

Improved Security in Nigeria: Is State Police the Solution?¹

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Abstract

Since the return to civil rule in 1999, after a long interregnum of military rule, the call for the devolution of powers to the lower levels has become more strident. While the more extremist agitators have called into question the very existence of the Nigerian federation, demanding that it be dismantled, others have been more tempered, urging that a confederal arrangement should be put in place, whittling down the powers of the government at the centre. However, even among those not disposed to either of these two positions, there appears to be some support for the view that the Nigeria Police require some radical reform, including the creation of State Police to be fully under the charge of state governors. This paper explores the debate for the creation of state police, arguing that the call is but symptomatic of the poverty of leadership in the Nigerian state.

Keywords: Security, State Police, Nigeria, Reform

Introduction

One of the issues that have occupied the front burner in the discussion of the changes needed to be effected in the on-going constitutional review is what needed to be done with the Nigeria Police. Views and opinions have been offered and canvassed by various stakeholders, who hold divergent positions, regarding what role the Nigeria Police should play and, more importantly, whether there should be devolution of powers of the police such that there should be state police in each state of the federation.

The Nigerian federation has over the years come under very serious strain including a civil war that threatened the very foundation of the nation as a united country. Easily the most populous nation on the African continent and among the top ten in the world, Nigeria's multi-ethnic and multi-religious composition have served as convenient fault lines easily seized and cashed upon by unscrupulous and predatory political opportunists to further widen the differences and use same to their personal, political, and pecuniary advantage. Inter-elite rivalry appears to overshadow the genuine need for nation-building, national integration and the elevation of the nation and the citizenry over and above base primordial divisions and sentiments.

In this paper, we discuss the background to the calls for the establishment of state police, the attempt to regionalize the call - as if it were a North versus South affair - and why it should be seen as an indication of the poverty in leadership in the country rather than a genuine attempt at redressing some grievance or designed to better the lot of the common man. It is the contention of this paper that while the Nigeria Police, as presently constituted, is less than optimal in the performance of the role assigned it and satisfying the expectations of the citizenry, the panacea lies not in balkanizing it or having state governors superintending over its affairs; the way out is to have a police that is responsible to the masses and is answerable to them.

The Police in Nigeria from Early Times

In any society the police have always been an integral part of the social and political fabric. The police fulfill important functional and symbolic roles, being guardians of law and order, the absence of which are an impediment to development as well as a threat to individual and group liberties.

The Nigeria Police are an off-shoot of the various security outfits that were indigenous to the states and societies that preceded the colonial administration. According to Tamuno (1970) the colonial administration sought to and gradually expanded the reach of the British fostered police beyond the coastal areas. At the same time, however, there was a conscious and deliberate attempt to develop and consolidate whatever local security forces were in place to continue to serve the cause of law and order under the direction of local traditional authorities.

Using the famous indirect rule policy, the British colonial administration seized upon the political structures in the North and the West of Nigeria where the *dogarai* and *akoda* (among the several other names they were known with) served as police respectively. Even in the East, which had none of the elaborate political structures found in the North and West, the colonial administration succeeded in fashioning out a policing mechanism and outfit to take care of issues of law and order.

In their studies of the Nigeria Police, Tamuno (1970) and Rotimi (2001) gave rich and detailed background of how the colonial government dealt with the indigenous police and how they were incorporated,

¹ The author acknowledges the comments and suggestions of participants at the 12th Annual Conference of the Nigerian Sociological Society, NSS, held at University of Lagos, 26th - 29th November 2012, at which an earlier draft of this paper was presented.

appropriated, or constrained in an attempt to make them fit colonialist designs. By 1960 when independence was attained, in each of the provinces of the regions, there were Native Authority Police which are different from the Nigeria Police in terms of recruitment, organization, funding, and mandate. The Native Authority Police served the areas under the jurisdiction of the native administration but could and did collaborate with the Nigeria Police when circumstances required such.

The Native Authority police have had mixed reviews, while some saw them as the epitome of injustice, high-handedness and political persecution against opponents of the governments they were operating under, others romanticized them, recalling with nostalgia how the society was virtually crime-free as a result of their efficient policing. It is the fact that many recall the alleged misuse of the Native Authority Police that is why there is concern when the need for a state police is mentioned. On the other hand, the proponents of state police have in mind their daring exploits against bandits and criminals when they say that they should be reinstated. In any case, the incursion of the military into governance following the coup of January 1966, the creation of states in 1967 which saw the scrapping of regions, also resulted in the dissolution of Native Authority police. All police functions have since then been performed by the Nigeria Police whose brief is the entire federation.

