



Federalism, Insecurity and Community Policing In Nigeria

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Abstract

There is a crisis in how federal arrangements could be used to solve the challenges of insecurity in Nigeria. Community policing is being presented as a viable option for resolving this challenge. But there are fears in certain quarters that these regional complimentary security outfits could be converted to ethnic militias thereby posing a greater threat than the ones experienced at present. The essence of centrally controlled security apparatus and the helpless situation experienced by governors and regional grouping of administrative heads of the second tier of governance which pushed them to suggest alternative or complementary security outfits is the central focus of this paper. The paper is preoccupied with theoretical issues on federalism, community policing as a strategy for addressing challenges of insecurity, and the threats and challenges of adopting regional security outfits in Nigeria. This article in five parts has an introduction, a review of literature on theoretical issues on community policing via regional security outfits, the consequences of degeneration into ethnic militias and the prospects of complimenting the central control of security apparatus in Nigeria, and the conclusion/recommendations. Secondary data were generated and analysed in themes. The study concludes that the use of alternative security outfits as community policing infrastructure could serve as a vehicle for managing Nigeria's insecurity challenges like insurgency, kidnapping, cattle rustling and armed banditry. The paper recommends that the central government has to put legislation in place to accept regional security outfits as community policing infrastructure and should work out a partnership that would ensure vigilance among members of communities and reinforce conflict resolution mechanism. This will address grievances that could be explored by criminal elements in the name of agitation for regional autonomy or perpetration of criminal activities

Keywords: Federal arrangement, Insecurity, Community policing, Conflict resolution, Complimentary security outfits

Introduction

Challenges of insecurity have once again ignited the debate on the limitations imposed by the federal arrangement in Nigeria. State governments in the fourth republic have made known their inability to control the security apparatus in their domain because they are controlled by the centre. The police and other paramilitary organisations have a central command in Abuja. If Abuja fails or refuses to send security personnel to trouble or crime zones the state governor usually watches helplessly the massacre or kidnapping of their people without having an alternative. The challenge is how would powers be devolved in order to cede a percentage of authority to state governors for taking swift action when the communities in their areas are in distress? What model of federal arrangement



would give room for the kind of security outfit that would help state governors to take swift action whenever communities in their domain are in distress?

Kidnappers and insurgents are becoming a nuisance because of the illegal funds that they are realising from payment of ransom by families of their abductees and from the government that pays ransom on behalf of parents whose children were abducted in boarding schools. The communities where these criminal elements usually operate are being infiltrated by the informants of (these bandits and insurgents). This raises the question of the roles that the communities too should play in curbing the activities of these criminal elements by being vigilant. The communities seem not to have roles to play in the security architecture.

Community policing is a form of architecture expected to serve as a link between the government and the people devoid of the controversy between the centre and the components in the struggle for the control of the security apparatus of the state. This framework means different things to different people. This is a knotty issue that the federal arrangement is supposed to take care of but Nigeria is still grappling with the ways the arrangement is expected to be made.

Conceptual/theoretical issues

Policing

Policing is concerned with social control. It is the administration of measures put in place for the maintenance of law and order. Thomas (2018:48) posits that “Policing refers to measures and actions taken by a variety of institutions and groups both formal and informal in society to regulate relationships and practices to secure the safety, the norms and values of society”. This conception of policing is centred on three elements, namely, norms, values and safety of people in a community. Policing has to do with surveillance and suction aimed at checking social deviants. State agencies and community groups are bestowed with the responsibility of policing. The police and other agencies of the state have specific policing functions. In the communities, individuals do volunteer to perform the function of surveillance and arrest of criminals but do not have the power to detain them. They hand over the suspect to the official policing agency.

Wong (2010:90) posits that the police “Is a depository and coordinator of social resources. Police is an all-purpose emergency problem solver who is authorised to use "legitimacy" and "coercive" resources to solve people's problem in a domestic situation and during the peaceful time”. This conception of policing is all about the legitimacy of the control of firearms in the society. The police have the power and authority to apprehend the criminal elements in the society. This instrument helps them to coerce social deviants that do not want to obey law and order.

