e-ISSN: 2279-0837, p-ISSN: 2279-0845.

www.iosrjournals.org

Interrogating the Desirability of State Policing In Nigeria

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Abstract: The debate of whether or not Nigerian states should have their own police forces has become more contentious. This is not unconnected with the high and sophisticated crime rate and insecurity pervading the country. The sustenance of order, security of life, legality, development and democracy may be difficult without policing. With the prevailing security challenge in Nigeria, it will be right to say that the federal policing have certainly performed below expectation. Nevertheless, antagonists of state policing have argued against it on the ground that the country is not ripe for because state chief executives might turn them into personal armies to fight political oppositions. Policing in Nigeria could be traced to the colonial era which subjugated the existing traditional informal law enforcement order and forcefully imposed western idea of policing, which has been maintained and sustained by successive governments. This is a big question that begs for attention is; would state police solve the security challenges in Nigeria? This paper will attempt to examine the missing gap in Nigeria's security threat and concludes that there is need for constitutional and radical reforms for effective policing.

Keywords: Constitution, Nigeria, Police, Policing and State.

I. Introduction

It is generally accepted that the principal role of government in any society is to provide security. No doubt, security is the ultimate for all times, climes, peoples and nations and "unless one can be assured of his physical security or safety, everything else will be meaningless" (Zabadi, 2001:1). According to Imobighe (2006), 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. Internal or domestic security is very crucial for the attraction of foreign investments, nation-building and national development.

Nigeria, at independence and throughout the duration of the First Republic operated Federal, Regional and Native (Local) Administration Police. However, with the collapse of the First Republic and emergence of military rule - which led to the creation of states and abolition of the regional structure - the regional and local police were abolished, leaving only federal police, controlled by only the federal authorities as the constitutionally recognized police. Section 214 (1) of the 1999 constitution of Nigeria provides 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".

Historically, policing and police work did not start as a paid profession. Rather, it started as a noble, incorruptible profession with considerable responsibility and distinction (Newburn, 2004). Just as leadership mirrors the state of a given society, policing in Nigeria has always reflected the society that created it. The primary purpose of the police was to advance the economic and political agenda of the colonialist. It is historically accepted that, the police engaged in the brutal subjugation of communities and the suppression of resistance to colonial rule. Thus, the use of violence and repression from the beginning of colonial era, marked a dislocation in the relationship between the police and local communities, which has characterized law enforcement practices in Nigeria ever since. In spite of this colonial enterprise on policing in Nigeria, the police are at the forefront of the criminal justice process and, for people, the only personal experience they have with that process is contact with a local police.

The Nigeria Police Force which is centrally controlled, has over the years metamorphosed to a state where it is allegedly characterized by various social vices such as graft, corruption, robbery and indiscipline (Tunde-Awe, 2005). All these have posed and still pose serious security threat and loss of confidence by the citizens fuelling the agitation for the decentralization of the police for effective and efficient safeguarding of lives and property. However, divergent views exit on the desirability of state policing in Nigeria. This paper is structured into eight sub-sections: introduction, historical overview of the Nigerian police, concepts of Police and Policing, theoretical framework, methodology, appraisal of the debate on state policing, conclusion and recommendations.

DOI: 10.9790/0837-20540107 www.iosrjournals.org 1 | Page

Historical Overview of the Nigeria Police Force Up to 1966.

The British colonization of the different societies that presently constitute Nigeria began in 1861 from the territory of Lagos. By 1903, the British colonizers had succeeded in colonizing all the nearly four hundred nationalities in the country. The colonizers executed the colonial project employing violence and fraud or deceits. Scholars have documented the history of police forces in Nigeria from the beginning of colonialism in 1861 to the present (Tamuno, 1970; Ahire, 1991, 1993; Rotimi 1993; Alemika 1993a). The establishment of police forces in colonial Nigeria reflected administrative policy and concerns. The indirect rule system was adopted as a means of reducing the cost of running the colonial bureaucracy. Police forces were, therefore, established along the lines dictated by the indirect rule policy.

