absorb them into the NPF, not to talk of scrapping them.<sup>83</sup> The NAPFs thus entered the era of active decolonisation, from 1952, with an assured future.

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<sup>81</sup> NAK. MIA 701, ACP, NPF, Kaduna to SNP, Kaduna, 8 July 1950.

<sup>82</sup> NAK. MIA 701, SNP, Kaduna to CSG, Lagos, 11 September 1950.

<sup>83</sup> NAK. MIA 701, Governor, Nigeria, Lagos to Secretary of State for the Colonies, London, 23 April 1952.

## **NPF – NAPF Relations in the era of Party Politics**

The next few paragraphs will focus attention on the experience of NPF officers, acting as advisers to NAPFs, in the period of active decolonisation between 1952 and 1960. The period witnessed the advent of party politics and party governments controlled by the new political elite in the regions.<sup>84</sup> Party politics was dominated in Northern Nigeria by the Northern People's Congress (NPC). Indeed, it was that party that controlled power in the region from 1952 through independence in 1960 and until 1966 when the First Republic collapsed. With respect to the NAPFs, the NPC government preferred the management style that had been in existence long before its advent to continue. The Native Authorities were to continue to exercise operational control of the forces. This disposition is understandable in view of the fact that the elite of the ruling party had been spun by the Native Authority system and still held positions in it. Provisions were made for the management of the NAPFs in the Native Authority Law of 1954.<sup>85</sup>

The absolute control of the Native Authorities over their forces had never been in dispute and the law did not tamper with it. Part 8 of the law dealt with NAPFs. Section 114 referred to an NPF adviser as a 'deputed police officer'. He was expected to:

Advise the Native Authority on matters relating to the composition, strength, discipline, training, equipment and employment of a force and shall be entitled to examine all records kept by or relating to a force, and to inspect the force or any part or detachment of it.

Section 126 dealt with the key issue of the exercise of operational control by a deputed police officer. It stated thus:

Native Authority may, with the approval of the Commissioner of Police and the Minister charged with responsibility for Native Authority Police, confer upon a deputed police officer such powers of operational control over a force, or any part of a force, as it may consider expedient and thereupon all members of the force, or of the part of the force over which the deputed police officer exercises operational control, shall obey any lawful orders given by him as if he were their superior officer in the force.

It may be quickly remarked that the privilege conferred on a deputed officer in this section was most rarely enjoyed. In general, responsibilities continued to be borne without authority by the deputed police officers, especially in the large emirates.

The provisions of the 1955 Native Authority (Police Declarations) Order-in-Council and the 1959 Native Authority Police Force Rules as they related to the control and administration of the NAPFs showed clearly that the operational control of the forces rested with the appointing Native Authority while the administration rested with the Chiefs of Police. Deputed NPF officers were advisers and no more. As the following examples will show, deputed NPF officers came into

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<sup>84</sup> On parties and party politics in the era of decolonization, see RL Sklar, Nigerian Political Parties, Princeton University Press 1963; BJ Dudley, Parties and Politics in Northern Nigeria, Frank Cass, London, 1968; CS Whitaker Jnr, The Politics of Tradition: Continuity and Change in Northern Nigeria, 1946-1966, Princeton University Press, 1970.

<sup>85</sup> A detailed exposition on the law is in MJ Campbell, Law and Practice of Local Government in Northern Nigeria, Sweet & Maxwell, London, 1963. For critiques of the law and the NA system, see A. Gboyega, Political Values and Local Government in Nigeria, Malthouse Press, Lagos, 1987, Chapter 4; AD Yahaya, The Native Authority System in Northern Nigeria, 1950-1970, Ahmadu Bello University Press, Zaria, 1980.

conflict with the Chiefs of Police or Native Authorities whenever they were thought to be exercising more powers than had been conferred on them.

Perhaps the clearest example of the ordeal of NPF advisers in the 1950s was from the Zaria NPF. Here, the severest limitations were placed on the influence of NPF advisers in their relationship with NAPFs. In 1954, the NPF adviser complained about the participation of the Chief of Police, Muhammadu Sani Maigamo, in active politics. He argued that Maigamo's membership of the regional House of Assembly was adversely affecting the discipline of his men through lack of supervision. As a politician, he further contended, Maigamo would not be able to discharge his duties 'without fear or favour.' His example had encouraged other members of the force to engage in active politics. He, therefore, wanted Maigamo removed.<sup>86</sup> The reaction of the administrative officers was that government policy at the time favoured Maigamo's participation in politics.<sup>87</sup> Maigamo left office later in that year when he was appointed a district head. The Maigamo saga demonstrated that the power to hire and fire was that of the Emir and no NPF adviser could force a decision either for or against, however sound the administrative officers might consider his arguments. The NPF adviser confronted a greater problem with Maigamo's successor as Chief of Police, Mallam Mamman Sule. Between 1955 and 1957 when he lost office, Sule was a thorn in the flesh of all NPF advisers (four of them) who worked with the Zaria NPF. He was incompetent, corrupt and unamenable to correction, not to talk of discipline. But the native authority ignored all the complaints by the NPF advisers because Sule was treated by the Emir Jafaru as a son. In fact, he was of slave origin but taken into, and reared in, the palace by an earlier Emir. Jafaru liked him very much because he (Jafaru) had no male child until 1955.<sup>88</sup> Apparently overconfident of the Emir's support over any wrong that he might be accused of, he overstretched his luck and was eventually removed from office in 1957 for official corruption.<sup>89</sup> In the period between the elevation of Sule's predecessor to a district headship and his own appointment, the NPF adviser had been granted operational control of the NPF, which was a rare privilege. Sule was appointed in an acting capacity but the NA soon began to press that he be confirmed so that the NPF could cease their control of the force. The Senior Superintendent of Police (SSP) of the NPF, who was in charge of the NPF detachment in Zaria province, was sounded out for an independent assessment of Sule by the office of the regional Commissioner of Police, Kaduna. In the SSP's opinion, Sule was not yet ripe for confirmation.<sup>90</sup> The SSP found him 'considerably wanting in the performance of normal daily duties and responsibilities'. He cited four cases: one of inept crime detection and tampering with the liberties of ten persons he accused of murder without a shred of evidence; two of absenteeism; and one of laxity in repressing protests in the Native Authority area. He noted that he had information that 'he regards his present post as a birth right and of passing interest until his ultimate objective of a District Headship is achieved'. He concluded darkly: 'I consider the ADVICE to be imparted by any present or future ASP posted here will amount to just so much wasted time' (Emphasis in the original.) The NPF adviser at the time was one Audu Bako. He was the first Nigerian officer to be posted to Zaria province as adviser to NAPFs. Sule confirmed his disregard of the adviser shortly after the SSP's assessment by going on leave without informing the officer. When the adviser protested to the District Officer, the DO was helpless. He said that

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<sup>86</sup> NAK. ZarProf. C.5/1953 Vol 1. CP, NPF, Kaduna to Resident, Zaria, 1 July 1954.

<sup>87</sup> NAK. ZarProf. C.5/1953 Vol 1. DO, Zaria to Resident, Zaria, 31 July 1954.; NAK. ZarProf. C.42. Resident, Zaria to CP, NPF, Kaduna, 9 August 1954.

<sup>88</sup> NAK. ZarProf. C.5/1953 Vol 1. DO, Zaria to SDO, Zaria, 30 December 1955; Resident, Zaria to CP, NPF, Kaduna, 6 March 1956. Interview with Alhaji M. Abbas, last Chief of Police, Zaria NA, 11 September 1988.

<sup>89</sup> *Nigerian Citizen*, 27 February 1957; 10 April 1957 and 21 September 1957.

<sup>90</sup> NAK. ZarProf. C.5/1953 Vol 1. Ag. SSP, NPF, Zaria to CP, NPF, Kaduna, 5 November 1955.

Sule, being sure that the Emir would 'take up the cudgels on his behalf in case of trouble', would not have bothered to mention his intention to go on leave to the adviser, not even to 'a European ASP, much less to the unfortunate Audu Bako for whom I have considerable sympathy'.<sup>91</sup> He recounted the circumstances in which Sule lost his job in 1950 or 1951 as Chief Scribe in the NA office and how the personal intervention of the Emir saved him from prosecution on a criminal charge. That was the man later appointed to head the police.

Outside the Emirate areas where the NPF advisers had greater latitude to operate, they still encountered problems that made their work difficult. The relationship between the NPF adviser and the Jos NA council (in the more acephalous southerly part of the region) in 1956-57 will serve as illustration. Incidentally the officer affected was the same Audu Bako who had had a rough time in Zaria in 1955. Here, the adviser, Bako, tried to take advantage of the favourable climate offered by the democratisation of the NA system in an acephalous community. But so high had local Birom (the dominant ethnic group) nationalism risen that the council could not be indifferent. Bako was committed to professionalism in police matters<sup>92</sup> but had chafed under the Zaria NA's endorsement of Mamman Sule's rascality. He had therefore construed his deployment to a province where no absolute ruler reigned to mean an unlimited opportunity to operate. But the Birom of Jos had never liked the staffing of the Jos NAPF by Hausa and other non-indigenes of the area. The politics of the 1950s further aggravated their discontent. But Audu Bako cared little for political sentiments.

Two issues generated a row between the council and Bako in 1957. In the first case, the council tried to check the irregularities that attended the payment of salaries to the men of the NAPF. Hitherto, it was the duty of the Chief of Police to collect his men's salary from the treasury and pay. But he was in the habit of paying in his house instead of the office for reasons that suggest a blending of personal and professional finances.<sup>93</sup> Many of his men had complained to the hearing of council officials. It is strange that this practice, for which one Chief of Police in Jos and his deputy had lost office in 1937, still continued in 1957.

The council notified Bako of its intention to change the mode of payment. With effect from the end of May, an accountant from the NA treasury would supervise the payment of police salaries at their office, with the assistance of any policeman of Bako's choice.<sup>94</sup> Bako did not like what smacked of dictating to him his duties and political interference in a professional matter. He quoted sections of the rules and the law to back his contention that the Chief of Police was the only one authorised to handle the payment of salaries<sup>95</sup> and cautioned the council against overreach.

The second issue was the long-standing agitation by the council to have an indigenous head of the police. The incumbent, Mamman Doso, was a stranger. He was Hausa from the present-day Niger Republic.<sup>96</sup> The highest ranking Birom member of the force, Sergeant Sallau Udu, had just completed a course at the Police College, Kaduna. He had been sent on the course with a view to taking over on completion. Thus, along with the proposed change in the mode of payment was a

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<sup>91</sup> NAK. ZarProf. C.5/1953 Vol 1. DO, Zaria to SDO, Zaria, 30 December 1955.

<sup>92</sup> Interviews with Mallam Ibrahim Shira, retired CSP, NPF, 1 September 1988; Alhaji M. Abbas (already cited); Sallau Udu, retired Chief of Jos NAPF, 7 September 1988; Alhaji MD Yusufu, IGP, NPF, 1975-79, 12 September 1988.

<sup>93</sup> NAK. JosProf. S.71. Ag. Admin Secretary, Jos NA to ASP (NPF) Adviser, Jos, 16 May 1957.

<sup>94</sup> Ibid.

<sup>95</sup> NAK. JosProf. S.71. ASP (NPF) Adviser, Jos, to Admin Secretary, Jos NA, 20 May 1957.

<sup>96</sup> Interviews with his subordinates in that Force: S. Udu (already cited); PM Tiyi, last Chief of Police, Jos NAPF, 8 September 1988; TA Yusuf, retired DCP, NPF, 14 September 1988.

request that the adviser should set the necessary machinery in motion for appointing Udu as Chief of Police while Doso would become his deputy.<sup>97</sup> The council spelt out their duties.

Again, Bako rebuked the council for dabbling illegally in a matter that was outside their jurisdiction. He enumerated the dangers inherent in their actions, which included a fall in standard of discipline and a weakening of morale. He then advised the members always to seek the opinion of the adviser before taking decisions and desist from merely communicating what he regarded as instructions to him.<sup>98</sup>

The council did not take kindly to Bako's reprimands. In a strongly worded reaction its secretary contended that it had always endeavoured to keep Bako in the picture of things in spite of his obvious shortcomings. The council asserted its primary responsibility for maintaining the police force and its unwillingness to grant Bako unrestrained control of the force. It castigated Bako for his choice of words which was considered not 'responsible enough.'<sup>99</sup> The Resident intervened to advise that the council should seek a better working relationship with the adviser.<sup>83</sup> He observed that the council was in the habit of asking for the adviser's opinion when decisions had been taken rather than before.

Not long after the row, Bako left office. In his handing-over note, he advised his successor against succumbing to pressure for the ouster of Doso and the appointment of Udu. He chose to misrepresent the report on Udu at the end of his Kaduna course by declaring that he had been adjudged unfit to head a high-grade force like that of Jos.<sup>100</sup> He lauded Doso for his achievements in spite of all odds and doubted if a suitable replacement could easily be found. The administrative officers in Jos were, however, more responsive to Birom nationalist sentiments. They therefore, did little to prevent the council from replacing Doso with Udu.

In post-independence years, relations between the NPF advisers and the NAPFs did not change. While the regional government continued to associate the NPF with the management of the NAPFs through training and supervision, it did not yield ground on the thorny issue of who had operational control of the forces. But unlike in the years before independence when the government stridently asserted that operational control of the forces lay with the Native Authorities, it desired to be seen in the post-independence years as the wielders of ultimate control. However pure the motive for closer co-operation might be, any move from the NPF was usually treated with much circumspection.

Sometime in June 1961, the Commissioner of Police, NPF, alerted the government about an increasing crime wave throughout the region, especially in Sokoto and Borno provinces.<sup>101</sup> He proposed to start Nigerian Police 'Crime Branches' in Sokoto and Maiduguri towns. Just so that his intentions might not be misconstrued, the Commissioner of Police stated that the object of the branches was 'not to supersede' in any way the powers and functions of the NA police, rather they were 'to assist' them in difficult cases. He requested to know whether the ministry had any

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<sup>97</sup> Admin Secretary, Jos NA to ASP (NPF) Adviser, 16 May 1957. In the interview with Udu, he denied knowledge of the details of the correspondence between the council and the Adviser. But he was well aware that the council was determined to get rid of the alien Chief of Police. He spoke with passion on the domination of the NCO positions in the force by non-indigenes. He confessed that he reversed the trend when he was Chief of Police between 1959 and 1965.

<sup>98</sup> NAK. JosProf. S.71. ASP (NPF) Adviser, Jos, to Admin Secretary, Jos NA, 20 May 1957.

<sup>99</sup> NAK. JosProf. S.71. Ag. Admin Secretary, Jos NA to ASP (NPF) Adviser, Jos, 28 May 1957.

<sup>100</sup> NAK. JosProf. S.71. Handing-over note by A. Bako to his successor dated 12 July 1957. A contrary version of the report on S. udu was given in SSP, <sup>100</sup>NPF, Jos to DO, Jos, 22 October 1957.

<sup>101</sup> NAK. MIA 701. CP, NPF, Kaduna to Permanent Secretary (PS), Ministry of Internal Affairs, Kaduna, 24 June 1961.

objections to the scheme. The government welcomed the scheme but warned that under no circumstances were the Nigerian Police to usurp in any way the powers of the Native Authority Police.<sup>102</sup>

As part of the regional government's efforts to boost the efficiency and bearing of the NAPFs, it endeavoured to win the confidence, loyalty and co-operation of the Chiefs of Police through generous preferments. Conscious of their enhanced status, Chiefs of Police, especially those of the larger, high grade forces did not wish to play second fiddle to the NPF advisers posted to the provincial headquarters. So, whenever advice from the latter conflicted with their best judgements they tended to ignore them, much to the displeasure of the advisers. From the reports prepared by the provincial NPF advisers for 1961, it is observed that those in charge of Kano and Sokoto did not find it easy working with the Chiefs of Police. The remark on Kano was that:

*Although this force has the distinction of having the highest paid Wakilin Yan Doka (Chief of Police) it has been necessary to ask that he should spend more time with his Force and less time travelling around in connection with various Boards and Commissions of which he is a member. Despite several requests this advice is still disregarded.<sup>103</sup>*

The particular Chief of Police under reference in the report was Mallam Ado Bayero (later Alhaji Ado Bayero, Emir of Kano).