Again, policing is concerned with preventive measures that could help avoid challenges that lead to the breakdown of law and order in communities. The failure of preventive measures like the gathering of intelligent information has led to the incidence of insecurity. There are instances of the failure of surveillance function of the police and other policing services in Nigeria and this has emboldened social deviants who were supposed to have been checked before carrying out their criminal acts that have now constituted nuisance to citizens in various communities experiencing incidences of insecurity. The intelligence units of the Nigeria Police and other policing services have challenges in relating with the communities where they operate. This is why different kinds of police public relations activities are springing up in the country. State agencies are now co-opting



community groups with policing responsibilities with code names like Police Public Relations Committee (PPRC), Community Accountability Forum (CAP) Police/Vigilante Community Leaders Coordination Meeting (PVCLCM). Communities act on volunteering capacity in order to help the police carry out their functions diligently.

Community Policing

As a concept community policing according to Okeshola and Mudiare (2013:134) is

Anchored on a systematic relationship between the police and the entire citizenry. police roles and functions are not simply law enforcement but also include tackling a huge range of community problems... Community policing is a paradigm shift that seeks to focus on constructive engagement with people who are the end-users of the police service and renegotiate the contract between the people and the police thereby making the community co-producers of Justice and equality police service.

Hills (2011) broadens the concept of community policing with the position that policing is a problem-solving exercise. It involves groups that are not profit-oriented, they could be neighbourhood-based, state or federal government-sponsored. The major objective is to facilitate justice or security which is preferred by them. Yusuf (2018) posits that community policing is a strategy and philosophy which is centred on the creative proactive partnership, consultation, cooperation and collaboration established between the police and the society. These two entities come together in order to address situations of impending danger, fear or all forms of threat which could cause a breach of safety and security in the social environment.

The people in the society are the end users of policing services. They co-produce equality police service and justice. They are involved in a creative proactive partnership aimed at addressing the impending or actual threats to security or safety in their environment. Community policing is thus a mutual relationship between the police and the community for the safety and security of all citizens within a community.

Vigilante groups, hunter groups and community heads are being used as alternative security outfits for the maintenance of law and order in the communities where policing services are inadequate in Nigeria. They are a source of the intelligence reports, like any other citizen they have the power to arrest suspects, but not detain them. It is only the police and prisons that have the capacity to detain suspects within 24 hours and through court orders respectively.

Federalism as a framework

Federalism is a concept and practice that has evolved over time as such defining it is a task that has to be handled with care. The concept according to Friedrich in Burgess (2006:35):

Federalism can be, and often has been a highly dynamic process by which emergent composite communities have succeeded in organizing themselves by effectively institutionalising 'unity in diversity'... A conception of federalism in dynamic terms... fits the notion of constitutionalism as process, and understands the relations between the inclusive community and the component communities as a system of regularised restraints upon the exercise of governmental power so as to make power



and responsibility correlate with the structure of a composite and dynamic community, its interests and needs.

Friedrich's definition is swayed by the idea of constitutional backing that specifies regulations, responsibilities and restraints in the process of sharing powers between and within tiers of governments. Another definition will help in clearing the fog of meaning.

Burgess (2006: 40), in an attempt to explain further, posits that:

...there are enormous variations of the federal principles rather than one simple pattern. These include institutions, the distribution of authority, the scope of the functions assigned to each tier of government, degrees of the institutional arrangements for the protection, amendment and administration of distribution of functions and for the organisation of central legislations and administration, as well as the organisation of government within the component territorial units. These lead to new forms of adaptations of federal government.

Burgess's (2006), explanation dwells more on central legislation and administration and the degree of institutional arrangements for the protection and amendment of how functions are distributed in a federal system. This is for the smooth running of component units within their territory. The central legislation and the executive must lead in the protection and amendment of powers if the federation must not be stagnated.

Federalism is categorised into two places namely aggregative and disaggregative. Aggregative federalism compasses the coming together of sovereign nations to form a single entity which is known as a state or national state. The United States of America is an example of this type of federalism. Disaggregative federalism has to do with the merging of political entities to also form a single entity well-known as a nation or nation-states. Nigeria is as well an example of disaggregative federalism. Aggregative federalism tends toward voluntary action taken by component units to come together, while, disaggregative federalism serves as a binding agent for merging entities to forge a common front and in a long run to avoid disintegration (Odo, 2014).

The federal system allows for the decentralisation of powers and resources to the component units. The diversity of component units is respected in order to give a certain level of autonomy. The principle of compromise is promoted among the various components in a codified form as such a balance is expected. In Nigeria, the federal and regional governments had their powers and the regional governments had a much wider level of autonomy. Something has gone wrong and has discouraged people from expecting that the federal arrangement has failed in been used to solve the challenges of insecurity in Nigeria.