Tamuno (1970) writes that the Native Authority Ordinance (No. 4 of 1916) conferred on the Native Authorities the responsibility for maintaining order in their respective areas. They were to ensure prevention of crimes, and arrest offenders by employing 'any person' to assist them in carrying out their policing responsibilities. Their police powers were consolidated under the Protectorate Laws (Enforcement) Ordinance (no. 15 of 1924).

Alemika and Chukwuma (2005 cited in Zumwe, 2012) have identified three important historical factors that have shaped the development and character of Nigeria police. First, the colonial conquest of Nigerian nationalities took place on a piecemeal basis over a long period (1861-1903). Nigeria's constituent nationalities were conquered at different periods. As a nationality is conquered, a British colonial presence is established by creating a police force for the territory. Second, the colonial authorities adopted violence and fraud as predominant tools in their conquest of the nationalities, and the police forces under various names were established and employed as instrument for perpetration of violence and oppression against the indigenous population. Third, given the character of colonial rule, police forces were the instrument used to sustain the domination of the indigenous population by the colonial elements.

Detailed account of the use of colonial police forces to violently suppress workers' strikes (1945, 1947, 1949), and Women's riots (1929 - 1930; 1948) as well as communal riots in Kano (1953) and Tiv land (1959 - 1960) resulting in deaths and destruction of property.

Alemika & Chukwuma (2000) captures the colonial use of forces across the Nigerian territory to further their economic interest and suppress the native population especially those that were opposed to their domination, when they write that the history of police in Nigeria shows that the various police forces across the country, were structured to regulate and regiment the indigenous people and facilitate their exploitation. They were organised as mercenary units and employed in several punitive expeditions to maim and kill "belligerent natives" and went as far as burning and looting villages that proved to be stubbornly obstructionist.

During the period 1930 and 1966, the Nigeria Police Force (created in 1930 with national jurisdiction) coexisted with local administration police forces in Local Government Areas in Western Nigeria and the Native Authorities in Northern Nigeria. The dual system of police involving multiplicity of local forces and a national police force continued until 1966. In March 1966, Major-General J. T. U. Aguyi-Ironsi who emerged as the Head of the Military Government following Nigeria's first military coup of January 15, 1966, empanelled a Working Party on Nigeria Police, Local Government and Native Authority and Police and Prisons, to examine among other issues, the feasibility of the unification of the Nigeria Police, Local Government Police. Following the report of that committee, the local police forces were dissolved as a consequence of negative roles that were attributed to them during the First Republic (1960-1966).

The Concepts Of Police And Policing

Understanding of police and policing should begin with careful delineation of the two interrelated concepts and phenomena. Police refers to a socio-political and quasi-legal institution - state agencies charged primarily with the enforcement of criminal law and the maintenance of order. Many quasi-police agencies such as the Customs, Prisons, Immigration services and economic regulatory agencies are also engaged in public policing.

The word 'police' is related to the Greek word, politeuein, which means to be a citizen or engage in political activity, and polis, which means a city or state (Roberg, Crank and Kuykendall, 2000). Police in this sense carry out the functions of law enforcement, maintenance of order and gathering of information. Thus, the police are the major representatives of the legal system in their transactions with citizens. They are also the major emergency arm of the community in times of personal and public crisis. In carrying out their mandate, the police possess a vital monopoly on the legitimate use of force (Reiss, 1971).

Bowden (1978) sees the police roles to include standing as a buffer between elite and masses and to perform the essential holding operation against the mal-contents until military force could be applied in a punitive and salutary manner. In a totalitarian and economically inequitable society, police role will be more to defend the status quo of political oppression and economic injustice. In contrast, in a democratic society the

police are more likely to provide services that will enhance development and democracy (Alemika, 1993). By maintaining order and enforcing law in consonance with the principles and practices of a democratic society, police will foster entrepreneurial initiative and public safety, which are critical to development and human cooperation. It is in these respects that the police can make positive contributions towards pro-poor change initiatives.

Alemika (1995) writes that policing involves coercive and/or ideological regimentation of social life through the activities of police and sundry state intelligence and security forces, and through other measures aimed at deducting and suppressing behaviours, actions, and orientations that threatens the prevailing social order. While Nwolise (2004) argued that policing involves conflict resolution.