In a bid to strengthen their position in the management of the NAPFs, the NPF made many requests for the conferment of operational control on their officers who were serving as advisers to many of the NAPFs in 1963 and 1964. After the exchange of much correspondence among officials of the Ministry of Internal Affairs, the office of the Attorney-General and that of the Premier, two circulars were sent to all Provincial Secretaries (formerly known as Residents) from the Ministry of Internal Affairs on when, how and to whom operational control should be conferred.

In the first circular, it was noted that under section 126 of the Native Authority Law 1954 a Native Authority might confer powers of operational control over its police force on a deputed Nigerian police officer subject to the approval of the Commissioner of Police, NPF, and the Minister of Internal Affairs. However, care was to be taken that the conferment was done only in circumstances where continued control by the Native Authority would result in a security risk. Even then, the period of operational control was not to be unduly prolonged.<sup>104</sup>

The second circular laid great stress on the role of the Minister of Internal Affairs and made the process a little more cumbersome. A Native Authority that had conferred the operational control of its force on a Nigerian Police officer in its area would have to submit a fresh operational control order form each time there was a change in the Nigerian police officer posted to that area. For the request to get ministerial approval, the appointment must be made 'by name' and 'NOT office'. It was acknowledged that this latter condition was administratively inconvenient, but it could not be waived because it was the duty of the minister to ensure the maximum co-operation between

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<sup>102</sup> NAK. MIA 701. Secretary to the Premier to PS, Ministry of Internal Affairs, Kaduna, 7 July 1961.

<sup>103</sup> NAK. MIA 702. ACP, 'F' Dept, NPF, Kaduna to PS, Ministry of Internal Affairs, Kaduna, 16 October 1961.

<sup>104</sup> NAK. MIA 727. PS, Ministry of Internal Affairs, Kaduna to all Provincial Secretaries, 24 June 1964.

the deputed Nigerian police officer and the NAPF he would control.<sup>105</sup> These factors serve to show the increased interest of the regional government in the management of the NAPFs.

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The Action Group government that took office in the Western Region from 1952 effected some changes in the organization and management of the NAPFs. On 1 September 1955 the Local Government Police Law<sup>106</sup> went into effect. One of its features was the change in nomenclature of the forces. They were renamed *Local Government Police Forces* and they were organised on a provincial basis. The head of each Provincial Force was designated Chief Officer, while the overall regional head of the forces was designated Superintendent-General. The Ministry of Home Affairs was the supervisory ministry.

The attitude of the AG government to the relationship that should exist between the NPF and the LGPFs was a carryover from the pre-party government arrangement in the region. As has been noted earlier, the British administrative officers in the West had always treated the local police forces as adjunct forces to the NPF. The superordinate/subordinate relationship was formalised in the Oyo province from the early 1940s when superior NPF officers began to be appointed as officers-in-charge of the Provincial NAPF created in 1938. The new AG government endorsed both the scheme and the management style. Even while the new police law was being prepared, it had got the pledge of the NPF to supply officers who would serve as Chief Officers and the Superintendent-General.<sup>107</sup>

The law concentrated the powers of control in the hands of the minister in charge of police affairs, the SG, and the Chief Officers. Local heads of detachments of the provincial forces also enjoyed some autonomy as they exercised delegated authority. The relationship between the NPF and the LGPFs lasted till after independence when the AG government under Premier Akintola attempted to change the order of things.

While the Northern regional government was endeavouring to increase its control over the NAPFs in the post-independence years, the Western regional government was struggling to assert its control over the forces. The process got the government entangled with the NPF and other vested interests. The crisis centred on the leadership of the LGPFs and the degree of influence that could be exercised by the NPF vis-a-vis that of the regional government. In the constantly changing political circumstances of the region from late 1959, the continued subordination of one to the other was clearly unacceptable. The Akintola government harboured the fear of sabotage by these NPF officers, especially the Superintendent-General. They had a double loyalty: one to the regional government and the other to the NPF whose political head was the Prime Minister. At that time, Akintola's AG party was the major opposition party to the NPC/NCNC coalition federal government. To free itself from the encumbrance that the arrangement constituted, the Akintola government effected a change in the position of Superintendent-General in 1961. Not unexpectedly, it met with considerable opposition.

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<sup>105</sup> Ibid., 20 August 1964.

<sup>106</sup> NAI. Published in the Western Region Gazette No. 40 of 1 September 1955 as the Local Government Police Law 1955. Hereafter cited as LGP Law, 1955.

<sup>107</sup> NAK. MIA 728, Ag. Deputy-Governor, Western Region to Secretary to the Government, Western Region, Ibadan, 31 December 1954; Commissioner of Police, NPF, Ibadan to Inspector-General of Police, NPF, Lagos, 2 January 1955. In an interview with Chief Anthony Enahoro, then Minister of Home Affairs, (Benin, 7 September 1991) he commented on the title of the head of the regional police organization. He recalled that the thinking in governmental circles then was that if the head of the NPF was styled '**Inspector-General**', that of the LGPFs should be called '**Superintendent-General**' to show the superiority of the regional head's nomenclature, after all, a *Superintendent* is superior to an *Inspector*!

Apparently, the plan to whittle down the influence of the NPF had begun in 1960. In that year, the government promoted some LGP officers to the rank of Assistant Chief Officer.<sup>108</sup> These officers were expected to understudy the NPF officers serving as Chief Officers with the hope to take over later. The change of personnel in the Superintendent-General's post can therefore be regarded as an advancement in the government's plan. By that year, three NPF officers Pallet, Swain and Marsden had occupied that position <sup>109</sup> With the full knowledge and consent of the NPF regional authorities and even the Prime Minister's office the government appointed one Chief E.A. Oluwole, who retired from the NPF as Senior Superintendent of Police in January, 1961 to the post on contract, with effect from 13 February 1961.<sup>110</sup> If the Akintola government felt more comfortable at having somebody who had no extra-regional loyalties in the post of Superintendent-General, the NCNC opposition in the West, the NPC-NCNC coalition federal government, and even the NPF, felt bad. They expressed their disquiet not only in parliament but also in the law court. These will be taken in turns.

The Prime Minister queried the constitutionality of Oluwole's appointment on the floor of the House of Representatives in a motion on 29 August 1961.<sup>111</sup> It was part of the Prime Ministers reaction to the strident cry by the NCNC, for some time then, that law and order had broken down in the West.<sup>112</sup>

The only speaker against the motion was Anthony Enahoro of the AG. He was eminently qualified to speak on it because it was during his tenure as the Minister of Home Affairs in the Western region (he held the post from 1955 to 1959 when he moved to the Federal house), that the re-organisation of the old NAPFs, which included the change in nomenclature and creation of the controversial post, took place in 1955. As Enahoro further argued, there was nothing in the management of the NAPFs in the North that made that style superior to that adopted in the West, after all, there were complaints of interference by politicians in the management of the forces there too.

In the end, supporters of the motion won; it was resolved that,

*this House views with grave concern the appointment by the Government of Western Nigeria of a Superintendent-General of Local Government Police since such appointment interferes with the executive authority of the Federation.*<sup>113</sup>

The controversial appointment, and the general question of the maintenance of law and order in Western Nigeria, formed the agenda at a special meeting of the Police Council held in Kaduna on 16 September 1961.<sup>114</sup> It is clear even from the minutes of that meeting, that the grouse of the Prime Minister (and that of his political associates) was more over the fact that 'a non-serving Nigerian Police Officer' was appointed than that the appointment was unconstitutional. The Eastern Nigerian delegation called for the scrapping of the post. The LGP, they argued, should either be brought under the NPF or be run along the lines of the North. The Premier of the

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<sup>108</sup> NAI. ABP 2746/11, Secretary, Egba NA, Abeokuta to Perm. Sec., Ministry of Justice and Local Government, Ibadan, 18 May 1955.

<sup>109</sup> NAI. IjeProf. 4328, Perm. Sec., Ministry of Home Affairs, Ibadan to Secretaries/Treasurers of all the councils in Ijebu province, 7 August 1956.

<sup>110</sup> NAI. IjeProf. 4328, Provincial Adviser, Ijebu-Ode to Perm. Sec., Ministry of Home Affairs, Ibadan, 24 August 1956

<sup>111</sup> NAI. IjeProf. 4328, Perm. Sec., Ministry of Home Affairs, Ibadan to Provincial Adviser, Ijebu-Ode, 30 August 1956.

<sup>112</sup> NAI. IjeProf. 4328, Secretary, Offin Local Council, Shagamu to Perm. Sec., Ministry of Home Affairs, Ibadan, 27 August 1956.

<sup>113</sup> NAI. IjeProf. 4328, Officer-in-charge, LGPFs, Ijebu Province, Ijebu-Ode to Superintendent-General, LGPFs, Ibadan, 7 January 1957 and 15 January 1957.

<sup>114</sup> NAI. OyoProf. 2618 Vol. V, endorsement to the Sub-Inspector.

Northern Region, Sir Ahmadu Bello, promised to make available to his Western counterpart a note on the system of NAPFs and their relationship with the NPF. Premier Akintola welcomed the move and promised to amend the relevant law, where necessary, after due consultation with the opposition. The truce was hailed by a section of the press which adjudged the Northern system the better and called on the Western Nigeria government to borrow a leaf from it.<sup>115</sup> But the note prepared by the Northern regional government could only have strengthened the Western regional government's resolve to keep the influence of the NPF at a minimal level. NPF officers in the North were 'advisers' to NAs on police affairs; they were not 'controllers'.<sup>116</sup>

Even before the appointment was debated on the floor of the House of Representatives, its constitutionality had been challenged in a Grade 'A' customary court in Ilesa. The criminal case in which the Superintendent-General was the prosecutor involved an NCNC supporter, Seidu Olajire. The defence counsel was Babatunji Olowofoyeku, an NCNC member of the House of Assembly.<sup>117</sup> Quoting sections of the 1960 constitution on the establishment of police forces, the counsel held the view that the regional police law that created the office was *ultra vires* the constitution. He applied to the customary court judge to refer the matter to the regional high court for determination.

The question did go before the high court and was decided by Justice O. Somolu in November 1961. The constitutionality of the appointment was affirmed, and the case was remitted back to the customary court for hearing.<sup>118</sup> Oluwole eventually lost the office but it was during the Emergency (May-December 1962) when Dr. M.A. Majekodunmi served as the Administrator.<sup>119</sup> While the Emergency lasted, the LGPFs were put under the operational control of the NPF but nobody was appointed to the office of Superintendent-General.

The office was restored in 1963 when the second government headed by Akintola, under the UPP/NCNC coalition was inaugurated. However, Akintola had to bow to the pressures of his NCNC partners in the coalition to pick a serving NPF officer, Joseph Adeola, at the time an Assistant Commissioner of Police.<sup>120</sup> The choice of Adeola was influenced by the following considerations. Firstly, Adeola was chosen in deference to the wishes of the NCNC coalition partners one of whose members, Adeoye Adisa, was the Minister of Home Affairs. The NCNC had

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<sup>115</sup> My oral interviews in Ile-Ife confirmed that the councillors were not fully aware of the rules and the law. Among my informants were Chief M.A. Fabunmi, already cited, who was then the Secretary to the divisional council; Chief J.L. Adeniran. 80; 30, Oduduwa College, Road, Ile-Ife, 18 July 1988, a councillor then and one of the members of the committee set up to inquire into Ajagbe's activities and conduct; Chief V.A. Awogbade, 65; 1, Atiba, St., Ile-Ife, 1 July 1988, who was then the Secretary to the Ife district council and Secretary to the committee of inquiry; Chief R. A. Fani-Kayode, 68; Ayedun St. Ile-Ife, 12 August 1989, who was Chairman of the Ife divisional council then and Chairman of the committee of inquiry; Chief Ayo Martins and Mr. M. A. Tiamiyu, members of the council then. The last two were interviewed in Chief Fani-Kayode's house. Fabunmi was well aware of the councillors' disabilities but contended that since he was a civil servant he had to comply with the directives from the councillors. Awogbade who served as secretary, claimed that he had no knowledge of police affairs since his work was with the district council which had no business with the police. He served as secretary only as a civil servant. Chief Fani-Kayode had no recollection of the incident. Tiamiyu recalled that it was D.A. Ademiluyi, a member of the committee, who actually presided over the inquiry.

<sup>116</sup> NAI. OyoProf. 2618 Vol. V, DO, Ife to Secretary, Ife Div. Council, 21 November 1955.

<sup>117</sup> NAI. OyoProf. 2618 Vol. V, Resident, Oyo to officer-in-charge, Ibadan, 9 December 1955.

<sup>118</sup> Councillors in the Fani-Kayode faction, already cited, merely suspected that he might have helped the Ooni faction because of his closeness to the Ooni.

<sup>119</sup> NAI. OyoProf. 2618 Vol. V, Deputy Commissioner of Police (LGP, Western Region), Ibadan to Perm. Sec., Ministry of Home Affairs, Ibadan, 16 December 1955.

<sup>120</sup> NAI. OyoProf. 2618 Vol. V, Perm. Sec., Ministry of Home Affairs, Ibadan to Secretary, Ife Div. Council, Ile-Ife, 24 December 1955.

always held the view that some supervision by the NPF was necessary to check the tendency by politicians in power to misuse men of the LGPFs. Premier Akintola agreed to the request because he had yet to consolidate his hold on power. Secondly, Adeola was a popular choice. He had acquired fame as a keen sportsman, and politicians on both sides of the coalition could vouch for his integrity. Although he was from the Mid-West region, he was well known in social circles in Lagos and Ibadan, circles to which many of the men in power also belonged.<sup>121</sup>

The birth of the Nigerian National Democratic Party (NNDP) in 1964 meant the exit of some ministers from the government. The Minister of Home Affairs, Adeoye Adisa, was one of those who left. The crisis of legitimacy, and the concomitant fear of insecurity, confronted by the government did not abate. The fear of sabotage by the NPF, despite the NNDP's romance with the Prime Minister's party, the NPC, also did not abate. Things came to a head on 5 July 1964, when the NPF anti-riot squad (the Police Mobile Force) had a violent clash with some men, suspected to be thugs, in the entourage of the Deputy Premier, R.A. Fani-Kayode at a spot on the Ife-Ibadan road.<sup>122</sup> One Lateef Makinde, in the Deputy Premier's entourage eventually died from injuries sustained during the clash. The regional government set up a coroner's inquest headed by acting Chief Magistrate A.O. Adeyemi.<sup>123</sup> The coroner indicted the PMF for behaving discourteously to the Deputy Premier and for the rash, furious, and unreasonable conduct displayed in way-laying a peaceful convoy. He ordered that further investigations be conducted into Makinde's death to identify the killer for possible prosecution.<sup>124</sup> The government was prevailed upon by the Prime Minister to stay action on aspects of the coroner's report.<sup>125</sup>

The incident was held by the regional government as a positive proof of its long-held charge that the NPF were disloyal and were undermining the security of the government. The immediate exit of the expatriate Commissioner of Police, J.S. Bell and his deputy, E.C.P. Glaisher who was the acting Commissioner at the time of the incident was most probably part of the political solution to the crisis.<sup>126</sup> In the re-organisation of the regional security apparatus that followed, Adeola lost his place as Superintendent-General of the LGPFs. He was succeeded in late July by a Chief Officer of the LGPFs, Solomon Adebayo Olujobi.<sup>127</sup> His appointment from the ranks of the LGPFs marked the final break with the over-arching influence of the NPF over the LGPFs. In the NPF, Odofin Bello was appointed Commissioner in August.<sup>128</sup> While both men merited their appointments, there were political considerations that influenced their choice.<sup>129</sup> It need be remarked that these changes in leadership of the two forces did not guarantee, especially in respect of the NPF, the loyalty of the rank and file for the regional government. The cry of sabotage persisted to the end of the regime in 1966.