Security challenges in Nigeria

There are numerous security challenges experienced in Nigeria since the return of the fourth republic in 1999. The Niger Delta militant youths were inherited from the military regimes that preceded the fourth republic. The Boko Haram insurgency came up during the regime of President Umar Musa Yaradua. This insurgency took another dimension in the Northeast of Nigeria. In the Niger Delta and the Southeast there were cases of abduction of expatriates working in Oil companies and Nigerians in diaspora returning home during the Christmas festivities. Kidnapping for ransom



become a popular crime. The Boko haram insurgents also borrowed these tactics to perfection in the North East. The bandits operating in the North also took over this crime from the insurgents and made it an all-comers affair in the rural areas and now in cities in northern Nigeria, particularly the North West and North Central. The governors who are the chief security officers in their states have voiced their frustration to show that they were not in charge.

Table 1: Deaths recorded from 2019 to February 2021

S/No	State	No. of people killed
1	Borno	3,005
2	Kaduna	1,026
3	Katsina	879
4	Zamfara	845
5	Niger	236
6	Benue	219
7	Yobe	169
8	Taraba	160
9	Delta	156
10	Plateau	155
11	Adamwa	130
12	Lagos	127
13	Sokoto	126
14	Edo	106
15	Kogi	104
16	Rivers	60
17	Bayelsa	55
18	Anambra	53
19	Ebonyi	53
20	Ondo	52
21	Nasarawa	49
22	FCT	42
23	Enugu	36
24	Akwa Ibom	30
25	Kano	29
26	Osun	28
27	Imo	27
28	Abia	25
29	Ekiti	19
30	Bauchi	15
31	Jigawa	14
32	Kwara	14
33	Kebbi	3

Source: (Nwachukwu, 2021)

Table 1 above shows the number of people killed as a result of insecurity in Nigeria from 2019 to February 2021. This is a very moderate data. The killing by bandits and insurgents is still ongoing. Yet the state governors are complaining because of the federal arrangement in which the Nigerian



police and other policing agencies are directly under the central government which looks incapacitated due to a lack of personnel to adequate equipment and technical know-how.

The governors of Borno, Katsina, Niger and Kaduna States have at one time or the other pleaded to the federal government to come to their aid in defeating insurgents or bandits who pose major security challenges to innocent citizens. These governors cannot secure obedience from neither the military nor the police due to the central hierarchy of command in the federal system practised in Nigeria. These governors have been investing in the security apparatus controlled by the centre, yet the challenges still persist

There are also challenges of election violence that have bedevilled the polity from the first republic to date. The use of political thugs by the political party in power and even strong opposition during electioneering campaigns and during when voting was going on at polling booths. There were accusations against the government security forces supervising thugs who were backing thugs during elections. The political parties in opposition have shown how powerless they were when confronted with security breaches in their domain during the election. They could not secure obedience from the Commissioner of Police in their states. The police command at the centre does not take orders from the governors who are in the second tier of government.

Policing, federal arrangement and the maintenance of security

The president is the chief security officer of the Nation at the federal level the governor and the local government chairman and the chief security officers in their state and local government areas respectively. However, the Nigeria Police Force (NPC) is the organisation responsible for the security public order and safety of citizens and launch citizens and their property in Nigeria. Iweze (1990) observed that the responsibility bestowed on the police is a very difficult one to perform in any free society because the central command of the police resides with the inspector general of the police while the police commissioners at the state level are responsible for the performance of these duties the dilemma of carrying out these responsibilities is in the caveat that:

Where there is doubt in the mind of the police commissioner as to the efficiency of governor's instruction the commissioner will not be under the under any obligation to obey; it means that the governor has the chief executive of the state does not have absolute control of the police force within his state (Iweze 1990:240)

The provision empowering the police to carry out its constitutional duties resides in sections 194,195, (4) of the 1979 constitution and the police act (section 4). The implications of these provisions are that the governor is not likely to get obedience from the commissioner nearby causing delay in fixing challenges of security breaches that could need urgent intervention. From the foregoing position, the commentator will think that there is a lacuna in the exercise of powers as provided in the laws cited but contending positions would uphold the argument of the principle of checks and balances with a central control system.

The helpless situation experienced by governors

The former governor of Zamfara state Abdul Aziz Yari denounced his position as the chief security officer of his state because he was not in control of the state security apparatus. The action was to



call the world's attention to his state of helplessness in his inability to stem the tide of killing in his domain (Anaba, Kumolu, Abdullahi, Duru, Oke, Dania and Onuegbu, 2018).

