



Law, order and “vigilantes” in Nigeria

Can a single federal authority provide security throughout a vast and diverse federation?

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On March 6th 2002 Nigeria’s President sacked the country’s Inspector General of Police, Musliu Smith. The new Inspector General is Tafa Adebayo Balogun, a 25-year National Police veteran. His task is to deal with a worsening security situation that includes a rash of armed robberies, and ethnic and sectarian violence. One of the most shocking violent incidents was the assassination of the Federal Justice Minister Bola Ige four months ago in his bedroom.

Many Nigerians argue that the situation calls for more than a change of leadership. It requires fundamental structural changes. Tunde Olokun, a member of Nigeria’s House of Representatives Committee on Police Affairs, has called for changes to the Police Act to meet “our present day requirements in the 21st century. The Nigerian police force is still operating under the old police act of 1958 left behind by the nation’s former colonial masters.”

As fresh elections loom next year, one key challenge for politicians will be to set out plans for maintaining law and order in the vast and diverse country of over 100 million.

A matter of jurisdiction

In Nigeria the federal government has virtually exclusive responsibility for the police, unlike such federations as Canada and the United States where there are federal, provincial/state and municipal police systems. This police system has engendered arguments about the structure of Nigerian federalism and its relation to domestic security. At a meeting with state governors and traditional leaders of the Southwest zone on September 6, 2000, President Obasanjo said that despite the nominal federal control, state governments could have influence over the police forces in

their areas. He told the leaders that state commissioners of police have no reasons to refuse lawful orders from the state governors.

“There is no earthly reason why a police commissioner should say that he cannot take orders from you,” Obasanjo said.

Then the President went so far as to say that the governors are, in effect, “the chief security officers of their states.” Obasanjo wanted to put to rest the argument by some governors that they are constrained by the constitution from protecting lives and properties in their domains (see box).

While questions of jurisdiction remain unresolved, the security situation worsens. Police statistics show that between August 2001 and May 2002, criminals killed 273 civilians and 84 police and injured 133 other people. In the three years since Nigeria returned to democracy on May 29, 1999, after almost sixteen years of uninterrupted military dictatorship, more than 10,000 people have been killed in communal or religious clashes.

In an effort to reduce casualties among its men, police authorities have given police officers the authority to shoot robbers on sight. As Lagos police spokesman, Victor Chilaka, put it:

“Since the number of robbers is increasing like ants and they take joy in killing police officers, the National Police has decided to adopt this measure not only to drastically reduce the growing number of robbers but also to save the lives of policemen.”

Justice and security in the Nigerian Constitution

Nigeria uses a tripartite system of criminal law and justice: the Criminal Code, based on English Common Law and legal practice; the Penal Code based on Muslim law and justice; and Customary Law, based on the customs and traditions of the people of the south.

Under Section 215(3) of the 1999 Constitution, law enforcement falls on the Nigerian Police, its affairs being the responsibility of the federal government. A squadron of the force is stationed in each of the 36 states under the command of a Commissioner of Police. The Commissioner of Police is subject to the authority of the Inspector-General of Police. The Inspector-General has command over all of the police squadrons in Nigeria and the maintenance and security of public order and safety.

The Inspector-General is accountable to the Minister of Internal Affairs and, ultimately, to the President of Nigeria. The Commissioner of Police in each state is similarly subject to the authority of that state’s Governor. The federal Constitution does not authorize the establishment of local government police. Rather, the Commissioner of Police in each state administers the squads at provincial, county, and divisional levels. Reports of police operations are transmitted from the police units in the divisions and counties to provincial headquarters and then to state headquarters. These reports are then sent to the police headquarters in the national capital of Abuja.

The rise of “vigilantes”

As both the security and the economic situations have deteriorated, many ethnic organizations have taken shape to “protect” their groups. Sometimes referred to as “vigilante groups,” they include the *Bakassi Boys*, *Egbesu Boys*, *Oduua Peoples Congress*, *Arewa Consultative Forum* and *Ohanaeze*. These groups exist in all parts of the country and often function as unofficial security forces for state governments.