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<sup>121</sup> NAI. OyoProf. 2618 Vol. V, Secretary, Ife Div. Council to Perm. Sec., Ministry of Home Affairs, Ibadan, 19 April 1956.

<sup>122</sup> As has earlier been remarked, it was Ademiluyi who presided at the inquiry but Fani-Kayode endorsed the report.

<sup>123</sup> NAI. OyoProf. 2618 Vol. V, Secretary, Ife Div. Council to Perm. Sec., Ministry of Home Affairs, Ibadan, 19 April 1956.

<sup>124</sup> NAI. OyoProf. 2618 Vol. V, Divisional Adviser, Ife to Provincial Adviser, Oyo, 28 April 1956.

<sup>125</sup> NAI. OyoProf. 2618 Vol. V, Provincial Adviser, Oyo to Officer-in-charge, Oyo, 7 May 1956.

<sup>126</sup> NAI. IfeDiv. If. 125/F. Vol. II. 'Report of the Enquiry into the Work and Conduct of Sub-Inspector Ajagbe, officer-in-charge Ife Local Authority Police Detachment, Ife,' forwarded by Secretary, Ife Div. Council to Perm. Sec., Ministry of Home Affairs, Ibadan, 16 June 1958.

<sup>127</sup> NAI. IfeDiv. If. 125/F. Vol. II, Minutes of the Ife Div. Council Establishments Committee meeting of 5 July 1958. M.A. Tiamiyu, already cited, recalled that the Provincial Constabulary Committee, Osogbo, of which he was a member from Ife was equally stunned to learn of the promotion of Ajagbe.

<sup>128</sup> NAI. IfeDiv. If. 125/F Vol. II, Secretary, Ife Div. Council to Perm. Sec., Ministry of Home Affairs, Ibadan, 8 July 1958.

<sup>129</sup> NAI. IfeDiv. If. 125/F Vol. II, Secretary, Ife Div. Council to Superintendent-General, LGPFs, Ibadan, 29 August 1958.

The military terminated the First Republic on 15 January 1966. One of their first administrative acts was to grant the operational control of the regionally controlled NAPFs to the NPF.<sup>130</sup> This grant of operational control by military fiat excited great interest in the NPF officers in the North. It was a novelty there unlike in the Western region where their counterparts had since the 1930s enjoyed such privilege. But their efforts to implement the administrative order brought them into conflict with civil servants in the regional ministries of Internal Affairs and Local Government.

The officer-in-charge of NA police affairs at the NPF regional headquarters at the time, Audu Bako, Assistant Commissioner of Police, became pitched against the civil servants. Bako, it will be recalled, had had brushes with the native authorities in Zaria and Jos in the 1950s when he served as NPF adviser to the NAPFs in those places. For him, therefore, the military order was a most welcome development. His boss at the time, M.D. Yusufu, CP, was equally interested in the NPF exercising control over the NAPFs. However, they underestimated the reaction of the civil servants.

The grant of operational control of the NAPFs to the NPF was just the first step in the long-term plan of the military government to scrap the forces and harmonise policing under the NPF. In February 1966, the government set up a study group on police and prison reforms headed by a senior federal civil servant, Yusufu Gobir. At the instance of the Northern regional military government<sup>131</sup> a position paper on the absorption of NA policemen into the NPF was prepared by the NPF regional headquarters.<sup>132</sup> It was most probably intended for submission to the study group on police and prison reforms. It contained two proposals. The first proposal was that the NAPFs should be absorbed into the NPF. The second suggested that a scheme initiated in the dying days of the old regime, which was intended to operate the forces on provincial instead of on Native Administration basis, be concluded with operational control of the forces vested in the Inspector-General of Police who might delegate his powers to the regional Commissioner of Police. Since it was envisaged that the NA police would ultimately be absorbed into the NPF, it was recommended that provincialisation should proceed apace. The NPF would have overall control but act in liaison with the ministries of Internal Affairs and Local Government.

The indications are that provincialisation was not immediately implemented but the study group on police and prison reforms subscribed to the idea.<sup>133</sup> Bako, who had been holding regular meetings with Chiefs of Police and who had been involved in the provincialisation scheme even in the civilian era, showed some eagerness to have the scheme implemented.<sup>134</sup> He met with an angry retort from the civil servants of Internal Affairs and Local Government Ministries who advised him to exercise some caution.<sup>135</sup>

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<sup>130</sup> AHM Kirk-Greene, *Crisis and Conflict in Nigeria: A Documentary Sourcebook*, Oxford University Press, 1971, Vol 2, pp127-8. Details on the eventual abolition of the NAPFs are in Kemi Rotimi, *The Police in a Federal State: The Nigerian Experience*, Ibadan, College Press, 2001 (re-issued 2014), Chapter 4.

<sup>131</sup> NAK. MIA 707 Vol 2. Secretary to the Military Government, Kaduna to PS, Ministry of Internal Affairs, Kaduna, 14 February 1966.

<sup>132</sup> NAK. MIA 707 Vol 2. A. Bako, ACP, 'F' Dept, NPF, Kaduna, 'Absorption of NAP Forces into NPF', 28 February 1966.

<sup>133</sup> NAK. MIA 707 Vol 2. That the idea was acceptable to the study group was contained in a joint memo by the Ministries of Local Government and Internal Affairs to be tabled at an Executive Council Meeting in August 1966.

<sup>134</sup> DCP, 'F' Dept, NPF, Kaduna to PS, Min of Local Government, Kaduna, 28 November 1966. Bako was promoted Deputy Commissioner of Police about June 1966, but he continued in office as officer-in-charge of NAPFs at the NPF regional headquarters.

<sup>135</sup> NAK. MIA 707 Vol 2. PS, Ministry of Internal Affairs, Kaduna to DCP, 'F' Dept, NPF, Kaduna, 3 December 1966; PS, Ministry of Local Government, Kaduna to DCP, 'F' Dept, NPF, Kaduna, 3 December 1966.

As it turned out, almost every action taken by Bako was queried by the civil servants. He desired a more cordial relationship with the officials, so in February 1967 he wrote to the Permanent Secretary of the Ministry of Internal Affairs cataloguing his frustrations. He began by noting that:

I have noticed in the last six months, that the majority of actions taken by this office does (sic) not meet kindly with your approval on the grounds that the procedure is incorrect. I quote some examples to illustrate my points.<sup>136</sup>

He recounted that he had always endeavoured to carry the ministry along in his actions either by copying all correspondence to the Permanent Secretary or through personal contact. Since those measures were considered inadequate, he welcomed the Permanent Secretary's views on the 'standard administrative procedure' to be adopted in dealing with matters affecting the two departments. After all, the ultimate goal was to improve the standard of NAPFs in the region.

The reply from the ministry did not disguise the fact that the non-cooperation was deliberate. The Permanent Secretary noted that while he did not intend to interfere in the technical aspect of NA police operation, he would insist that the responsibility for NA police belonged to the ministry. He (and not Bako) was answerable to the Government of Northern Nigeria on the £500,000 allocated for the NA police forces in Northern Nigeria. He chose to remind Bako that he was suffering under a misconception borne out of the failed unitary government idea of the Ironsi regime. He said:

We have had no problems prior to 1966, and I presume the change in your attitude over these forces, is probably due to the 'Operational Control' of all the NA Police Forces said to have been conferred on the Commissioner of Police. But as far as I understand this, the 'Operational Control' is definitely not 'General Control'. I believe matters such as conditions of service, recruitment and promotion of members of the force do not fall within this term. The usual powers of the Commissioner over all NA Police Forces in the Region are of course there. (Emphasis added).<sup>137</sup>

Bako sought to enlighten the Permanent Secretary on the implications of having operational control conferred on the NPF. He noted that:

Without operational control, the Commissioner advises Native Authority Police Forces on welfare, training, promotions etc. With operational control the power to direct is conferred upon the commissioner inclusive of operational powers used for riots, internal security etc.<sup>138</sup>

He urged that the Permanent Secretary 'kindly define under what category is the Commissioner of Police placed on (sic) matters relating to Native Authority Police forces'. If Bako expected that the ministry delighted in exchanging correspondence with him, then he was mistaken. The Permanent Secretary took the matter up with the CP, Hamma Maiduguri (who succeeded M.D. Yusufu in 1966) who promised to call Bako to order and directed that no further action be taken on Bako's letter.<sup>139</sup>

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<sup>136</sup> NAK. MIA 707 Vol 3. DCP, 'F' Dept, NPF, Kaduna to PS, Min of Internal Affairs, Kaduna, 22 February 1967.

<sup>137</sup> NAK. MIA 707 Vol 3. PS, Min of Internal Affairs, Kaduna to DCP, 'F' Dept, NPF, Kaduna to 14 March 1967.

<sup>138</sup> NAK. MIA 707 Vol 3. DCP, 'F' Dept, NPF, Kaduna to PS, Min of Internal Affairs, Kaduna, 15 March 1967.

<sup>139</sup> NAK. MIA 707 Vol 3. PS, to Ass. Secretary, Min of Internal Affairs, Kaduna 16 March 1967.

Ultimately, the NAPFs were not provincialized. They continued to be managed by the Chiefs of Police who worked in close liaison with the NPF officers who served as their advisers. In May 1967 Audu Bako became military governor of the new Kano State.<sup>140</sup> In August, the study group on police and prison reforms, appointed since February 1966, submitted its report. The implementation of its recommendations, from 1968 onwards, marked the eventual abolition of the NAPFs in Northern and Western Nigeria.

### **Conclusion**

This paper has examined the experience of NPF officers in relating with NA/LGPFs in Northern and Western from quite early in colonial times to the collapse of the First Republic in 1966. It is significant that under the three regimes covered by the article: colonial, civilian post-colonial and the military, the NPF officers detailed for service with the NA/LGPFs were in the North either denied, or could not exercise, commensurate authority over the forces. The decision to ensure that the NAPFs were not subordinated to the NPF which was made quite early in colonial times remained hardly disturbed until the forces ceased to exist. In the West, the NPF officers enjoyed for most of the period the status of membership of a superior force with the privilege to control the affairs of a subordinate force. The attempt to change the order of things after independence did not quite succeed.

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<sup>140</sup> Major General Ironsi, the first military head of state, was toppled and assassinated on 29 July 1966. On 27 May 1967 the military government of Major general Y. Gowon broke Nigeria into twelve states.

# **Policing Reforms and Vigilantism in Nigeria: Lessons from the Past, Present and the Way Forward**

*By Dr. Jimam T. Lar*

## **Introduction**

After almost two decades of uninterrupted civil rule, Nigeria's security challenges and the general maintenance of law and order have constituted a major challenge for successive governments. This has continually raised the question of reforming the Nigerian security sector, particularly the core state agencies mandated with the responsibility of security provisioning. One of the key security institutions requiring such reform is the Nigeria Police Force. In this paper I argue that to understand the current and emerging issues around police reform there is a need to properly grasp micro-historical trajectories of policing in Nigeria and relate them to present dynamics. The micro level refers to the plurality of actors engaged in everyday policing. I show that this plurality is not merely a function of current practices, but it is also traceable to a historical trajectory. This is analysed across three epochs of plural policing. Firstly, the dismantling of the former Native Authority Police in the late 1960s; the Nigerian government's policy in the mid-1970s to reform local government, and the attempt by traditional rulers to re-assert some semblance of influence and authority, constitutes the first epoch. This was closely followed by the Nigerian government's introduction of vigilante policing, packaged as community-policing initiatives in the wake of austerity occasioned by the Structural Adjustment Programme in the mid-1980s. This constitutes the second era of plural policing. The third and final era of plural policing considered in this paper commenced in 1999. This hinged on Nigeria's transition to civilian rule in May 1999 and the official registration of the Vigilante Group Nigeria (VGN). The post-1999 period focuses on a case study of the VGN. On the basis of this narrative the paper shows that micro processes constitute key drivers of processes that have reformed policing in Nigeria, from below. Furthermore, the paper suggests that as the Nigerian government, academics, and civil society organisations revisit the debates and discussions on police reform it is critical that we also consider what has been happening on the ground between state and non-state policing actors. Of particular interest are the dynamics of the relationship between the Nigerian Police Force (NPF) and vigilante groups. The paper concludes with proffered recommendations on how critical stakeholders can engage with local vigilante groups to enhance their contribution to policing services.

## ***Plural Policing in Historical Perspective*<sup>141</sup>**

In 1966, the Ironsi administration set up a panel on the Nigeria Police, Local Government and Native Authority Police and Prisons. The panel's main term of reference was to examine the "feasibility of the unification of the Nigeria Police, Local Government Police and the unification of prisons in Nigeria..."<sup>142</sup> Although General Aguiyi Ironsi was overthrown in a military coup in July 1966, the new military government under General Yakubu Gowon accepted the recommendations

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<sup>141</sup> For a detailed analysis of this please see Lar, Jimam (2017) "Historicising Vigilante Policing in Plateau State, Nigeria" in, Jan Beek, Jonny Steinberg, Mirco Gopfert, Oly Owen (Eds) *Police in Africa: The Street Level View* ( London: Hurst), (pp.79 - 99 ).

<sup>142</sup> The Report of the Working Party on Police and Prisons Services in Nigeria, (1966) quoted from I.C. Chukwuma and Etannibi E.A. Alemika, *Analysis of Police and Policing in Nigeria*, CLEEN Foundation Lagos

of the panel. The reforms were implemented in 1968 and the Nigeria police system was unified and centralised under the command of an Inspector General of Police.<sup>143</sup>

There is a political back-story to be drawn from the dismantling of the NAPF in 1969. The ways in which the local chiefs administered their chiefdoms, and how they used the Native Authority Police to assert their at-times oppressive will, was at odds with the people's expectation of why the paramount chiefs were appointed. So, from the perspective of the people in these societies, the chosen individuals were not just made paramount chiefs; they were also provided with a tool to oppress and intimidate. For instance, corporal punishment (flogging and caning) was constitutive of colonial policing, and a regularly applied punishment for breaking the law. As Toyin Falola, has aptly noted, "nothing represents the permanence of violence in Nigerian political culture better than the police and the army."<sup>144</sup> Under the NA system the NAPF were responsible for executing the sentence following conviction by the courts. However, as I gathered from several interviews of those who experienced NA policing in the 1950s, the NAPF were wont to administer corporal punishment, even to suspects prior to arraignment.<sup>145</sup> The experiences of the communities with the NAPF were to continue during the First Republic. The atrocities committed by the NAPF in the First Republic are well documented and have served as a reference point for the argument against state police in contemporary Nigeria.<sup>146</sup> When the military government of Yakubu Gowon began to assemble its cabinet in mid-1966, it was to First Republic outcasts that he turned. The pan-Nigerian First Republic progressive alliance of Obafemi Awolowo, Aminu Kano, Anthony Enahoro, and Joseph Tarka were made Commissioners (Ministers) in charge of finance, health, information and transportation respectively. The four of them had been senior opposition party figures at the federal or regional levels during the First Republic. As Rotimi rightly notes, there would have been a high probability that they or their supporters had suffered or been maltreated by the NAPF, particularly Aminu Kano and Joseph Tarka in the northern region.<sup>147</sup> Mr Benjamin Vencir, a former member of the Yergam Union/UMBC alliance confirmed this and agreed that it was not a coincidence that by 1969, the powers of the native administration were weakened with the dismantling of the NAPF.<sup>148</sup> The dismantling of the NAPF led to the incorporation of about 9,000 former NAPF into the NPF.<sup>149</sup>

As a result, local police forces like the Local Government Police in the Western Region and the Native Authority Police in the Northern Provinces were dissolved and their qualified personnel absorbed into the Nigeria Police Force. The paramount chiefs on the Plateau were, at this point, in the process of consolidating their rule over the populations under their dominion. Under the rule of Northern Nigeria's independence Premier, Sir Ahmadu Bello, the chiefs became the representatives of the Regional government at the local level. As long as they toed the line of the northern ruling party, they were allowed to govern their chiefdoms with little or no interference

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<sup>143</sup> Chukwuma and Alemika, *Analysis of Police and Policing*, p.10.