However, the Nigeria Police have received knocks from a dissatisfied citizenry who accused them of bribery, corruption, inefficiency, and indolence among several other ills. They are said to be too few, severely ill-equipped, poorly remunerated, unprofessional and incapable of policing a heterogeneous polity like Nigeria with demands peculiar to each section of the country. This unsavory reputation is not helped by the police's failure to solve high profile cases including the murder of a government minister under their watch not to talk of inter- and intra-communal clashes that have assumed endemic proportions particularly since the return to civil rule 1999.

Apart from lay citizens who deprecate the police, there are other more privileged Nigerians who would want to be handed the leash to control the police. State Governors appear to be averse to a situation where, though they are said to be chief security officers of the states, they do not have the last say while dealing with state commissioners of police. The Nigerian constitution section 215 (4) states:

Subject to the provisions of this section, the Governor of a State or such Commissioner of the Government of the State as he may authorize in that behalf, may give to the Commissioner of Police of the State such lawful directions with respect to the maintenance and security 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 President or such Minister of the Government of the Federation as may be authorized in that behalf by the President for this directions.

A slice of the cake

State governors have issues with a constitutional provision that effectively sidelines them by making the president or someone acting on his behalf to determine whether or not the orders emanating from them should be carried out or not. But that is not the only grouse of the governors, in fact, if only section 214 of the constitution could be dispensed with or altered, section 215(4) might be rendered redundant. Section 214 states that:

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.

Nigerian state governors want the above section to be expunged from the constitution and state police to be created as "panacea for the crises in the country" according to a story in the Sunday Punch newspaper of January 1, 2012. The paper went on to quote extensively from a number of state commissioners who spoke for their governors:

One of prime movers, Governor Godswill Akpabio of Akwa Ibom State, told SUNDAY PUNCH on Friday that the establishment of state police had become a necessary tool for the maintenance of peace and order in the society.

Speaking through his Commissioner of Information and Communication, Mr. Aniekan Umanah, Akpabio said, "The government of Akwa Ibom State has been calling for the creation of state police where the governor will have the power to hire and fire."

Others quoted by the Sunday Punch Newspaper were Mr. Majah Umeh, Commissioner for Information, Culture and Tourism in Anambra State, Mr. Kayode Akinmade, Ondo State's Commissioner for Information and Strategy, Ekiti State's Commissioner of Information, Mr. Funmi Afuye, his Bayelsa State counterpart, Mr Nathan Egba, and the Special Adviser to the Oyo State governor on Media, Dr. Festus Adedayo. Governor Patrick Yakowa of Kaduna State was also quoted.

All of those spoken to expressed support for the creation of state police as could be seen in the sampled quotes below:

The governor believes that the creation of a state police would be a very effective way to put the Boko Haram sect in check. The governor will continue to demand its creation until the request is approved by the Federal Government. **[Mr Kayode Akinmade, Commissioner, Ondo State]**

My Governor is in support of the creation of state police. This is what we have been calling for since. This, among other issues, would be what Nigerians would talk about at the sovereign national conference we are canvassing for. **[Mr Funmi Afuye, Commissioner, Ekiti State]**

The state government will not necessarily oppose the idea if it comes up... every democracy across the world practices the same thing. In the United Kingdom, they don't even have a state police. What they have is city police. Every city has its own police... The merits of a state police outweigh the demerits. But because we are used to power coming from the centre in all spheres of our lives, that is why people find it difficult to identify with the idea. **[Mr. Nathan Egba, Commissioner, Bayelsa State]**

Throughout this country, we have only one police force. Because of the size of this country and the size of our police force, it poses a great challenge and I am talking from experience. When violence erupts in one area, you have to get in touch with the Commissioner of Police who will in turn get in touch with the Inspector-General of Police, who will then arrange for additional police support from other state formations. Before that happens, only God knows the magnitude of damage that would have been done. Of course, the governor takes the blame because he will be accused of not responding on time to the situation. Unfortunately, people don't know that the governor is not in charge because he has to go through a channel. **[Mr. Patrick Yakowa, Governor, Kaduna State].**

Reasons for wanting to have state police range from the need to empower governors so that they could "hire and fire" to removing the existing constraint such that the governors need not "go through a channel." Governors, in other words, should be given a slice of the action so that the federal government does not continue to monopolize power.