Analytically, policing refers to measures and actions taken by a variety of institutions and groups (both formal and informal) in society to regulate social relations and practices in order to secure the safety of members of community as well as conformity to the norms and values of society. It is, therefore, a sub-set of control processes which involves "the creation of systems of surveillance coupled with the threat of sanctions for discovered deviance, either immediately or in terms of the initiation of penal process or both" (Reiner 2000:3). State agencies designated as police, as well as community groups are involved in policing. But community policing groups who carry out activities aimed at safety and social order do not constitute police.

No society can do without policing. However, historical evidence indicates that societies have existed without formal police forces. There are relevant works on policing such as Tamuno (1970, 1985, and 1993), Newburn (2004), Obiekezie (1986), and Nwolise (2004).

Concept of State Police

According to the Committee of the American Institute of Criminal Law and Criminology, state police as a "specially organized and highly trained body, acting under state rather than local authority, and constantly employed in the prevention of crime, the apprehension of criminals, and the protection of life and property generally throughout the state and especially in the rural and sparsely settled districts" (Corcoran, 1924:544). State police became prominent due to a number of reasons going by the experience of the United States of America, in the sense that:

- 1) The movement responds primarily to the increasing consciousness on the part of dwellers in rural and suburban districts of a need for a greater degree of police protection. The coming of the automobile and improved highways has widened the range of crime and rendered its control more difficult.
- 2) Local sheriffs and constables are not adequate nor especially fitted for this work.
- 3) State militia is a clumsy and extremely expensive agency and is not trained for police duty. It is designed primarily as a supplement to the standing army for national defence.
- 4) It is a movement toward centralization of government for the purpose of economy and efficiency" (Corcoran, 1924:544).

Theoretical Framework

We adopt the social conflict and Social contract theories as the theoretical constructs of this paper. Social Conflict theory

Social conflict perspective in social theory postulates that society is divided into groups and classes with common interests in some areas and conflicting interests in many fundamental areas, including the organisation, mobilisation and distribution of economic and socio-political resources within a given society. Social conflict theory proposes that conflict within and between groups in a society can prevent accommodations and habitual relations from progressively impoverishing creativity. The clash of values and interests, the tension between what is and what some groups feel ought to be, the conflict between vested interests and new strata and groups demanding their share of power, wealth and status, have been productive of vitality (Coser, 1957).

Following the proposition of Coser (1957), it has been argued that the underlying motive for the establishment of the police in any given society will determine the nature of its relation with the different strata of the society and the perception that they have of it. In this light, in societies like Nigeria where "the police were not created to serve the entire "society" or the "people" but to serve some parts of society and some people at the expense of others" (Institute for the Study of Labor and Economic Crises, ISLEC, 1982: 12), which from the historical overview was either the colonial authorities or the post independence governments that controlled it, the police would exhibit the attributes of domination and suppression of the people.

The variation in attitudes towards the police reflects the differential services rendered by the police to different segments of society. Police roles vary across societies with different political and economic organisations. For example it has been argued that in capitalist societies:

The main function of the police has been to protect the property and well being of those who benefit most from an economy based on the extraction of private profit. The police were created primarily in response to rioting and disorder directed against oppressive working and living conditions (ISLEC, 1982). According to Bowden (1978: 19) the roles of police include the repression of the poor and powerless in order to protect the interests of the rulers. The police roles, therefore, include standing as a "buffer between elite and masses". While Brodgen (1989: 203) puts this view more forcefully, stating that "Police forces are structured, organisationally and ideologically to act against the marginal strata". This explains why the Police in Nigeria respond faster and shows a high degree of efficiency, when the interests of the federal government and its officials are affected, or where the rich who are at the corridors of power are affected. As pecuniary benefits are expected to follow such speedy the responds, as against situations where people of the lower cadre or those who have no direct access to government have their right infringed upon or crimes committed against them.

Social contract theory

Scholars like Hobbes, Locke and Rousseau had reasoned that men and women exited in the state of nature when they entered into social contract and established the political state. In the process, they gave up their rights of protecting themselves to the state which undertook to guarantee their safety. Thus, when the people experience a state of insecurity, it means the State has failed in keeping its own aspects of the social contract, and the people reserve the right to either change the state (government), or seek alternative effective strategies to ensure their safety within the state pending when the State is able to correct itself. If this move of the people is frustrated, aggression may result in the form of revolution.