<sup>144</sup> Toyin Falola *Colonialism and Violence in Nigeria*, (Bloomington and Indianapolis: Indiana University Press, 2009), p.178.

<sup>145</sup> Alhaji Ali Dakshang interviewed by Jimam Lar, Dadur, Langtang North, 7.10.2012.

<sup>146</sup> For example, See I.C. Chukwuma and Etannibi E.A. Alemika, *Analysis of Police and Policing in Nigeria*, CLEEN Foundation Lagos, p.10.

<sup>147</sup> Kemi Rotimi, *The Police in a Federal State: The Nigerian Experience*, College Press, 2001 p.127.

<sup>148</sup> Benjamin Vencir, interviewed by Jimam Lar, Langtang, Plateau State, 10.01.2015.

<sup>149</sup> Otwin Marenin, "Policing Nigeria: Control and Autonomy in the Exercise of Coercion", *African Studies Review*, 28, 1, (1985), pp.76-78., also see A.E. Gboyega and O. Oyediran, "A View from Ibadan," in K. Panther-Brick ed. *Soldiers and Oil: The Political Transformation of Nigeria*. (London: Frank Cass, 1978), p.80. Taken from H.M. Carter and O. Marenin, "Law Enforcement and Political Change in Post-Civil War Nigeria." *Journal of Criminal Justice* 9, 2, (1981), p.130.

from Kaduna. This however meant they were severally engaged in political schisms with local educated elites. The dismantling of the Native Authority Police, however, was just the tip of the iceberg; there were still more reforms on the way. The next policy that would further reduce the influence of the chiefs in local administration was the local government reforms of 1975-76.

### **Local government reforms and the ‘Quest for Modernity’**

While the traditional rulers were still licking their wounds, the major onslaught on their administrative authority was unleashed with the enactment of the local government reforms Decree in 1976. This was a drastic overhaul of local administration, which, by stripping the traditional rulers of responsibility for local administration, marked the final nail in the coffin for indirect rule. The military regime then set out to implement one reform after the other. Native Authority personnel were banned from taking part in partisan politics; in April 1967, all Emirs and Chiefs’ courts were abolished. The latter ban included the Grade ‘A’ courts, which had the jurisdiction to pass capital sentences. The Military Governor of the Region, meeting the northern emirs and chiefs in Kaduna in April 1967 outlined some of the anomalies rectified by the judicial reforms as follows:

- “1. We were the only country in the world in which there existed authorities on whom were vested the powers of legislation, adjudication and execution all at the same time;*
- 2. We were the only country in the world in which appointments to certain executive posts would automatically place the appointees as President of a court of law of unlimited jurisdiction;*
- 3. We were the only country in the world in which courts of law of unlimited jurisdiction might be presided over by persons who were not learned or trained in the law.”<sup>150</sup>*

The irony that such admonishment was coming from a military governor was perhaps not lost on the emirs and chiefs, and they attempted at protesting and expressing their disagreement with the reforms. They saw the reforms as “...a subtle attempt to dilute their power, reduce their statutory authority, tarnish their institutional prestige and inflict financial constraint on the NAs which depended on court fines as part of their revenues. Above all they accused the soldiers of failing to consult them before these reforms were introduced.”<sup>151</sup> Despite these protests, the government went ahead with the reforms and the courts were merged with the regional judiciary.<sup>152</sup>

The role of Native Authorities in everyday administration was then systematically dismantled amidst local government administration reforms in 1976. The Guidelines of the 1976 Local Government Reforms were very clear in their objectives; of particular note is number five which was “to insulate the exalted and respected position of traditional rulers from partisan politics”.<sup>153</sup> This provision reads like it is in the interest of the traditional rulers, but it must be pointed out

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<sup>150</sup> Mahmud A. Yakubu, “Emirs and Soldiers” in *Northern Nigeria: A Century of Transformation, 1903-2003*, A.M. Yakubu, I.M. Jumare, A.G. Saeed, eds. (Arewa House, Ahmadu Bello University, Kaduna, 2005), p.259.

<sup>151</sup> *Ibid.*, 260.

<sup>152</sup> *Ibid.*, 259.

<sup>153</sup> Federal Republic of Nigeria 1976: *Guidelines for Local Government Reform*, Government Press, Kaduna. Also for analysis on the reforms of 1976 see J.E. Egbe, “Native Authorities and Local Government Reforms in Nigeria Since 1914”, *IOSR Journal of Humanities and Social Sciences*, 19, 3, (2014), pp.113 -127.

that the spirit of the provision was rather geared towards curbing the excesses of the 'royal fathers'. Their role was transformed from political and administrative heads of local administration to serving in advisory capacity to the then newly elected chairmen of the local governments.

In Plateau Province, it was the emerging group of western and missionary-educated elites that were to become local government administrators after the Local Government Reforms of the 1970s.<sup>154</sup> The schism between the traditional rulers and the emerging educated elites in Plateau State began in the early 1950s and was sustained until the dismantling of the Native Authorities in 1975/76. This conflicting relationship was characterised by differing levels of intensity. In some NAs like the Langtang NA, it did become precarious, and in others like the Shendam NA, it was more controlled and managed.

Traditional Rulers, having emerged as a very important and powerful institution, suddenly found that their responsibilities had been stripped and their tools for enforcing authority confiscated. The responsibility of collecting poll tax remained as one of the few that traditional rulers retained; this was an exercise that sometimes needed to be enforced.<sup>155</sup> However, what was to unfold revealed that relieving traditional rulers of responsibility for local affairs via local government reforms could not render the institution dormant.

It is my contention that this policy, which was authored with the objective of relieving the traditional rulers of all local administration, including policing, and reducing their status to an advisory role, was inadvertently responsible for ushering in a new chapter of plural policing. This new chapter of plural policing was characterised by traditional rulers mobilising young men within their communities to serve as local vigilante groups, providing policing services within the rural communities. An important feature of the vigilante groups at the time was the fact that they were organised at the community level. Their roles were largely limited to preventing and responding to theft and petty crime in the community. The punishments they meted out to suspected culprits who were found to have contravened societal norms and values and broken traditional codes was varied depending on the crime committed. Two kinds of crime are instructive here. First was the most common crime of theft, one of the classical reasons for establishing vigilantes. The object of theft ranged from small-scale domestic livestock such as sheep and goats, to cattle and stored grains. Where a suspect was found to have committed such a crime, the routine of punishment would involve public flogging, usually at the chief's palace or the town square, followed by a procession with the suspect dancing at the front amid songs of mockery and jest.<sup>156</sup> Secondly, capital punishment was also a possible punishment for contravening serious codes of the ancestral cult such as leaking secrets of the cult. This was a case of vigilante policing informed by different codes of law and different values. Therefore, within a given territory, there were different legal regimes at work, and to some extent a plurality of practice and punishment. Judgements and subsequent punishment were restorative and largely

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<sup>154</sup> For a detailed discussion of this see Monday Mangwat, *A History of Class Formation in the Plateau Province of Nigeria, 1902-1960, The Genesis of a Ruling Class*. Durham: CAP African World Series, 2014, pp.48-83.

<sup>155</sup> Ibid.

<sup>156</sup> Comparatively see David Pratten, "Singing thieves: History and practice in Nigerian popular justice," in Artreye Sen and David Pratten eds., *Global Vigilantes*, (Hurst and Company, London, 2007), pp.194-196.

punitive. An individual found guilty of an offence such as theft could be fined a goat and publicly flogged and subjected to the dance of shame around the village or the market square.<sup>157</sup>

### **Policing and the Structural Adjustment Programme**

Another important epoch in the evolution of vigilante policing in Nigeria and particularly Plateau State is linked to the implementation of the Structural Adjustment Programme (SAP) from 1986 and the impact it had on state policing.<sup>158</sup> The provision of public security and the maintenance of law and order - a statutory responsibility of the police, which at the time, it must be noted, was already not in good shape - went from bad to worse. The government, in response to growing crime and lawlessness, turned to the citizens for a solution. Fourchard has argued that the motivation of the Nigerian government at the time was principally to restore the authority of the police following the activities of a notorious armed robber, Anini, who had terrorised Nigerians in southern parts of the country and eluded police arrest for several years.<sup>159</sup> Following the introduction of structural adjustment, the prospects for institutionalising vigilante policing gained additional traction. This was a period of massive state withdrawal from public services and of austerity cuts across all sectors. Consequently, the embracing of a market-determined access to security and justice was the effect of reduced investment, including in its security institutions, by the state.<sup>160</sup> The market approach to security and justice further alienated citizens, particularly the poor.<sup>161</sup>

The NPF, at the time, midwifed the introduction of Police Community Relations Committees (PCRC) in all State, Area and Divisional Commands across the country. It has been argued that the PCRC represented a shift in policing and crime prevention that was initiated following the increase in the rate of crime.<sup>162</sup> Furthermore, its central idea was to redeem the image and improve public relations of the police by establishing a link between the police and the community. At the core of the implementation of the PCRC was the traditional ruler. Traditional rulers were equally critical drivers of the origin and transformation of vigilante practice. In other words, the PCRC and vigilantism found a converging point in traditional rulers, and community leaders. It was the negotiating skills of the traditional rulers that enabled two contrasting initiatives to seamlessly coexist and entrench the practice of plural policing in Plateau State. Furthermore, there were traditional rulers who did not simply engage in mobilisation of young men in their community but were personally involved in vigilante practice. An example of such is the former Ngolong Ngas, the late Adamu Gutus. In an interview, a former member of the VGN in Pankshin town, central Plateau State, Sunday Philibus, recalls this as follows: "I joined the vigilante group in 1989. At that time His Royal Highness, the late Ngolong Ngas Mallam Adamu Gutus, was our chairman. Our secretary was the then principal of Government College Pankshin,

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<sup>157</sup> Group Interview Dadur, Langtang North LGA, 10.08.2012 and Group Interview Shimankar, Shendam LGA, 14.11.2012.

<sup>158</sup> For analysis on the impact of structural adjustment on policing in other Nigerian communities see; David Pratten, "The Thief eats his Shame: Practice and Power in Nigerian Vigilantism." *Africa*, 78 (1), 2008: pp.64-83, and Laurent Fourchard, "A New Name for an Old Practice: Vigilantes in South-Western Nigeria." *Africa*, 78, (1), 2008: pp.16-40.

<sup>159</sup> *Ibid.*

<sup>160</sup> Funmi Olonisakin, Eka Ikpe, and Paschal Badong, The Future of Security and Justice for the Poor: A 'Blue Sky' Think-Piece, (CSDG Policy Studies, no21, 2009), 16.

<sup>161</sup> *Ibid.*

<sup>162</sup> CLEEN and NHRC, 40.

Mr George Yakzum. We meet every evening at the chief's palace before we go out on patrol for briefing, and we report again in the morning."<sup>163</sup>

This was a case of vigilante policing established by the state to respond to a shortfall in policing numbers, as a result of the state cutting down on critical social services. This was not unique to Plateau; community-policing initiatives sprung up in different parts of the country in the wake of the Structural Adjustment Programme. Fourchard has examined and analysed this amongst the Yoruba of South West Nigeria.<sup>164</sup> He argues that among the Yoruba, specifically in Ibadan, the main source of his empirical data, 'Vigilante' is a term initially proposed by the police in the mid-1980s as a substitute for an older practice present since the colonial period and referred to as the 'hunter guard' or 'night guard' system.<sup>165</sup>

More evidence of local mobilisation for vigilantism in the early 1980s comes from Shimankar town in Shendam LGA, in southern Plateau State. Shimankar is one of the main towns in Shendam LGA, a major breadbasket in the local government with a very heterogeneous population. In a group interview with current and former vigilante members, we learn how vigilantism began in the area during the second republic<sup>166</sup> – “vigilantism started in Shimankar when Shagari was President and Solomon Lar was Governor. At the time stealing was very rampant and out of control, so the community decided to set up a vigilante group.”<sup>167</sup> Over the last three decades, there were two interregnums, when vigilante policing in the area was suspended. The first was in the mid-1990s, and the second period more recently in 2002. In both cases, the vigilante members attribute it to a lack of motivation and support from local authorities. At times that they were active, the vigilante members claim they had done very well and earned the trust of the community. Community leaders praised the work of the vigilante group in Shimankar. They gave them much credit for the low level of crime, particularly theft in the area.<sup>168</sup> The group has equally had a long-standing cooperation with the police in the town. In fact, I was informed of two periods in 2000 for 4 months and another instance, when the vigilante group temporarily took over the running of the police station in the town.

Another account of vigilante practice from the 1980s is a narration laced with humour from Pankshin town, circa 1985. The story had been rendered to me initially by Sunday Philibus a former vigilante member at the time. It was however, retold by a group of community elders in Pankshin. “In the 1980s the vigilante Chairman was the then Ngolong Ngas (Chief) Adamu Gutus<sup>169</sup>, and his Secretary was G.G. Yakzum, the then Principal of Government College Pankshin”<sup>170</sup>, a state boys secondary school in the town. According to Sunday Philibus,

At the time, we usually have our parade in the grounds of the palace. Some of our members were retired soldiers and they helped to train us and prepare us for patrol. The first person we caught stole a video (VHS Player) from Bala Jatau. Bala Jatau was the first person to bring a video

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<sup>163</sup> Sunday Philibus, interviewed by Jimam Lar, Pankshin, 10.12.2012.

<sup>164</sup> Fourchard, “A New Name for an Old Practice”.

<sup>165</sup> *Ibid.*, 17.

<sup>166</sup> The Second Republic was from October 1979 to December 1983.

<sup>167</sup> Group Interview, current and former vigilantes Shimankar, by Jimam Lar, 15.11.2012.

<sup>168</sup> Group Interview, Committee of Elders, Shimankar, 15.11.2012.

<sup>169</sup> This is yet another instance of the active involvement of traditional rulers in vigilantism of the 1980s.

<sup>170</sup> Group Interview, Community Elders Pankshin, by Jimam Lar, 10.12.2012.

player to Pankshin. We were just patrolling around 2:00am and we saw this individual, we called on him to come and he started to run. We chased him and blew our whistle, he ran into the stream but we pursued him and caught him. We asked him questions, what was he carrying? Where was coming from? He merely said he was sent on an errand and does not even know what he was carrying. After beating him, he confessed that he stole it but refused to tell us where he stole it. We handed him over to the police, without knowing that the item was a video player. In the morning, Bala Jatau came to report that his video player was stolen. The police called our attention, and Jatau gave us monetary reward.<sup>171</sup>

The community elders praised the work of the vigilante group, and particularly commended the 1980s groups for doing a great job with minimal incentives. They recalled how the vigilantes became an important part of the policing system in the Pankshin Monday market. Because of their patrols around the market, the vigilantes curbed the activities of pickpockets who were usually circuiting markets in the local government area.