Not surprisingly, following a meeting of the Nigeria Governors Forum in Abuja on June 24 a communiqué was released in which the governors canvassed the establishment of state police, arguing that only the creation of state police would "help combat the rising insecurity in the country."

The Northern Governors after a meeting held on July 26 and presided over by the Chairman and Niger State Governor, Babangida Aliyu, made a u-turn on the earlier agreement. The meeting was attended by 18 of the 19 NGF members.

Rather than state police, they asked for the national police to be strengthened. Their new position, however, contradicted the earlier position taken by all the 36 governors, in which they had agreed that the violence in the country would best be tackled with the establishment of state police.

A communiqué issued by the NGF read, "The forum is not in support of the creation of state police. It, however, resolved to prevail on the FG to embark on police reforms that will assist the states in the control and management of police affairs on a sound philosophy of modern policing by amending the provisions of Section 215 of the constitution.

The newspaper went on to add that Mr Jonah Jang, the Plateau State Governor, and member of the Northern Governors Forum, broke ranks with his colleagues, siding with his other colleagues who want state police. Mr Jang's position received a boost when former military president, General Ibrahim Badamasi Babangida lined up behind the proponents of state police. Babangida's position is important in that his backing of the constitutional amendment in favour of state police creation meant that it is not a North – South affair as Punch Newspaper wanted its readers to believe.

The Daily Trust Newspaper of 17th August 2012 reports under the heading **IBB backs state police, says it will work well**, that:

Former Military President General Ibrahim Babangida yesterday threw his weight behind the calls for the establishment of state police, saying he believed the state police can work in the country. The former president, who expressed his views at a press briefing in Minna yesterday as part of activities to mark his 71st birthday today, said the country must not remain stagnant.

“There is the need for us to go forward; I do not think there is anything wrong with state police and I believe the state police will work”, he said. Babangida also wondered why the fear of the state police that manifested in the 50s and 60s was still haunting the country because of the native authority police that were used to intimidate political opponents during the pre-independence and First Republic political era.

He equally dismissed the fear entertained in some quarters that governors would abuse the good intention for the establishment of state police, saying “I don’t think the incumbent governors can use state police to intimidate anybody. Honestly, the fear is unfounded.”

The former president has hardly finished speaking when his namesake, and governor of his home state, Babangida Aliyu, returned the salvo. In the Sun Newspaper, September 28, 2012, under a story headlined, **Why Northern gov’s re against state police – Aliyu** the paper has the Niger state governor saying:

Let us talk and debate it so that the wordings become very clear. If we have state police, what are the guarantees that they will not be abused? We want to understand what the state police will be doing. You have to delineate what they will be doing, so that they don’t become alpha and omega. So that you don’t turn every political thug into a state police.

A former Inspector-General of Police, Alhaji Gambo Jimeta, also disagreed with General Ibrahim Babangida. Jimeta, in a story captioned, **Ex-IG faults Babangida’s call for state police** in the Punch Newspaper of August 21, 2012 said:

I must say that while serving with him (Babangida), we had serious differences on the issue of law and order. It is very clear to me that there is a lot of misunderstanding and total ignorance of the establishment of a law and order agency in a democracy.

When the military took over, the system of budgeting for the police was destroyed. What you have as police establishments – offices or housing for the police – were provided by the First Republic leaders. Nothing has been done for the police since then.

Those clamouring for state police are not sincere; there are few states that can fund the police better than Federal Government. 99 per cent of states that can’t do things for their people can’t run the police...

While former president General Ibrahim Babangida was being excoriated by both his state governor and a former top cop in his administration, he got support from the current president, Mr. Goodluck Jonathan, who said the country should not have state police for the present. In a story by the Daily Independent Newspaper of Tuesday, August 28, 2012 with the caption: **Nigeria not ripe for state police**, the paper reports the president thus:

On the issue of state police, everybody knows I have been Deputy Governor and Governor in Bayelsa State; there was a time we were frustrated and we felt that we should have our own police, that we would be able to manage criminality in our state better because of our local environment. Policemen from other parts of the country find it difficult to go into the waters, but for us who were born inside water, even in the night we can enter ordinary canoe to go anywhere and we feel that if we have our local police it will be better for us because our police can reach everywhere in our state.

But when I discussed the issue of state police with former Presidents before a state council meeting, they said it is a good idea, that probably one day we will get there; and that is the emphasis I want to make, one day we will get to that point.