Governors in Nigeria have expressed their displeasure in the manner in which the police ignore their orders in the name of waiting for orders from Abuja regarding issues that are related to crises or incidences of insecurity. The 8th national assembly try to tinker with the idea of passing a bill that will actualize the dream of states the least that governors have been clamouring for. But the bill could not see the light of the day or to the end of their tenure in 2019. According to the report.

The bill seeks to alter the provision of constitution to establish state and community police, change the names of Nigeria police force to federal Police service the Nigeria police service commission to national Police commission, the Nigeria police council to national Police council and other related matters (Anaba, Kumolu, Abdullahi, Duru, Oke, Dania and Onuegbu, 2018: para 11)

The helplessness of governors is depicted in the ways other governors have presented their misgiving about the federal arrangement of Nigeria's security architecture between the state and centre. The governor of Kaduna State Mal Nasiru El-Rufai declared that. "I am frustrated in my state. Many governors are frustrated in their states. We are called chief security officers only in name but we have no control over coercive instruments of state. We are all frustrated. We are almost helpless" (Nwachukwu, 2021: para 6).

The fallout of the challenges faced by governors in prevailing circumstances of insecurity has pushed governors in some regions in Nigeria to want to take the bull by the horns. This step is the centre of another controversy on the federal arrangement in Nigeria which is a subject of discussion in the subsequent section of this paper.

Regional security network (South West)

The idea of a Western Nigeria security network with the code name Amotekun was discussed in June 2019 by the governors of Southwest state in Ibadan during a summit on challenges of insecurity facing the region. The agency has been established by the governors and it is being funded jointly by the states in the region. There are controversies surrounding the constitutionality of the organization (Ojelu, 2020).

A legal practitioner who is a Senior Advocate of Nigeria, Mr Ebun-Olu Adegboruwa affirms that:

The initiative of South-West Governors on operation Amotekun is a welcome development. It is supported by law and in line with the manifestos of the APC. First, the primary purpose of government as stated in section 14 of the constitution is the security and welfare of the people. Thus, any steps taken in this direction is commendable (Quoted from Ojelu 2020 para: 6).

Second, by virtue of section 11 (2) of the constitution, the government should do its best stew secure the peace order and good governance of the people. This initiative is in furtherance of the agitation of restructuring and adoption of state police (Quoted from Ojelu 2020 para: 7).



Contrary to the position of the legal practitioner expressed in the preceding paragraph, Mr kabiru Akingbulu (Ekiti State Judicial Service Commission member) asserts that:

With this type of federation that we run, I don't think it is constitutionally right to setup such a body because it will rival the police the civil defence and other security outfit of the Nation. Although, without prejudice to the rights duties and obligations of the citizens. I don't believe it is a solution to the security challenges we face in Nigeria Quoted from (Ojelu, 2020: para 9).

Also the move becomes more worrisome in view of the security challenges being faced in the country and in southwest. This is because by this move, you are going to give lethal weapons or firearms to untrained individuals who are majority illiterate or vagabond, thereby fuelling the possibilities of breakdown of law and order or state of lawlessness and helplessness, when we are yet to overcome the perpetual danger of some gun trotting security personnel at whose instance many Nigerians have gone to early graves through either stray bullets or vindictive killing (Quoted from Ojelu, 2020: para 10).

The operation Amotekun can only wreak havoc than safeguarding the people. It is rather a catalyst to insecurity than guaranteeing security. And in all honesty no governor has the power to field such security outfit under any guise, an a fortiori, the south-west governors will only be acting ultra vires of their constitutional limitations, especially when we are running a regional government. It is a dangerous signal to national unity honestly. Thus it must be handled with care otherwise we will be sitting on a keg of gunpowder (Ojelu, 2020: para, 11)

Regional security network (South East)

Mr Dave Omehi the Governor of Ebonyi State who is the chairman of South East Governors in Nigeria asserts that.

What we have in the Southeast States is a joint security commute which trains neighbourhood watch and the vigilante groups or other local security architectures in different states in the region. if anybody tells you that there could be security personnel contributed from different states to form joint security for this region it is not a possibility. It is not what cable even if the constitution permits it (Quoted from Odu, 2021: para 5).

Every state is peculiar and so is their security challenges. The problem is that those complaining about the lack of joint security for the Southeast are not living in the region they don't have the knowledge of how security works in the region (Quoted from Odu, 2021: para 6).

The governors of south-east states are comfortable with the different security architectures and various states because the personnel are working very well. There is the problem of insecurity in the region but the issue is not peculiar to the region alone. It is a national problem (Quoted from Odu, 2021: para 7)

Governor Omehi argues further that:



The advantage of community policing is that it has the impetus to the law to arrest and detain suspects, but in our case in South East, we also have the state law which is very good in doing this. However, no section of the state law will run contrary to federal laws (Quoted from Odu, 2021: para 10).