The Nigeria Police force hierarchy at the Jos headquarters were also weighing in with their commendation. The general tone of police views in the newspapers was a very positive assessment of the role of the vigilante groups in curbing crime. The police at the time were of course feeling the austerity that was ushered in by the implementation of the Structural Adjustment Programme. In an October 1989 report carried in the Standard newspapers of Jos, the then Police Commissioner Alhaji Laminu Z. Mamadi commended the combined efforts of the police and vigilante groups in fighting crime.<sup>172</sup> In another report, Mamadi called on the Divisional Police Officers (DPOs) in charge of the local governments to seek creative means of working with the vigilante groups, and maximise the potential that the vigilantes offered in crime prevention and maintenance of law and order.<sup>173</sup> In an interview with Solomon Awasak, who served as DPO with the Plateau State police command in the mid-1980s, he recounts some of his experiences with the vigilante groups in Jos at the time:

I served with the Jos, police command from 1979 to 1991. I started with C.I.D general investigation. The period when I was involved with the vigilante groups is from 1986, when I was appointed D.P.O Laranto (a very ethnically mixed quarter in Jos), and later D.P.O A Division (a police area of command covering large parts of Hausa, Igbo, and Yoruba quarters of Jos). The vigilante groups at that time were not organised under a single state or local government leader. Every neighbourhood had their own, this made it very difficult for us to coordinate and have a coherent cooperation with them. There were so many vigilante group leaders coming to my office. In spite of this, generally they were very helpful and provided us with information in regard to criminal suspects in the community and local gangs involved in drug abuse, particularly Indian

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<sup>171</sup> Sunday Philibus, interviewed by Jimam Lar, 10.12.2012.

<sup>172</sup> The Nigerian Standard, October 21<sup>st</sup>, 1989.

<sup>173</sup> The Nigerian Standard, February 2<sup>nd</sup>, 1989.

hemp. It was also during this period that we got them uniforms and identity cards, to curb cases of impersonation.<sup>174</sup>

While there were several people who praised the emergence and work of vigilante groups in the 1980s across Plateau State, I also encountered voices that were critical of vigilante practice. At times, the same people who had commended the vigilant groups were also eventually regretting their emergence. Far from being altruistic and committed community members providing security and helping to maintain law and order, vigilante practice is equally fraught with wrongdoing. As is wont to be the case with unregulated vigilant practice, they have a high tendency to get out of hand. The data gathered from interviews, but also newspaper reports reveal how the same communities that commended vigilant groups equally condemn them when they perpetrate criminality.

### **Plural Policing: Present Dynamics**

With its headquarters in the city of Kaduna, former capital of the Northern region at independence in 1960 and current capital of Kaduna State, the Vigilante Group of Nigeria (VGN) is the officially recognized umbrella body of vigilante groups. According to the group's national leader Alhaji Ali Sokoto, the group has members and branches in the 36 states of the federation.<sup>175</sup>

On the 18<sup>th</sup> of February 1999, the Vigilante Group of Nigeria was registered with Nigeria's Corporate Affairs Commission (CAC). The importance of this registration was twofold. First, the certificate of registration officially recognised the VGN as a corporate legal entity; prior to this, the group had existed on a fluid basis merely as a Non-Governmental Organisation, with varied levels of operation across the country, particularly in northern Nigeria. The second and perhaps more important factor was strategic, in 1999 Nigeria was on a path of transition to civil rule. Having failed to garner the needed support from the military government, beyond being seen as part of community policing initiatives the VGN leadership thought a government led by civilians might offer a better opportunity. The VGN's pitch to the new civilian administration was very comprehensive; they exhausted all efforts to show that they had congregated based on an altruistic agenda. The aims and objectives of the VGN as defined in Article (4) of their Constitution, comprises of the following:

- a. *To assist the police and other law enforcement agencies to curb crime;*
- b. *To protect and preserve public property;*
- c. *Assist the Police in crowd control and maintenance of peace at public functions where the need arises;*
- d. *With the clearance of the police, assist public agencies in the protection of their establishment plants and equipment;*
- e. *To give information to the police and other security agencies of criminals or wanted persons residing in the ward or Local Government;*

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<sup>174</sup> Solomon Awasak, interviewed by Jimam Lar, Jos, 16.12.2014.

<sup>175</sup> It is hard to verify the extent to which this network of vigilantes are organised and structured across the landscape of the country. I can however confirm that for states that I visited mainly Plateau and neighbouring Nassarawa, Kaduna, and Bauchi, there were vigilante groups on the ground that recognised Alhaji Ali Sokoto as the national leader.

- f. *To locate the permanent or temporary residencies of receivers of stolen properties and 419 (fraud) practitioners for the purposes of enabling the police to arrest or monitor their activities;*
- g. *To make positive and useful contributions to the advancement, progress and well-being of the community by mobilising and assisting in communal development efforts;*
- h. *To abide by the constitution of the Federal Republic of Nigeria and all relevant laws and byelaws.*<sup>176</sup>

While the mere stating of rules and regulations in a constitution does not necessarily entail adherence, it is clear that in setting out its objectives the VGN recognised the Nigerian Police Force as the core state institution, without whom aspirations for recognition and institutionalisation would remain unsuccessful. The ideas expressed in the constitution are equally emphasised repeatedly in conversations, but also in meetings and training sessions. In my many conversations with current VGN leadership, at the local government, state, and national level the mantra is to support the police. The VGN's ambition to be part of the policing system is understood within a context that situates the group alongside the police, not above or as replacement, as some scholars have argued.<sup>177</sup> This equally manifests in how the vigilante groups have been socialised. One of the more prominent and visible forms of policing that the vigilante groups have copied from the police is the operational idea of the patrol. This remains the most feasible operational method of checking and curtailing the activities of criminals. For the vigilantes, patrol is often not motorised, as there are only a few vigilante detachments that have patrol cars.<sup>178</sup> Vigilante patrol is foot patrol, mostly at night when the community is sleeping. The vigilantes are up awake engaging in the hard work that allows the community sleep safely at night. In all the interviews I conducted with retired and current vigilante members, the patrol is common practice. The patrol was the very first policing practice that vigilante group members imbibed. Similarly, as the Nigerian police instituted the practice of roadblocks and checkpoints into patrol practice, vigilante groups began doing the same. The practice of vigilante patrols has continued to be part of contemporary vigilante policing practice. The basic operational equipment vigilante members require for night patrol include flashlights, warm clothing, raincoats, boots, and whistles.

Vigilante groups have also become proficient in the practice of record keeping, or to be more precise keeping evidence against suspects and offenders. One of the essential aspects of police practice is the process of collecting evidence and information and processing it. It is critical to assemble the facts of a case, obtain and record statements, and ensure that all exhibits are collected, labelled and safely kept. All these documents and materials are stored in case files. Vigilante groups have adopted this practice but because of limited literacy levels vigilante members, rather than collect written statements, prefer to collect oral statements of suspects. On completion of interrogation, the photographs of the suspect are usually taken with the stolen item in cases of theft and robbery. The photographs are then printed and used as evidence handed over to the police. During an interview with the vigilante public relations officer of Pankshin LGA, Monday Joshua, the pictures of offenders taken over the years were used to render the account of what transpired in each case. He narrates the procedure of handing over evidence to the police:

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<sup>176</sup> Constitution of the Vigilante Group of Nigeria, National Headquarters, Tudun-Wada, Kaduna (Revised Edition), p.1.

<sup>177</sup> For more on this viewpoint see Bruce Baker, *Multi-Choice Policing in Africa*. Uppsala: Nordiska Afrikainstitutet, 2008.

<sup>178</sup> However, as of July 2015 while I was concluding the thesis the Plateau state government distributed patrol vans for the VGN in the 17 local government areas.

We learned this practice from our elders. Those who started this work in the 1980s. Whenever we catch a suspect and confirm that he committed the offence or crime, when we are handing over to the police, they require evidence; usually, an oral statement is not adequate, this was why the former vigilante members began taking pictures and we still do it. For example, if it is a case of theft or robbery, we always snap the thief with the stolen items and when we go to court we do not need to talk much, the picture does all the talking.<sup>179</sup>

The police have reciprocated this approach. The Nigerian Police Force has initiated several means of supporting the VGN at the local and national levels. With the approval and close supervision of the Nigerian Police Force varied local and international NGOs, and private security companies have organised training camps and workshops for VGN members. While some of these NGOs and local PSCs, use these programmes as means of extending their economic base there are others who do add value and improve the competence of vigilante members. In sum it can be seen as an attempt to further perfect the operational competence of VGN members. How this works, is by selecting members from all states of the federation who converge in Abuja, the national capital for a few days, to be trained by police officers and other experts drawn from other security agencies. The few who are trained are then expected to return to their states and impact what they have learned to their members. A few examples of such programmes will illustrate the point. In October 2013, the VGN national headquarters organised the first of such seminars, the National Awareness Security Seminar. The seminar was themed around the title: The Roles, Participation and Relevance of Vigilante as a Tool to Other Security Agencies in the Sustenance of Nigeria Security System. The content of the seminar papers focused around the role and use of vigilante groups in supporting state security agencies, with speakers drawn from the police, the army, the immigration service and the National Drug Law Enforcement Agency.

In the 17 local government areas of Plateau State, there are vigilante groups operating with clear hierarchical structures, drawn from and recognized by the communities they serve. These groups are local branches of the national organization, the Vigilante Group of Nigeria (VGN). The VGN in Plateau State is led by Alh. Yau Rikkos. As he has been indisposed, the current Acting State Commander is Nuhu Vongbut, the Chairman VGN Langtang North LGA.<sup>180</sup> There are broadly two categories of vigilante cooperation with the police: those who are embedded in the police stations subordinate to the police and those who work independently but in close cooperation with the police. In current practice, we observed the adoption and use of two legal codes: a statutory code based on vigilante groups understanding of state policing; and vigilante codes drawn from historical practices.

Interestingly, as I have referred previously, the NPF as it has been argued also engage in what Owen and Cooper-Knock<sup>181</sup> have referred to as 'vigilante policing'. This is a departure from definitions that regard vigilantes solely as 'non-state actors'.<sup>182</sup> Vigilante policing as understood by Owen and Cooper-Knock suggests that the Police can behave in ways that mimic non-state actors who are termed as 'vigilantes'. This idea is informed by the argument that police violence is a

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<sup>179</sup> Monday Joshua, Interviewed by Jimam Lar, Pankshin, 08.01.2015.

<sup>180</sup> The current Zonal Coordinator Alh. Juji formerly served as Acting State Commander for a short period.

<sup>181</sup> Olly Owen and Sarah Jane Cooper-Knock, "Between vigilantism and bureaucracy: Improving our understanding of police work in Nigeria and South Africa." *Theoretical Criminology*, SAGE Journals, 2014, pp.11-12.

<sup>182</sup> Johnston, "What is Vigilantism?" *British Journal of Criminology*, pp.220-223.

misnomer; as such, it is described as vigilante violence – when police as group or individuals act like vigilantes. This violence exists to keep the normal run of affairs. This is not a debate of the rights and wrongs of such violence; the objective is to understand it for what it is, and further to explain how it functions. Herein lies the complexity, the police perpetrate violence as part of policing practice, but they are also the authority that regulates it. In other words, the police endeavour to ensure that violence is controlled and as much as possible remains within the domain of policing.

In an interview with the Patrol and Guard Officer (P&G) in charge of Langtang North, there is a tacit acceptance that violence has a place in everyday policing practice. The P&G's daily chore is posting police officers on patrol beats and guarding post across the town. He also goes around inspecting and supervising and attends to emergencies that may arise. In contemporary practice, there are more cases of joint operational patrol with the police in urban and semi urban areas. Some accounts from the field capture the flavour and critical importance of patrol to vigilante practice; the accounts equally link this to the interaction of the vigilante groups with the police. In a group interview with vigilantes in Pil-Gani town, Langtang North LGA, of Plateau State the breakdown of their contribution to policing in the town had been negotiated with the police and collectively they agreed upon a mode of operation. The chairman recounts the mode of operation as follows:

When we make an arrest of a suspect, our mandate is not to spend more than 24hours investigating and interrogating a suspect, we need to hand over to the police. We also help the police to re-arrest suspects that escape from the police, sometimes during arrest other times from the police station. We also help the police to arrest suspects who refuse to honour court summons. Finally, we also have a mandate to be ready and prepared to serve as prosecution witnesses.<sup>183</sup>

What is recounted in this quotation speaks to the VGN's role in precursory policing practice. This refers to what happens to cases handled by the VGN before they reach the police station. Nansoh Danladi a Corporal with the Langtang North Divisional Command corroborates this. He notes that -

*“the VGN is very useful for us in doing our work. They conduct investigations; they also track down suspects and arrest them. Some of the police outposts in the local government area are manned by VGN members; they serve as the first policing point of contact to the people.”<sup>184</sup>*

Another example that buttresses the point of VGN collaboration with local security structures is how selected VGN chairman at the Local Government level were invited to join the local government security committee. The VGN training officer Plateau State, Joseph Ziman, and the local government commander, Langtang North Chenvong Vongbut, are concrete examples of this practice. The VGN actively participate in policing duties such as arrest, detention and interrogation of suspected criminals. In most cases, they hand over the suspects to the police. Here the VGN members are not necessarily interested in what is captured in the respective laws and codes that guide policing; of importance is what they regard as practice. Policing practice as

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<sup>183</sup> Group Interview, VGN Pil-Gani Langtang North LGA, 23.10.2012.

<sup>184</sup> Nansoh Danladi, interview by Jimam Lar, 22.10.2012.

carried out by the NPF. Here the police are again the authority that is regulating practice, plurality is therefore operating within a dynamic that has structure and is organised.

## Conclusion

The popular assumption of the average Nigerian is that the Nigerian Police Force (NPF) is not attuned to be in the service of ordinary citizens, in spite of the fact that the NPF is obligated to operate under certain democratic norms and principles. The police have generally remained immensely unpopular. In the consciousness of the Nigerian public the police are regarded as instruments of violence, abuse and subjugation. However, as the preceding sections of this paper have shown the situation on the ground presents a more complex and complicated picture of policing practice.

Here I would agree with Owen, who in concluding his ethnographic study of the Nigeria Police Force points out what he feels is missing from analyses on Nigeria. He argues that alongside dysfunction, there is a second viewpoint, which exists in tension with the first. When we look in with more rigour and effort we realise, that there is:

...the functional state whose image fails to make it past the dysfunctionalist filter applied to Nigeria by those who focus exclusively on collapse, conflict, injustice and abjection. This miscarriage is not only the function of an orientalisng gaze: Nigerians too love to lament the everyday horrors, failures and injustices produced by the system. But to allow ourselves to be carried away by that is to misunderstand the nature of what we are looking at, ...when we reach a little way inside the state, we can find both oppression and working understandings, corruption and professionalism, domination and interpenetration, rational institutionalism and copious informalisation, authority and negotiation. Even the opportunities for abusing such a system are embedded in its performance of its role; dysfunction and function are fully intertwined.<sup>185</sup>

While policing by force has continued to be a constitutive feature of policing practice, particularly the practice of the vigilante groups, I have also shown within this paper how historical and contemporary vigilante group members have also imbibed civil practices. This has been informed by their quest for social legitimacy and longevity of practice. As my analysis of the vigilante groups of the SAP era and the contemporary Vigilante Group of Nigeria has clearly demonstrated, misconduct and unscrupulousness have continued to exist side by side with virtuous, service delivery-oriented policing. It is a duality that is inherently constitutive of policing practice, and the job of the researcher, and those in charge of policing policy in this case is not to insist on drawing a conclusion that constrains us into taking an either-or position. Ambiguity, in other words, needs to be defined as one of the core concepts of statehood and public authority; the state comes into being as a process of negotiation and differentiation.<sup>186</sup>

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<sup>185</sup> Oliver Owen, "The Nigerian Police Force: an institutional ethnography," D.Phil. Anthropology, University of Oxford, 2013, p.357.