Nwolise, (2012) write that the Social Contract Theory provides the platform for a better understanding of the evolution and dynamics of state police discourse in contemporary Nigeria. The debate on the necessity or otherwise of state police in contemporary Nigeria stems from the breakdown in general insecurity as manifested by high level of armed robbery, rape, kidnapping, massacres, ritual murder, unresolved assassinations (politically motivated and for other reasons), ethno-religious conflicts, urban terrorism, rural banditry, among others. These incidences of insecurity have generated untold anxiety and fear, especially in the inability of the federal controlled Nigerian police to curb or curtail their occurrence to some reasonable degree.

II. Methodology

This study being a desk or library research, relied entirely on secondary data comprising scholarly peerreviewed journal articles, books, newspaper reports, and relevant materials downloaded from the internet. The data were content analyzed and presented thematically.

Appraisal of the Debate On State Policing in Nigeria

Nigeria over the years has been experiencing high rate of insecurity and other social malaise. The inability of the federal controlled police to effective fight the menace which has plagued every state in the country at different degrees, and the seeming powerless of governors, who are constitutionally chief security officers of their states, but have no control over the police, has led some to argue that the only solution to the security threat of Nigeria is to embrace the federating principle of state police.

Would the police be adopted state officials to defend their criminal activities, as insinuated by the antagonists of state police? Or will state police serve as an antidote to the country security challenge as anticipated by the protagonists of state police? Therefore, it is pertinent to critically understand the two points of views for better analysis.

Protagonists' Argument

The strongest argument in favour of the establishment of a state police is that it accords with the principle of federalism on which Nigeria styles its constitution. As a federal state, the power of the Federal Republic of Nigeria is divided between the central government called the federal government and the 36 states of the federation in Section 2 subsections 2 of 1999 Constitution. Law making function in the centre is the responsibility of the national assembly while the states houses of assembly perform similar function subject to the limit permissible by the legislative list contained in second schedule to the constitution (Section 4 of the 1999 Constitution of Nigeria). More so, the executive powers of the federation are by virtue of section 5 (1) of Nigeria 1999 constitution vested in the president while that of the states are vested in the governors. The exercise of these executive powers on both cases extend to the execution and maintenance of the constitution and all laws made by either the national or state assemblies, as may be appropriate.

Governor Babatunde Fashola of Lagos State had once argued that every state that has the power and to give judgment through its state high courts and magistrates and make laws through its state assemblies and legislators must have the concomitant powers to enforce its law and police its state (Onwuzuligbo, 2012). This is an extension of the principle of federalism to which Nigeria's federal and state courts exist (Section 6 of the 1999 Constitution of Nigeria). Thus, federalism is not complete without the existence of state police. In more advanced federating societies, there are federal and state police. For instance, the American federal system has

Federal Bureau of Investigation (FBI), State Police establishments and City or County Police. The provision according to section 215 (4) of 1999 constitution of Nigeria is unequivocal that a state commissioner of police shall be at liberty to refer a directive given by a state governor to the president before acting on them.

The continuous increase in the rate of sophisticated crime, incessant killings and security threat over a period of time coupled with the helplessness, lackadaisical and sluggish attitude of the centrally controlled police in Nigeria has conditioned the clamour for the creation of state police (Ehindero, 2012). The underlying argument is that the present structure of the police makes them alienated from the grassroots, so having state police will make the police more effective as they would be closer to the people and more conversant with the terrain. The effectiveness and efficiency of local militias like Oodua People's Congress (OPC), Bakassi boys, Egbesu boys, Vigilante Groups, among others have lent credence to the belief by many that security is a local problem and only those who understand the terrain can manage it.

Another argument, relating to the above, in support of state police, is that Nigeria is too large and heterogeneous for its security matters to be over centralized. In a country that is usually quagmired by administrative bottlenecks and unnecessary bureaucracies often waste time on simple matters like deployment of troops to quell insurrection (Adedeji, 2012). The long process of getting approval from the Inspector–General of Police before any action can be taken to quell insurrection or security threat in a given state, worsens the security situation in the country.