We reject the template that the IGP brought to us at Enugu on community policing because it did not give the meeting the power to control the community police. It is being restructured to give the traditional rulers and local government chairman the power to control the system (Quoted from Odu 2021: para 11).

Mr Dave Omehi the Governor of Ebonyi State later announced the inauguration of EbubeAgwu as the centralized regional security of the South East. Thus the security architecture designed by Southwest, which is a source of controversy as discussed earlier is being repeated in the Southeast. This shows that governors of the states in the Southeast are also trying to resist the central command of the Nigeria Police in the alternative policing outfit that they have established. This will create a clash of functions between the Nigeria Police and those outfits because the Federal Constitution does not give them the powers to resist the authority of the Inspector General of Police who is being controlled from the centre. However, the south-east governors later adopted a regional approach to solving their security challenge with the model called Ebube Agu. The model is yet to help reduce crime and rebellion depicted in the way some youths are calling for the resuscitation of Biafra through violent means.

Regional security network (Northern Nigeria)

In the northern part of Nigeria, the governors expressed their interest in working with vigilante by passing laws that regulate their activities as part of the security architecture within each state. They have refused to establish a regional security network because they are aware it contravenes the laws of the federation. However, in Niger and Borno states, the vigilante and Civilian JTF are being empowered to carry firearms which were not within their jurisdiction. This decision was taken by the governors because of the inherent danger in their confrontation with bandits and insurgents who have more sophisticated firearms. The vigilantes in the North are established to work under the police or the military during operations. Except for special operations, they are under the Divisional Police Officers in their respective local government areas and ward.

Although there are incidences of exuberance from the vigilante or other alternative policing outfits in the North, but the governors are yet to give them support that will make them to refuse to subordinate their organisations to the supervision of the Nigeria Police in solving security challenges in their place of operation.

Threats and challenges of adopting regional security outfits in Nigeria

It is not constitutionally right to set up regional security outfits coordinated by regional-based officials. It is a parallel organization which will likely clash with the police in their line of duty. Lethal weapons or firearms are being given to untrained illiterates or touts who are likely to serve as political thugs during the campaign. They are likely to be used to fuel the breakdown of law and order and create a state of the state of lawlessness. They would wreak havoc on innocent citizens instead of safeguarding the people. It is rather a catalyst for incessant insecurity than guaranteeing security (Ojelu, 2020).



Another threat and challenge of adopting regional security outfits in Nigeria is that it could alter the federal arrangement and lead to the disintegration of the country if ethnic politics is eventually used in dividing the people during elections. The opposition could fuel the seed of hatred and the party in government would use the decentralized security apparatus in their domain to threaten or eliminate key figures in the opposition that usually antagonize them. The politicians are usually dreadful during the election. They usually employ thugs to snatch ballot boxes at pooling units or collation centres.

The central legislation in the Nigerian Federation is yet to consider the possibilities of amending the constitution to and the executive must lead in the protection and amendment of powers if the federation to accommodate the idea of policing outfit that could be under the direct control of the states. Attempts were made at the Senate in 2018 but the proposed bill could not scale through before the 2019 elections.

The executive arm of government does not want to consider devolving powers to the state in order to create an alternative policing outfit that would want to rival the one controlled by the centre. However, vigilante groups and local hunter groups are being used in places where the incidence of a security breach are prevalent. Although, the law does not permit them to carry arms but they were being licenced by the state to carry arms in order to confront bandits and other criminal elements who operate using firearms.

Conclusion and recommendation

Community policing by its philosophy and strategic usage is a very good framework for maintaining the federal arrangement that Nigeria has in the face of challenging security threats. It could bridge the gap between policing needs of the people within their community. The volunteering aspect of it will reduce the funds needed for securing communities thereby easing the burden of funding from the federal, state and local governments respectively.

The central government has to put legislation in place to accept alternative security outfits as community policing infrastructure while the Nigeria Police serves as the superstructure. The central government should work out a partnership that would ensure vigilance among members of communities and reinforce conflict resolution mechanisms.

Each state or community has its peculiar nature of incidences of insecurity as such the community could arrange with the police and other policing agencies to create community policing strategies that would best solve their problems creatively through consultations and collaborations. It will reduce the duplication and clash of functions among the alternative policing outfits and the Nigeria Police.

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