<sup>186</sup> Julie Poppe, "The Power of the Uniform: Paramilitary Foresters and Rangers at the W Park, Burkina Faso." *Sociologus: Vol. 63, Bureaucrats in Uniform*, 2013, p.31.

VGN members for instance are aware that the Nigerian state through the police still reserves the right and might to proscribe and dismantle vigilante practice, as was the case albeit for a brief period in some parts of Plateau State in the 1990s. In contrast to the state that produces, suffering is the state that actually delivers, the state that works. This is informed by the understanding of constituted practices of the state bureaucracy and practices of bureaucrats.<sup>187</sup> For instance we may understand how the police (as security bureaucrats) deal with the laws they are governed by.<sup>188</sup> This point is made clear in how officials negotiate formal rules. As a Divisional Police Officer in one of the local governments within my study area noted – “We have policing as law and policing as practice. If you want to talk about policing in the law and rulebooks, you go talk to my Commissioner. However, if you want to talk about policing as practice, then I can help you.”<sup>189</sup> In other words, state practice is not strictly what obtains in the legal frameworks, it is equally the practices that individual actors engage in on a daily basis. Within a given social context, state-practice is conceived as a back and forth mediated negotiation.

Given that vigilante groups are constitutive of the policing landscape in Nigeria, it is therefore imperative to reassess the focus of all discussions and strategies of police reform and vigilante practice. In regard to the police, there are two measures to be considered. Firstly, a coherent policing policy framework that incorporates vigilante groups could be considered. There is a need to shift the mind-set on how we conceptualise the security and justice sector, non-state security and justice actors need to be incorporated in all discussions and policies on policing. It is important to have practical guidelines on why, when and how to engage with non-state security and justice actors. In order for vigilante groups to continue to function alongside state security institutions within a context of accountability and transparency, there is a place for clear-cut rules and regulations guiding their activities. A start would be to require all vigilante groups to register with relevant national and local authorities. The Vigilante Group of Nigeria (VGN) is a good example of a vigilant group with state authorisation operating within a legal framework. The main objective of the VGN as I previously stated is to support state agencies (particularly the Nigerian Police) in combating crime and general maintenance of law and order in society.

Secondly, stakeholders (the police, local governments, traditional rulers) as I have previously shown, need to collaborate in formulating and implementing oversight processes for supervising vigilante group practice. Instituting national, and local legal frameworks to guide and regulate the activities of vigilante groups can have a major role in deepening accountability and making the activities of such institutions more transparent. The role of traditional rulers in local governance has been greatly curbed by the Nigerian government yet traditional rulers still enjoy varying levels of influence. In order to ensure that vigilante groups operate within legal frameworks, respect human rights values, and other obligations, it is necessary to establish processes of monitoring and supervision. In other words, clear implementation and oversight processes must accompany legal frameworks regulating vigilante practice. In this sense the practice of licensing regimes for vigilante groups with provisions to renew such licenses periodically (annually) provided they meet certain requirements and minimum standards, becomes an interesting option to explore. Oversight mechanisms can be through traditional rulers, local government, local police, local civil

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<sup>187</sup> Thomas Bierschenk, and Jean – Pierre Olivier De Sardan, (Eds). *States at Work: Dynamics of African Bureaucracies*. Leiden: Brill, 2014.

<sup>188</sup> Otwin Marenin, “Policing Nigeria: Control and Autonomy in the Exercise of Coercion.” *African Studies Review*, Vol.28, No.1, 1985, p.76.

<sup>189</sup> Interview Divisional Police Officer, 10.10.2012.

society organisations, or the state government.<sup>190</sup> It is possible to improve the effectiveness and accountability of vigilante groups with oversight, supervision and close monitoring. These are processes that go beyond legal frameworks; oversight mechanisms seek to regulate practice and make sure vigilante groups are positively contributing to maintaining law and order and ensuring the security of citizens and communities.

The basis on which security, law and order was defined and provided at the creation of the Nigerian state has changed. In recognising this transformative process, Olonisakin observes that we can find this change in how new and emerging voices have been influencing the security discourse and practice.<sup>191</sup> The form and structure of such groups varies from one community to another. It could be women organisations, NGOs, traditional rulers, vigilante groups and community development associations. How these emerging voices are harnessed and mainstreamed into the reform of policing in Nigeria is a question that should be seriously considered.

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<sup>190</sup> However, it must be noted that the mere passage of a law by the state without its proper implementation may cause more problems. An example of such a scenario is Nigeria's Anambra state where the Bakassi Boys (a vigilante group) was incorporated and regulated by the state. A law was passed by the state House of Assembly to that effect providing for its funding, operations and relationship with the police. The group however, eventually got out of hand and had to be proscribed by the Nigerian government.

<sup>191</sup> Funmi Olonisakin, "Evolving Narratives of Security Governance in Africa", in *Women and Security Governance in Africa*, Funmi Olonisakin and Awino Okech, eds., (Pambazuka Press, 2011).

# Devolution of Security Formations in Contemporary Nigeria

Dr. Mr. Chukwuma Ume

## Introduction

The purpose of this paper is to provide summative arguments on the devolution (transfer, decentralization, or balkanization) of policing powers. This debate has emerged in view of the evident numerical, capacity, and skills inadequacies of the Nigerian police. These challenges are only heightened by the ultra-centralised organizational structure of the police force, its poor governance and accountability mechanisms, and the limitations of its enabling statutes which complicate the public debate around the establishment of state-level policing. However, on the flipside, it could also be argued that the debate is far much more than perceived inadequacies of state actors because devolution of the responsibilities of security, safety and governance supports African cultural cleavages devoid mostly of Westphalian styled institutions of safety and security. A quick example would be the Igbo communities in today's South East Nigeria where many echelons of the communities such as Age Grades, 'Umu-Ada' Masquerade Societies all played crucial roles in maintaining safety and security.

The paper x-rays the 'for' and 'against' arguments for the devolution of policing powers or mirroring by state counterparts of the leading internal security organization – the Nigeria Police Force – within the context of the principles of true federalism and off course, the limitations of the constitution at the state level of governance. It further offers an incisive attempt to x-ray citizens' responses to policing at the grassroots through the use of non-state security actors in the face of the insufficient federal police presence: *the hybrid option*.

The paper will conclude with suggestions for possible areas of interventions, supports or calls for review on what the writer terms internal devolution of powers within the NPF – in the absence of a federal government assent to state geo-political defined police in its efforts to aspire to a much more organizational and community wide inclusive policing decision making process.

## Overview

One of the major problems of public governance in Nigeria is that of security which is critical to Nigeria's consolidation of her democracy<sup>192</sup>. Since the return to civil rule in 1999, the Nigeria Police Force has been central to managing and responding to those challenges. Yet it has been argued that the Nigeria Police is not well resourced<sup>193</sup> to effectively and efficiently police the country, support and enable the economy or pursuit of our national life to function effectively and optimally. The litany of contemporary challenges militating against an effective policing of Nigeria include lopsided urbanisation which often creates urban degradation and neglected settlements; population growth; sharp inequality; corruption; unemployment; and mass migration from the rural areas pulled by the centripetal forces of urbanization. All these, and many more have given rise to a wide range of criminal manifestations including armed robbery, kidnapping for ransom, cybercrimes and fraud, terrorism, domestic violence, prostitution, trafficking in persons and drugs, 'baby making factories', violent communal conflicts, and politically induced brigandage.

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<sup>192</sup> President Muhammadu Buhari acknowledged this challenge in his first Presidential Media Chat (2016) when he noted that assured safety and security attracts investment, and general development of the country.

<sup>193</sup> Civil Society Panel on Police Reform in Nigeria (2012): CLEEN Foundation, Lagos

In response to these debilitating challenges, successive federal governments created specialised and complementary policing agencies<sup>194</sup> such as National Civil Defence Corps, National Drug Law Enforcement Agency, Economic and Financial Crimes Commission, Independent Corrupt Practices Commission, etc. to deal with these enumerated crimes, while the NPF has remained the leading law enforcement agency at the frontline. However, all these Federal agencies have been bequeathed with a similar, if not aggravated, degree of the lack of pervasiveness and coverage, which has plagued the NPF. For example, the EFCC has only five verifiable physical zonal offices in Lagos, Port Harcourt, Enugu, Gombe, and Kano states while the head office is in Abuja<sup>195</sup>. While the other agencies such as NSCDC have a wider physical presence, they are often deprived of enabling environment, resources or (legal?) empowerment for quick and decisive decision making; this exacerbates, the prevalence of *'the Oga at the top'* syndrome.

Founded during the days of colonialism<sup>196</sup> as a para-military outfit with very limited public accountability, the NPF has borne a legacy of functioning as an anti-people policing structure. This historical legacy has largely overshadowed the fabrics of indigenous community-grown systems of security, justice, law enforcement and dispute resolution<sup>197</sup>. Post political independence, police accountability was further limited when the force was 'unified' in 1967<sup>198</sup>. All these became further compounded with years of military incursion into politics. The deliberate degrading of the NPF's capacity by the Military<sup>199</sup> held back the development of policing in Nigeria, thereby leaving it damaged by 1999 when a new vista of democratic rule brought about the end of the military regime.

The constitutional and statutory framework under which the NPF operates significantly challenges its effectiveness, governance and performance. For example, Sections 214 – 216<sup>200</sup> established the NPF, while the Police Act<sup>201</sup> provides for its organization, discipline, power and duties. A more than cursory review of these legal frameworks highlights certain gaps to the professionalism of the Nigeria Police Force. Some of these key areas are:

- Militarization of the Police – the adoption and use of the name 'Force' tend to portray the NPF as a para-military organization rather than a public service organization. Its sub-culture of brutality and people's apathy evidently stem from such appellation.
- Undue political interference – policy directives emanating from the office of the Presidency occasion politicization and erode professionalism in the NPF, confirming its lack of autonomy.
- Leadership appointment procedures without regards to competence or performance –The operational head of the Nigeria Police Force is the Inspector General of Police (IGP), appointed by the President of the Federal Republic of Nigeria. This practice has

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<sup>194</sup> For the purpose of the devolution debate and the limitations of our constitution, it is instructive to note that these policing agencies were created without recourse to Section 214 – 216 of the Constitution. Would this amount to breach of the constitution? Do we really need the amendment of the constitution in pursuit to complementary and supportive roles to the NPF?

<sup>195</sup> <http://efccnigeria.org/efcc/index.php/contact-us-2>

<sup>196</sup> See Alemika, Etannibi E.O and Chukwuma, Innocent C. (2003) Analysis of Police and Policing in Nigeria: A Desk study of the role of policing as Barrier to change or Driver of change in Nigeria .Lagos: Centre for Law Enforcement Education in Nigeria;

<sup>197</sup> See See Hon. Dr. T.O. Elias et`al in African Indigenous Laws – Proceedings of Workshop organized by the Institute of African Studies, UNN. 1975

<sup>198</sup> Ibid - See the Report of the Working Party on Police and Prison Services in Nigeria, (1966:2)

<sup>199</sup> <http://www.vanguardngr.com/2015/11/how-military-under-developed-the-police/>

<sup>200</sup> 1999 Constitution of the Federal Republic of Nigeria

<sup>201</sup> Police Act CAP 359 Laws of the Federation

consistently denied the NPF the services of its most competent officers at leadership levels.

- Gender discrimination – by sections 121 – 123 of the Police Act, female police officers are restricted in roles and responsibilities in the structure of the NPF. To a large extent, this does not only infringe on their contribution but also impinge of the treatment and management of gender related offences, particularly, in culturally sensitive areas. Ironically, and perhaps in recognition of this gap, NPF has a full fledged tactical unit of the Police Mobile Force made up of female police officers based only in the Force Headquarters, Abuja.

In addition, the NPF is structured in a way that over-centralizes its operations. Notwithstanding its 5-tier command structure, many decisions begin and end on the desk of the *Inspector General of Police*. The Deputy Inspector Generals (DIGs) who are immediate lieutenants and members of the Police management team functions as heads of departments only nominally. Worse off are the offices of the 12 zonal Assistant Inspectors General (AIG) of police expected to give strategic leadership direction to cluster of state command Commissioners of police. They are *unwittingly* made redundant in the present scheme of decision making in the NPF where operational directives come from the Headquarters.

The highly centralized command structure of the Nigerian Police Force makes management and operational decision for an entire country - replete with varied socio-cultural cleavages, orientations *with* distinct policing priorities - near dysfunctional. It inhibits service delivery within the police. While it allows for a seamless inter-state administration, the current structure certainly also leaves state – level police commands including training institutions impoverished and dis-empowered. It also creates bureaucratic bottlenecks which distance the people from the ‘their’ police. It further lacks purposive and coherent supervision and monitoring simply because decision-making concentrated at the central level is often restrictive of more local levels of police commands/formations from making operational decisions.

Accountability within the NPF is also centralized as the police leadership are answerable primarily to the Presidency, which houses the relevant ministry, and statutory oversight body. Statutorily, the Police Service Commission (PSC) ought to be one of the most powerful civilian oversight bodies on policing in Nigeria charged with the responsibility for appointments, promotions and disciplines in the Nigeria Police Force. But combinations of factors such as self-defeating restraint, political interference, budgetary constraints, an inability to set up and maintain a functional investigative unit, personal aggrandisement and lack of insights by some board members<sup>202</sup> etc., have affected its disciplinary functions over the Nigeria Police Force, thereby robbing the PSC of its relevance and vibrancy. To this end, Philip Alston Jones<sup>203</sup> noted “in terms of governmental accountability, the Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation”. The Commission’s mandate is potentially empowering; yet its performance has been dismal and self –restraining.

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<sup>202</sup> An account of a former board member who served only duration of 5 years at a round table debate on the devolution of Security formations in Nigeria. Jan 29<sup>th</sup>, 2016, Abuja: CLEEN Foundation Nigeria and Oxford University, United Kingdom

<sup>203</sup> Former UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution, Country Mission to Nigeria. 2005; quoted in “Opportunity for Justice”, CLEEN foundation 2006 p.174

In general, Nigeria has adopted a pattern of having security agencies subjected to civilian oversight bodies; to among other things, check abuses, input into security priorities, and also serve as inter-face between the security agencies and members of the public. To this extent, there exist the Ministries of Defence and Interior, (until recently, Ministry of Police Affairs) National Human Rights Commission, Public Complaints Commission, and off course, the apex Police Council. However, these oversight agencies even though some of them have potent mandates, have unwittingly imposed restrictions to their mandates. For example, the Public Complaints Commission which is the Ombudsman for the country; in Section 6 (1) d of its enabling Act is restricted from reviewing complaints that are related to conduct of the military, police and other uniformed personnel<sup>204</sup>.

In addition to the Executive arm, the Legislative arm of government also maintains some degree of oversight over the NPF. Its controls mostly function through its Legislative Committees, which are understaffed and lack capacity and outreach to initiate, conduct, and sustain effective and efficient oversight functions<sup>205</sup>. These factors serve to foreclose the public's participation in oversight through its elected representatives.

Accordingly, this near lack of functional accountability and oversight is compensated by the deployment of incessant, ad-hoc, informal pressure and influence best driven by the whims of political office holders including the office of the Inspector General of Police. Consequently, such circumstances open room for external political interferences. Inordinate political interference undermines the cohesion, effectiveness and performance of the NPF. If members of the public perceive the police as partisan or corrupt, it may deny the police of public support and cooperation and further alienate them from participatory democratic policing, thereby reinforcing a notorious notion about our Police being an instrument of colonial subjugation<sup>206</sup>.

The centralized and hierarchical accountability structure of the NPF further renders it vulnerable to political interference. For example, poorly focused officers may pursue political favour in the hope of future career advancement or simply on mere nepotistic considerations. This may introduce yet more potential for blames, risks, and lack of transparency leaving both the NPF and members of the Nigerian public short changed.