... We also feel that looking at the federal level and the way the Governors are handling elections in their states with their state electoral commissions, where opposition parties hardly win even councillorship elections, so if there is state police and the Governors manipulate their state police the way they are manipulating their state electoral commissions, the instability that it will create, even what we are witnessing will be a child’s play.

It is worth noting that General Babangida, an advocate of state police, is a member of the council of state that counseled President Jonathan against having state police for now. It is also interesting to compare the positions of both the former as well as the current presidents, especially how they both effortlessly switched positions once their fortunes changed. As a governor, Jonathan was for state police; the moment he was elevated to President, he had a different take on the issue altogether.

Similarly, at the time he was president, General Babangida was not so enthusiastic about state police, which was why he never contemplated introducing one throughout administration. The Political Bureau which his administration set up in the run up to the handing back of power to civilians had cautioned against giving in to agitations for state police and recommended that:

[T]he solution does not lie in allowing state governments to have their separate polices. It lies more in providing adequate mechanisms which will guarantee a harmonious working relationship between police officers in the states and the chief executives of these states. Such situation obviously involves the two parties fully realizing that the purpose of law and order is to guarantee the security of life and property...[**Report of the Political Bureau, p.105**].

The Babangida administration upheld this recommendation and no state police were incorporated into the 1992 constitution that began the transitional process to civil rule. Curiously, now that he no longer occupies the topmost position he is seeing things from a different angle. No less curious is President Jonathan's about face on an issue that he was pretty disposed towards before becoming president, only for him to dump it now that he has the chance to help it materialize.

The poverty of leadership

The question to ask is: What could possibly explain the vacillations in the positions of leaders in the so-called debate over the creation of state police? The short answer is: poverty of leadership.

This poverty is demonstrated not only in the way the debate/discussion is going on but also in the way the debate was framed. The issue had been reduced to federal- versus- state police proponents and opponents, masking in the process the all important question: To what end do we need the police? When the police are inefficient, indolent, corrupt, and ready instruments in the hands of those in authority, does it matter whether they are controlled by the federal or state governments? Does merely changing the constitution to pave way for states to have their own police forces guarantee better safety and security to the citizenry?

To the ordinary Nigerian it is not where the police are located in the constitution but how efficiently and effectively they are able to make him or her feel secure and safe as they go about their legitimate pursuits of eking out daily sustenance. The privileged Nigerian elite appeared not to be bothered that stretched as the Nigeria Police are at the present, "of a total number of 371,000 policemen in the country today, over 100, 000 are involved in providing security to few businessmen and politicians to the detriment of the ordinary citizens." This is coming from

Niger State's Governor Babangida Aliyu, one of the beneficiaries of this skewed arrangement but who, rather than advocating for a people-oriented police, is content to let the status quo remain if only a little tinkering could be effected in the constitution.

The issue that should occupy centre stage is how the Nigerian masses can retrieve the police from the clutches of the politicians that have hijacked them and made them anything but Nigeria Police except in name. If between them politicians and businessmen could effectively commandeer more than 27% of police men to themselves leaving the rest to the remainder of the population, we need not guess whose interests state police would serve.

It is heart-warming that the Nigerian masses are beginning to see through the antics of their self-serving leaders by refusing to buy into their attempts to ensnare them into endorsing what is ultimately a ploy to further emasculate them. The New Nigerian Newspaper dated 14th November, 2012 in a story captioned, **Constitution review: A/Ibom public session rejects state police** reported that the masses of Akwa Ibom kicked against any changes to the constitution that would lead to the creation of state police. The people of Akwa Ibom, at the constitution review public session, voted down the proposal for state police as championed by their governor, Godswill Akpabio, correctly reading that there is a world of difference between state police at the beck and call of a governor and a people's police whose *raison d'être* are the people.

Conclusion

The position in this paper is that the debate over state police is a debate wrongly couched; it is therefore imperative upon all Nigerians to be wary lest they are misled into jumping into the fray without digesting what the issues are and what is at stake. Policing is about making the people safe and ensuring criminals are kept at bay or behind bars. Consequently, the first person who should enjoy the services that the police provide should be the hardworking men and women that toil to earn an honest day's upkeep.

In the present dispensation, the Nigeria Police are anything but the protectors of the masses. The police have remained an institution that serves elite interests and thus the common man hardly identifies with it. A name change, or even devolution of powers to incorporate state police is certainly not the panacea. Salvation lies in the hands of the people who should be asking: State Police? To what end?

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