Decentralization encourages specialization and efficiency. This, among other things, may be accomplished by placing the appointment, discipline and removal of the state police heads in the hands of an autonomous body or commission. The present structure in Nigeria as it affects the police, does not reflect true federalism and we should not make any pretence about it. Nigeria, at independence had Regional and Local government Police. If they were left to blossom, the system would not have allowed the security of Nigerians to degenerate to the current abysmal level.

Antagonists' Argument

Another school of thought argues against state police, citing that Nigeria is not ripe for it. According to Jonathan (2011), "State police may be theoretically good, but looking at our political environment, it could be abused to the detriment of the country". The argument is that most state governments are prone to abusing their powers, and if state policing is introduced, they will also use them to further their political interests. Members of this school of thought point out that in the past, there had been several reports of some militia and vigilante groups funded by the state governments (such as the case of Bayelsa) being used to fight perceived political opponents (James, 2011).

Another proposition of the antagonists is that the establishment of state police in Nigeria of today may not be feasible because of the challenge of funding. Virtually all the states depend largely on federal allocation for survival in Nigeria. This is already challenging the feasibility of many states whose incomes are hardly enough to meet their expenditure. To add police responsibility to the affairs of states, most of which are still battling issues relating to the payment of minimum wage appears to be overkill (Adetumbi, 2012).

Even Lagos state which, has been assisting in the funding of police operations in the state have been doing so through the means of a trust fund specifically set up for that purpose. Another reason while the clamour for the establishment of state police in Nigeria is likely to be seriously resisted is that, going by history, nothing has changed in the condition that initially led to the demise of native police in the first instance. Again, the involvement of the thugs in native police uniform by politicians led to 'operation wet e' (Soyinka, 2001). The case of 'operation wet e', coupled with some other factors served as the remote causes of the 15th January, 1966 military takeover in Nigeria.

III. Conclusion

The protagonists and antagonists have put forward valid arguments, however the reality on ground is that the Nigeria Police as presently constituted has failed to live up to expectations. Policing in Nigeria faces a lot of challenges, which includes but not limited to; improper remuneration of officers, faulty recruitment of unqualified men and women and poor funding, among others. The inefficiency of the police arising from over centralization and the use of the police by the Federal Government as an instrument of oppression is some of the reasons that give rise to calls for state police.

Policing, being a communal matter would make its abuse and misuse by the political elite very minimal in that they do not operate above the society but as part of the society. Since police are supposed to be a community-based issue, it is difficult to imagine that efficiency would be served in a centralized system of police in a federal system.

The Nigeria Police as presently constituted is emotionally too distant from the people they are meant to protect; and do not share or get bound by the values, interests and sentiments of the people. We therefore, go with the position of the protagonists, that there is need for the adoption of state policing in Nigeria. As Nwolise (2012) has rightly observed, the establishment of state police would be an excellent opportunity for Nigerians to

recruit committed citizens, who can speak the people's language, understand the people's culture, and share their values and aspirations; and, therefore, have no choice than to be people-friendly. After fifty four years of independence, the argument that Nigeria is not ripe for it cannot be regarded as being tenable.

IV. Recommendations

This paper recommends the following:

- (i) The National Assembly should amend the relevant sections of the 1999 constitution to provide for state police. To checkmate the misuse of the police system in Nigeria, at Federal and State levels, the National Assembly should through relevant legislative re-engineering, transform the police a strong institution that will not be subject the whim and caprices of a president or governor.
- (ii) The level of educational qualification for entry into the Police service should be raised to at least National Diploma. The Police training colleges should be re-structured in such a way that recruits go through minimum of two years training which include requisite higher education up to the level of national diploma, before they enter the force. This will ensure that the country is served by Police officers and men who know the laws and the best standards and practices for its enforcement.
- (iii) The screening process for those who want to be recruited into the police should include detailed background check. This will ensure that criminals are not recruited into the police.
- (iv) The priorities of governments in Nigeria need to be set right, to accord the security and welfare of the citizens their primary position in funding and thinking. By so doing, the people will disabuse their minds of the wrong notion that the state cannot fund its own police just like every other public bureaucracy.

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