Further limiting the NPF's accountability is the fact that the many strands of police complaints systems leave end users confused, frustrated and cynical. For example, before the recent introduction of the Complaint Response Unit (CRU)<sup>207</sup> under the present leadership, the NPF had

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<sup>204</sup> See Section 6 of the Public Complaint Commission Acts.

<sup>205</sup> An instructive case of reference was the public declaration of the 8th Senate President indicting the National Assembly over lapses in its legislative function that may have necessitated the lee way on the on-going investigation over misappropriations of funds for arms procurement by the office of the National Security Adviser.

<sup>206</sup> See Alemika, Etannibi E.O and Chukwuma, Innocent C. (2003) Op.cit

<sup>207</sup> CRU is a community-oriented compliant management system, exploring some of the options provided by modern day technology obtainable to police law enforcement officers in most advanced countries. It is a customer service point for the Nigeria police. The unit deploys a multi-platform complaint reporting mechanism to aid speedy intervention in citizens' complaints at all times. Its operational procedures indicate upon receipt of complaints, it is forwarded to any of the already trained three designated officers in each of the 36 states and the Federal Capital Territory. The complaints will be channelled through to the state Provost Marshal, O/C state Intelligence Bureau and O/C state Control Room for immediate necessary action and report back to the CRU call centre. Responding officers are expected to verify, resolve and submit reports on all cases passed to them within a given time frame. Every proven case of misconduct would

established offices of the Provost Marshal, X Squad, IGP Monitoring unit, and the Police Complaint Bureau. It is against this backdrop that “the CRU is expected to act as a central, ICT-driven public complaint unit of the Force (...) giving requisite feedback on actions taken on complaints. It is designed to complement existing in-house public complaint monitoring and processing frameworks”<sup>208</sup>; which among other things would aid privacy, speed of report and response.

## Contending Frameworks

Nigeria is the most populous black nation of about 180 million people, with over 250 ethnic nations with a geographical size of 923,768 km<sup>2</sup><sup>209</sup>. The staff strength of its federal police structure was previously said to stand at 371,800 but has recently been revised to just under 300,000<sup>210</sup>. Ironically, with its vast nature comes its dwindling economic fortunes’ limiting the functional coverage of the country. Yet, a responsive NPF providing safety and security is one of the major attributes of good governance which every elected government must strive to achieve. Remarkably, Nigeria’s federal system as earlier noted operates a highly centralized police structure, and this has contributed to its limited level of effectiveness, pervasiveness, responsiveness of its safety and security provisioning.

In these regards, Nwogwugwu, and Abioye<sup>211</sup> posited that that the centralized nature of Nigeria’s security sector has hindered the ability of the various security agencies to proactively tackle threats to security. In their view, decentralization encourages responsive security, transparency and involvement of stakeholders, at various levels of government. Accordingly, they called for the adoption of a Collaborative Governance Regime (CGR) that would propel the decentralization of the security sector. This, they opined, would among other things ensure greater involvement of non-traditional security related organizations as well as civil society organizations.

Nwogwugwu and Abioye<sup>212</sup> further note that “the security of a state directly translates to its ability to protect its citizens, as well as national assets, from both internal and external threats; and also, of equal importance, facilitates individuals and groups in carrying out their legitimate businesses without any significant undue hindrance”. The present inadequacy in Nigeria in this regard, and in particular, its security challenges which endured the resumption of civilian democratic rule supports the need for decentralization. As further argued below, these challenges also clearly show that all sectors and actors providing safety and security should be mainstreamed within the hitherto centralized traditional security mechanisms, to complement one another.

A Collaborative Governance Regime whose collaborative dynamics and actions operate in a general system context - and in a continual interaction among the component units to ensure

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attract sanctions even after resolutions. The Call Centre, stationed at the Force Headquarters, is being manned by 25 officers who would run shift duties. These officers have undergone a three-day special training offered by an International developmental partner.

<sup>208</sup> IGP Solomon Arase; Force HQ Abuja 2015

<sup>209</sup> en.wikipedia.org/?title=Nigeria

<sup>210</sup> See the introduction for the correct figure we use as standard reference in this publication.

<sup>211</sup> See Ngozi Nwogwugwu, and Oyeyemi Olufemi Abioye (2015) Responsive Governance and Decentralization of the Security Sector in Nigeria: IOSR Journal of Humanities and Social Sciences (IOSR-JHSS) Volume 20, Issue 7, Ver. III (July 2015), PP 35-41

<sup>212</sup> Ngozi Nwogwugwu, and Oyeyemi Olufemi Abioye (2015)Op.cit

that the entire system functions properly - depicts how a multi-layer approach could provide the required synergy. Such an approach helps to “illuminate the drivers of insecurity, the various processes of engagement, motivational attributes of each of the processes, and the joint capacities that enable shared decision making, management, implementation, and other activities across organizations, jurisdictions, and sectors”.<sup>213</sup>

The processes and structures of public policy decision making and management, according to Emerson, *et al.*<sup>214</sup> engage people constructively across the boundaries of public agencies, levels of government, and or the public, private and civic spheres in order to carry out a public purpose that could not otherwise be accomplished. Emerson et al.’s construal remains critically relevant and applies to the security sector.

Earlier on, Ansell and Gash<sup>215</sup> noted that collaborative governance does not operate under the principle of winner-takes-all. Accordingly, Nwogwugwu and Abioye<sup>216</sup> clearly point out that, in the present context, there is no need for competition and hoarding of intelligence by any of the security agencies, which perhaps occurs due to rivalry. Even in situations where the stakeholders on the different sides of the divide have adversarial positions, the aim of the collaborative governance process, according to the scholars is to transform such adversarial relationships into more cooperative ones. It is equally not managerial in the sense that whereas managerial approaches may take their decisions without the input of the stakeholders, and at times may consult the stakeholder, collaborative governance requires that stakeholders at various levels of government are an integral part of the decision-making process.

Adoption of collaborative governance would encourage greater interaction between the relevant security agencies and affiliate organizations on the one hand, and other stakeholders including the wider citizenry on the other, to ensure that security challenges that have become intractable are tackled effectively. Given the fact that the traditional system of security being implemented in the country has failed to meet the expectations of citizens by proactively checkmating threats to security, there is need to engage security agencies, security related ministries, departments and agencies, civil society organizations and stakeholders at different levels of government to work collaboratively in ensuring that the society is secured. An apt illustration of the framework is a Community Safety Partnership platform piloted in a number of states by the then Security Justice and growth programme of the DFID/BC, now known as the Justice 4 All programme<sup>217</sup>. It was a joint problem-solving platform that provided opportunities beyond police booths on ground. It was also more inclined towards pro-activeness than the traditionally reactionary policing sub-culture.

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<sup>213</sup> Propounded by Emerson, Nabatchi & Balogh (2011) cited in Nwogwugwu & Iyanda, (2015) Collaborative Governance regime and the Responsive Governance in Ogun State: A Study of Ogun State Council of Elders: Singaporean Journal of Business Economics & Management Studies. Vol 3 (6), pp 65 – 78

<sup>214</sup> *ibid*

<sup>215</sup> Ansell, C. & Gash, A. (2008) Collaborative Governance in Theory and Practice: Journal of Public Administration Research and Theory. 18:543–571 quoted in Nwogwugwu and Abioye (2015) Op.cit

<sup>216</sup> Nwogwugwu and Abioye(2015) Op.cit

<sup>217</sup> Justice 4 All programme is an all-encompassing access to justice and improved safety and security programme of the Department for International Development Nigeria and British Council Nigeria managed programme. The J4All succeeded previous similar programmes of Access 2 Justice and SJGP Nigeria. It is reputed to have modelled new paradigms on the administration of criminal justice in Nigeria. The programme ends 2016.

## The Discussion: State Police

Strongly tied to the issue of police structure, governance and accountability are calls<sup>218</sup> for the creation of separate police forces for the State tier of government. There have equally been opposition to such calls. However, it is instructive to note that in the early days of independence, the Nigerian security system was deliberately inclined towards the states. The doctrine that security was, perhaps, best organised from bottom - up had been adopted by the colonial administrators who constructed the framework for a modern Nigerian State and established the Constabulary for the Colony of Lagos in 1879 which metamorphosed into what is today the Nigeria Police<sup>219</sup>. The colonial system also strengthened local Native Authority policing units within traditional/native institutions and created “warrant chiefs” in areas other than the western and northern areas, where the available traditional institutions did not avail themselves to this use<sup>220</sup>. Only by 1966<sup>221</sup> did the federal government come to operate and command all armed security services in the country. With the unification decree, the then-military government disbanded the existing local forces because they were poorly trained, corrupt and used for partisan political purposes. Such abuses of local police forces included the brutalisation of opponents by traditional rulers and politicians as well as by political parties and governments in power in Northern Nigeria and Western Regions<sup>222</sup>. Consequently, the NPF has since adopted a top-down structure which has arguably failed to permeate and effectively cover the grassroots communities.

## The Proponents:

The argument of those who are in support of state police is that our law should be amended to enable states with capacity to establish state police to do so. With a population estimate of about 180,000,000 people<sup>223</sup>, Nigeria is the most populous nation in Africa. As such, many people have come to believe that the country is too vast to be left in the hands of a central police system, stressing that it deserves a decentralized system.

Yet, there is no doubt that times have changed. Nigeria, with the rest of the world, has been exposed to growth of consumption, education, population, urbanization, geo-political delineations, and of course sophistication of crimes. Lagos state with a population of about 17,500,000<sup>224</sup> has federal police strength of not more than 33,000<sup>225</sup>, a ratio far lower than the

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<sup>218</sup> Calls have come prominently from politicians, and such calls usually peak during general elections. In recent times – during the just concluded Ministerial nominee screening under the present government – Former Governor of Lagos state Babatunde Fashola led such calls. Also Governor Adams Oshiomhole of Edo state has also made similar calls in the immediate past. It is instructive to note that politicians feel it is an opportunity to curry electoral votes. Others do when they come under intense pressure or intimidation from the Federal Police in what they believe is political motivated.

<sup>219</sup> See Nigeria Police. 2008. Annual Report of the Nigeria Police Force, 2008. Ikeja: “F” Department of the Nigeria Police.

<sup>220</sup> *Ibid.*

<sup>221</sup> See Working Party on Police and Prisons (1966): The Report of the Working Party on Police and Prison service in Nigeria. Lagos: Federal Government; See 1999 Constitutions of Nigeria, Section 214 (1); See Ahire, PT (1993) “Native Authority Police in Northern Nigeria: End of an Era in TN Tamuno et’al (eds) Policing Nigeria quoted in Chukwuma Ume et al (2015) Unpublished Research works on Hybrid Security Order: Community safety in Nigeria: CLEEN Foundation, Abuja.

<sup>222</sup> Alemika E and Chukwuma I (2003) Analysis of Police and Policing in Nigeria: CLEEN Foundation p10-11

<sup>223</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>

<sup>224</sup> <http://worldpopulationreview.com/world-cities/lagos-population/>

<sup>225</sup> <http://authorityngr.com/2015/11/Confusion-as-police-redeploys-ghost-officers-retirees-from-Lagos-command/>

stipulated UN's ratio of 1 police officer to 450 people<sup>226</sup>. However, this picture differs on the Federal level. As notes a UN briefing on policing in Africa, "Nigeria has more than 370,000 police officers and a police-to-citizen ratio of 1 to 400, which more than meets the UN's recommended figure<sup>227</sup>. So perhaps the issue should be as much around distribution as decentralisation. Paradoxically, Nigerian society 'is over-policed and under-secured.'<sup>228</sup> For example, despite the poor and obsolete condition of the only forensic facility in Lagos, all the states from the federation will have to queue to make use of the facility in Lagos South West Nigeria. The proponents also point out that the Police Council - which is the apex executive body with oversight function over the NPF rarely meet, and when it does, matters adjudged partisan that affect policing at the state level are not exhaustively discussed for so many reasons including political power dynamics.

Beyond the need for a comprehensive security network to guarantee the protection of lives and property proponents of devolution also bring to light the issue of revenue sharing and allocation between the federal and the state governments. The proponents point out that state governments are currently overstretched in funding security at the state level. They therefore call for a special intervention fund from the federal government, especially to the states that are most affected.

Above all, the proponents argue that the calls for state police support an end to Nigeria's prevarication towards true federalism. Consequently, calls have reached the pinnacle on the need to give the federating states powers to establish their respective state police systems which they believed would above all properly checkmate the rising tide of insecurity in the country, especially amidst recent happenings which have plunged the nation into spates of violent conflict.

### **The Opponents:**

But for the opponents, the call for state police would be unconstitutional because the Constitution was clear in Sections 214 – 216. Subject to the provision of this section, the Governor, or such commissioner of the government of the state as he may authorise, may give to the Commissioner of Police of a state such lawful directions with respect to the maintenance and securing of public safety and public order within the state as he may consider necessary. The Commissioner of Police shall comply with those directives or cause them to be complied with. Whether these provisions are actually respected, they argue, is a debate for another day which they strongly believed is driven by political undertone.

Furthermore, opponents argue that the establishment of state police structures in Nigeria would lead to its abuse through political interference and manipulation. In this view, state police could ultimately become the militant wing of the state ruling class. They are quick to allude to the political history of Nigeria between the years leading to our independence and the period of our first republic noting that they NPF is not numerically challenged but rather lacks in functional capacity and skills development.

Besides, they further point out that state police structures would also joined the litany of typically under resourced state parastatals and would ultimately become as malnourished as the federal police.

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<sup>226</sup> <http://www.un.org/africarenewal/magazine/october-2009/security-highest-bidder>

<sup>227</sup> *Ibid.* However see the revised figure as mentioned above. Equally, the usefulness of the UN ratio as a general yardstick has been widely disputed.

<sup>228</sup> *Ibid.*

They also posited that rather than further strengthening our national unity, state police will further deepen on our socio-cultural differences. This may in turn diminish collaboration amongst state police at the inter-state level and between the various state police structures and the federal police. Accordingly, they note that the interest of state governors will be adequately represented in deciding policing priorities if the Police Council is allowed to pursue its mandates devoid of partisan politics.

### **The Case for a Hybrid Security Order – *embedding non-state actors with state actors***

In recent years, we have witnessed a paradigm shift as matters of safety and security have become increasingly understood in tiers beginning from an individual up to state levels. Households hire guards for their homes, streets are put under key and locks, and neighbourhood patrols evolve into broader community protection schemes leading to the establishment of non-state security actors. At the tier of state security actors, we have the police, the army and all other public policing or regulatory agencies. Inevitably, areas of inter-relatedness emerge between the state and the non-state security actors which creates a hybrid order.

The federal government's monopoly of the institutions of security worked in a reasonably streamlined manner during the military rule where other tiers of government were subordinates to the central tier. However, upon the return to civil rule in Nigeria in 1999, the structural autonomy of the federating states, juxtaposed against the centralization of security infrastructures, emerged as a key challenge to the management of the safety and security of the country fuelling the demand for state or regional Police in some quarters.

Similarly, the understanding that formal systems (state actors) are codified and process-driven while the informal systems (non-state actors) are lacking in systems and processes remains highly arguable because a hybrid practice connotes the core of the formal institution (state actors); its rules, processes and standards guide the non-formal (non-state actors) in its activities. Such hybridity therefore allows a measure of overlap, interchange, devolution and indeed conflict between the formal and the non-formal creating a hybrid which is the state and the non-state security actors taken together.

Political developments in recent years, as well as rapid urbanization have turned security management in Nigeria into an arena comprised of multiple layers of players. The urban space in Nigeria presents a unique environment that tends to reinforce the case for the concept of a hybrid security system. Such a system entails the use of multifaceted (state and non-state) actors towards safety and security at the community level.