The Lagos-based *Post Express* (September 6, 2000) explained how one of these groups came into being:

“Historically, the Bakassi Boys vigilante was formed by the members of Shoemakers Association in Aba (*in southwestern Nigeria*) when they could no longer bear the oppression of criminals who operated in the town with reckless abandon. They ‘seasoned’ themselves and thereafter embarked on a self-imposed job of flushing out and killing as many criminals as they could catch in Aba. Since then and until now, Aba is said to be very calm and peaceful. What they did in Aba, they also did in Nnewi, a commercial town in Anambra State known, among several other things, as a lucrative place for armed robbery operations. Today, Nnewi is so calm, so peaceful and without any undue fear of robbers that one could leave one’s money in the open or one’s door unlocked overnight without any fear whatsoever.”

Father Hassan Kukah, a leading social commentator in Nigeria, argues that ethnic associations provide umbrellas of protection to various communities that feel estranged from the federal state.

“It is federal and state governments and their policies of alienation that have led to the resuscitation of latent communal identities as a tool for bargaining with a hostile and alien state. It is here we can locate the source of crises that befell our communities across the land,” argues Kukah.

The Nigerian constitution specifically constrains the creation of state or regional police. And the nature of the federal structure does not clearly specify how the command of the police in the states should function. Obasanjo’s term, “lawful directions”, in his address to the state governments, is ambiguous –

especially in situations where state laws might conflict with federal laws. This could be the case, for instance, in the mostly northern states that have adopted the Muslim Sharia code.

Religious tensions

The rise in support for the Sharia Law system has aggravated tensions between Muslims and non-Muslims in Nigeria. Muslim vigilante groups have been roaming the streets of Sharia states (nine out of the 36 states) seeking out any transgression of Sharia regulations. On May 1 this year, Muslim leaders introduced Sharia law in a southern state for the first time. In defiance of the authorities in Oyo State, the Supreme Council of Sharia inaugurated a panel to rule on civil matters in the region. Civil rights groups have complained that Sharia laws are archaic and unjust. Community Development and Welfare Agenda, a pressure group, has argued that Sharia court decisions were a “fundamental assault on the sovereignty and legality of the Nigerian state,” since they undermine the national, secular legal system.

As the vigilante groups respond to crimes and religious-based groups seek to carry out their own agendas, they also clash with each other. This has led many Nigerians to pressure the Federal Government to ban these groups. In response, the Nigerian government introduced a bill in parliament on April 10 seeking sweeping powers to “proscribe any association of individuals or quasi-military groups anywhere in the country formed for the purposes of furthering the political, religious, ethnic, tribal or cultural interest of any part of the country.” In addition it outright banned a number of vigilante groups, including the Bakassi Boys.

Still, many fear that the solution may not go to the root of the problem. As Bola Oyeneye, a political analyst, pointed out:

“The President may be right, but by proposing to ban these groups he would only be trying to deal with the symptoms without touching the disease itself. The problem with Nigeria is that it is a British colonial creation and after more than 40 years of nationhood, many of the component groups are questioning its very basis.”

The Nigerian National Police Force is not the only instrument of domestic security. There is also the Nigerian army of 94,500 that has been used periodically to contain civil unrest. Such military usage has sparked heated debate that the army has no business in police duties. But the new police chief, Tafa Balogun, argues that the Nigerian military is empowered by the constitution to fight crime in the country and that the Police Force has no choice but to continue to rely on the military in time of crisis.

“This is by virtue of section 217 of the Constitution,” he said, “It provides for the armed forces to assist the Police in the arrest of crisis in an internal security situation that may get out of hand and threaten the stability of the nation.”

Awaiting a national debate

The Nigerian Police Force has indeed been overwhelmed by worsening domestic security and undermined by its own internal problems – including indiscipline, poor training, lack of expertise in specialized fields, poor pay, and frequent strikes. Corruption and dishonesty is widespread, endangering the already low level of public confidence and leading to a widespread failure to report crimes. As well, critics point out that the police force is more adept at paramilitary operations and the exercise of force than at community service functions or crime prevention, detection, and investigation. Last month, the size of the Force was increased from 120,000 to 450,000 and a new anti-armed robbery operation called the “Fire-for-Fire” squad was created. There are now more than 1,300 police stations countrywide.

There will be a national political debate on the security issue at the time of the next presidential election. For the time being, observers say that most Nigerians seem to be ready to hand more power and authority over to the police to deal with crime. To do so, however, could become problematic if any of the country’s many groups come to believe that the police are specifically singling them out for tough measures. That is perhaps unavoidable in a country so vast and diverse as Nigeria. One of the goals of a federal system is to peacefully accommodate that sort of diversity. In Nigeria, the federal system is still searching for ways to achieve that goal. (6)