Urban centres in Nigeria are often heavily influenced by different cultural groups and are therefore not easily culturally defined, as would be the case in some distinct rural areas. As such, ethno-cultural organizations, hometown associations, market unions and professional guilds and unions have tended to play a crucial role in maintaining order and cohesion in urban society. In cities such as Lagos, citizens may simultaneously be members of several local groups, which also exert different levels of influence on individual behaviour.

Additionally, urban areas present unique public spaces often susceptible to crime. such as markets, bus parks (garages or terminus), and down – town squalor settlements, etc. Markets and bus terminals are not strictly economic spaces ruled by the laws of demand and supply; in Nigeria's urban areas, such locations constitute organised economic, social, cultural and political

spaces which play crucial roles in maintaining public order in Nigeria. The smooth organization and conduct of business in these spaces necessarily requires internal security arrangements other than the centralised state security organizations, for preventive and prompt response to crime. Because of its dynamics, cleavages, and hazy outlook, it is doubtful state security and justice administration agencies can effectively resolve conflicts between market or bus terminal users. Testaments to this are the various failed attempts by law enforcement agencies to officially adjudicate disputes within the National Union of Road Transport Workers (NURTW) one of the largest motor park unions in Nigeria – which prides itself in its home-grown organization, control, safety and security measures.

Furthermore, the sprout of urban slums left by the colonial legacy<sup>229</sup> also require mechanisms for internal crime prevention to ensure safety, security and cohesion, as well as peaceably allocation and use of often scarce public amenities. A BBC documentary titled “Welcome to Lagos<sup>230</sup>”, portrays how disputes among urban slum dwellers are first subjected to internal resolution mechanisms within the ambit of a non-state framework with little or no resort to instrumentality of the state. This owes, perhaps, to the perception that the state has not owned up to its responsibility of accepting the reality that people live in those places, hence, state presence is non-existent. Studies<sup>231</sup> conducted in Nigeria in the past established the pivotal role non-state (informal) policing systems play in addressing the safety and security needs of majority of the population who are poor. Informal policing systems are patronized by the poor for a variety of reasons including their proximity to the poor, and their ability to protect their neighbourhoods from criminal attacks and offer the speedy provision of safety and security services, which the formal police are unable to offer. The following section explores some of the recent historical and notable devolved security formations in contemporary Nigeria.

### ***The Civilian Joint Task Force:***

The Civilian Joint Task Force is a community-based offshoot of the Joint Task Force set up by community members in concert with state government(s) and the Nigerian Military. It has over the time earned relevant state governments’ supports in its confrontation with the Boko Haram insurgency in the North eastern part of the country. Before its co-option by various tiers of government, it had emerged as a vigilante group representing the civilian population’s response to the menace of insecurity. The group has operated semi-autonomously from state control since June 2013, and is present within Borno, Adamawa and Yobe States. Unlike the Military’s JTF, the Civilian JTF’s troops speak local languages (Kanuri, Shuwa, Hausa and Arabic); understand local cultures and share religion or geography. The Civilian JTF is comprised of youth between the ages of 15 to 35 mainly from the areas affected by conflict. The Civilian JTF maintains a dual identity as both a community vigilante group and a state-sponsored vigilante group.

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<sup>229</sup> Colonial Policy allowed some parts of the city to be well planned and managed (i.e. the GRA and township) while others were unplanned and poorly, managed (the native town/areas). The latter often grew into agglomeration of shacks and poorly built/secured structures. See John Y Dung – Gown paper presented at the Nigerian Institution of Estate Surveyors and Valuers. MCPD Workshop on: Housing Delivery, Urban Renewal in Jos – Bukuru Metropolis Problems and Prospects. Jos: 2007. p7.

<sup>230</sup> See BBC Documentary ‘Welcome To Lagos,’ 2013. In fact, it even documents rubbish recyclers criticizing a colleague for referring a case to the police.

<sup>231</sup> See Alemika, Etannibi E.O and Chukwuma, Innocent C. (2003) Analysis of Police and Policing in Nigeria: A Desk study of the role of policing as Barrier to change or Driver of change in Nigeria .Lagos: Centre for Law Enforcement Education in Nigeria; Alemika, E, Igbo, E.U & Nnorom, C. P: (2006) Crime Victimization, Safety and Policing in Nigeria. CLEEN Foundation, Lagos; Chukwuma Ume et`al (2015) Unpublished Research works on Hybrid Security Order: Community safety in Nigeria: CLEEN Foundation, Abuja.

The Civilian JTF is loosely organized into areas of coverage called 'sectors' (neighbourhoods) in the communities under the supervision of the Joint Task Force state commands. Members are equipped with axes, knives, bows and arrows, locally made guns and any other traditional means of weaponry and defense. Accordingly, their weaponry is inferior to the sophisticated ones used by either the insurgents or the military. In spite of the obvious disadvantage in firepower, the Civilian JTF is reputed for having had remarkable success fighting off major assaults and raiding the homes of suspected members of Boko Haram to make arrests and hand suspects to the military. Following these recorded successes, the Military Joint Task Force initiated a working relationship with the community based CJTF despite its inadequacies.

### ***Hisbah:***

The introduction of Islamic Penal Law (Sharia) in the early 2000s, shortly after the return to democratic civilian led government in the northern part of Nigeria, steered the formation of faith-based group known as Hisbah to enforce Sharia laws. These laws include a ban on alcohol consumption and indecent dressing among other things. The Hisbah police are empowered to arrest petty thieves and execute punishments for all offences ordered by a sharia court. The Hisbah, a public security policing group, is considered non-state in that it emerges from the need to enforce religious law and is also separated from the mainstream policing system that is constitutionally defined in the country. Yet it is also state (formal) as it was created by a confederating state government with an enabling law and performs the function of ensuring compliance to the Sharia law which is a state-sanctioned (formal) law.

The operation of the Hisbah group attracted the concern of the NPF who sought legal action against Hisbah and the Kano State government which created it. The federal governments made its legal claim on the basis that the new policing outfit was not only unconstitutionally but was also usurping its exclusive policing powers. The contestation over the correctness of the state-owned Hisbah led to a lengthy litigation process wherein the police sought to proscribe the functioning of the Hisbah without itself accepting to enforce Sharia law. In between the litigation, a mild drama over the use and control of the Nigeria Police played out, and further reinforced both the import of the Nigeria Police to the Federal Government and the NPF' detachment at the state command and at the grassroots from the public and their interests. It is widely believed that the emergence of a new Emir of the ancient Kano Kingdom, considered politically sympathetic towards the then- opposition party, made the Federal Government order the removal of its police protection from the palace of the Emir of Kano and from the offices/residence of the then Kano State Governor. In his response to the withdrawal of the federal police, the State Governor commissioned the state's newly inaugurated Hisbah group to protect himself and the new Emir. The stalemate went on for some time before the Federal police services were restored.

### ***The O'odua People's Congress – OPC:***

In the South-West, the O'odua People's Congress (OPC) grew out of the controversy which trailed the annulment of the presidential election of 1993 perceived to have been won by M.K.O. Abiola<sup>232</sup>. According to Ibeanu and Mommoh<sup>233</sup>, it was due to the "increasing youth restiveness, economic hardship, social tension and insecurity that the OPC formed a vigilante wing to handle the matter of neighbourhood security".

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<sup>232</sup> Business mogul and Presidential candidate of the Social Democratic Party in the annulled June 12 1993 election in Nigeria.

<sup>233</sup> See Ibeanu and Mommoh (2008:15) *Op.cit.*

The OPC soon became more feared than the criminals it was designed to confront. They also challenged the Police, the Army and the Federal Government over the annulment of the 1993 election. At certain points, the OPC was thought to be untouchable even by the federal government. They were rumoured to possess supernatural powers not only to withstand bullets but also to magically know suspects and solve tough crimes. Members of the OPC frequently went about with charms and amulets.

When Nigeria returned to civic rule in 1999, factional leaders of the OPC Ganiyu Adams and Dr. Fredrick Fasheun were arrested and charged to court<sup>234</sup>. The OPC as a cultural and self-determination group has remain a very vocal political actor in South West Nigeria, but its security services have become less pronounced as other non-formal actors such as vigilantes and the state government created Neighbourhood Watch Group have emerged to fill the non-state (informal) security vacuum created by the roll back of the OPC.

### ***The Bakassi Boys:***

In the South-East of Nigeria, the Bakassi Boys was established in the commercial city of Aba in Abia state Nigeria. The objective of the Bakassi Boys was to patrol the markets and prevent crime as well as to investigate acts of crime within the precinct of the commercial hub. The success of the group arising from its vicious activities, propelled by rumours and fears led to a drastic reduction in crime in the urban areas; this success soon led to the spread of the group from the markets spaces to communities in Abia State and beyond to Anambra state. The Bakassi Boys were armed with lethal weapons without police authorization, in contravention of the laws of the federation and the United Nations Basic Principles for the Use of Force and Firearms<sup>235</sup>. They often make routine spectacles of captured suspects who are paraded naked and often treated inhumanely and, most times, killed. Although the group succeeded in controlling crime in the region, they did not succeed in creating an atmosphere of safety, as residents lived more in fear of the Bakassi Boys than in fear of regular crime. Similarly, the Bakassi Boys was feared for their alleged supernatural powers. Abia state, and other states over time created laws backing the operation of the group.

Complaints about the high-handedness of the Bakassi Boys again pitched them against the Nigeria Police. The Federal Government proscribed the operation of the Bakassi Boys and totally disbands the non-state (informal) security provider. Similarly, as in the case of the OPC in Lagos state, the vacuum that emerged was quickly filled by the state government and other non-state actors under the guise of Abia State Vigilante Services.

### **Potential Areas for Interventions/Co-operations/Supports**

There is need to address the challenge of poor responsiveness of the NPF – occasioned by the many enumerated obstacles – in providing quality service delivery to the deserving Nigerian publics. The lack of such services has among other things, necessitated the calls for state police structures in Nigeria. I argue that it is therefore important to focus on a couple of targeted

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<sup>234</sup> Check arrest of OPC leaders <http://www.nairaland.com/2401/opc-oduduwa-peoples-congress>

<sup>235</sup> See Basic Principles on the Use of Force and Firearm 1990, visited 9th April 2018; <http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>.

reforms that would be of direct benefit to Nigeria's security organizations, structures and oversight agencies which will in turn enhance service delivery to the general populace:

- Internally, the management and leadership of the NPF should uphold the administrative virtues behind the NPF 5 tier structure. To do this, a more practical decentralization and devolution of powers and resources to the Zonal, State, Area Command and Divisional tiers is necessary. This would enable them take timely initiatives in concert with host communities. In turn this would hugely enhance accountability, transparency, partnership, participation, and ownership among police commanders.
- Citizens' engagement at different levels is necessary to build a bottom up approach to addressing some the security challenges. Ideally, such engagement would address blockages in communication which cause undue tension between security agencies and members of the public. State and local level governments should devise and adopt standard templates to encourage Community Safety Partnership forums. Periodic meetings, which give civil society organisations and the general public opportunities to make comments and have interactions with security sector actors, should also be encouraged. These discussions could take the form of town hall meetings, roundtable dialogues, or other forms depending on the target audience.
- In addition to the above, our political leaders should eschew all political considerations to the quest for state police structures and maybe, support an incremental guided approach to the quest by:
  - Amending relevant sections of our constitution and not only the sections about state police.
  - Clearly defining possible jurisdictions between the federal police and the clamoured state police as well as other hitherto overlapping and competitive rather than complementary policing agencies. The areas of jurisdiction should also clearly spell out issues about the powers to be armed and powers of detention.
  - Allow only initial quota for any state that might want to set up its state police for a period of learning
  - Use its supervisory/regulatory powers to define benchmarks, standards, and codes of conduct and also make it mandatory that any state joining states' police structure must be trained within existing NPF training facilities.
  - Empower, strengthen, and extend the powers of federally established regulatory and oversight bodies to provide functional service oversight to the NPF and the clamoured state police.
- Sections 214 & 215(3) of the Constitution and Sections 9(4) & (5) and 10(1) & (2) of the Police Act should be amended to restrict the role of the President, or such other Minister of the Government of the Federation as he may authorise, and Governors to issuing policy directive to the NPF. The NPF should be empowered to formulate its policy (as much as operations) devoid of politics. The amendment should state clearly and unambiguously that operational and policy control of the NPF and its department rest on the IGP or such other police commanders as the IGP might authorize.
- The process by which an IGP is appointed should be made competitive and transparent. And the criteria and competence required should be clearly articulated to be specific,

measurable, and achievable. Appointments should be made with inputs from the National Assembly, and the Police Council, and the appointment of the Heads of various security agencies should guarantee security of tenure except on the ground of evident gross misconduct as defined in section 143 (11) of the constitution or on ground of incapacitation of mind or body rather than based on the whims and caprices of political leaders. Put differently, removal of heads of security agencies should be based on a motion starting at the National Assembly.

## **Conclusion**

From the foregoing discussion it is clear that non-state security outfits which are not alien to us in Nigeria could serve as options to demonstrate the devolution of security formations in the absence of a closure on the call for state police. Devolution, in the form of facts on the ground, if not in legal framework, is already with us. These non-state outfits have adopted forms and structures known to us traditionally and have been in existence even before colonization. They have only resurged in different forms and dimensions.

Looking at Nigeria's security landscape now and in the future, non-state actors will continue to be a prominent feature that the state and its citizens must come to terms with. Beyond rhetoric, attempts towards identifying and supporting community specific efforts will go a long way in improving the quality of security that citizens experience. With the ample goodwill the present government is enjoying, emphasis should be placed on creating a process for working with, rather than against non-state actors and fostering cooperation rather than competition between these groups and state security agencies.

There are obvious and empirical similarities between state and non-state security actors as it relates the goals and objectives of both outfits. They both strive within their limitations to perform complementary functions of protecting the lives and property of the people they elect to serve. However, there is every need to revisit the methods deployed by non-state actors. They are often accused of non-compliance to national and international laws. Accordingly, there is a need to effectively commence embedding the two security outfits through systematic devolution and coordination of their activities.

We also conclude that not minding the existing arrangements opened for oversight functions by members of the community, the NPF needs to take the lead on operationalizing this demand. By doing so, the existing cordiality, collaboration, and channels of communications between the NPF and the devolved non-state actors will become strengthened and better developed and this will improve the sector's service delivery.

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<sup>i</sup> <http://www.bbc.com/news/world-africa-17015873>

## **CLEEN FOUNDATION'S PUBLICATIONS**

<b>S/N</b>	<b>Title</b>	<b>Description</b>
1.	Constable Joe	A Drama Series on Police Community Relation In Nigeria
2.	Policing A Democracy	A Survey Report on the Role and Functions of the Nigeria Police in a Post-Military Era Published in 1999
3.	Juvenile Justice Administration in Nigeria	Philosophy & Practice Published in 2001
4.	Forward March	A Radio drama Series on Civil Military Relation In Nigeria Published in 2001
5.	Gender Relations and Discrimination in Nigeria Police Force	Published in 2001
6.	Civilian Oversight and Accountability of Police in Nigeria	Published in 2001
7.	Hope Betrayed	A report on Impunity and State-Sponsored Violence in Nigeria published in 2002
8.	Police and Policing in Nigeria	Final Report on the Conduct of the Police in the 2003 Elections published in 2003
9.	Police-Community Violence in Nigeria	Published in 2000
10.	Journey to Civil Rule	A Report on the Presidential primaries of the All Peoples Party (APP) and Peoples' Democratic Party (PDP) February 13-15, 1999 Published in 1999
11.	Crime and Policing In Nigeria	Challenges & Options
12.	Criminal Victimization and Fear of Crime in Lagos	Monograph Series No. 1
13.	Civil Society and Conflict Management in the Niger Delta	Monograph Series No. 2 Published in 2006

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