

FEDERAL POLICING, STATE POLICING AND NATIONAL SECURITY: RETHINKING THE LEGAL APPROACH

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Abstract

There are now ongoing campaigns and discussions whether or not the present central structure of Nigeria Police Force is desirable; the answers and suggested solutions to this sensitive question have further divided Nigerians into uncomfortable compartments. The psychology of having a state police force instead of the current central/federal police force has its deep seated advantages as well as some disadvantages. This paper sets out to critically and constructively discuss the current challenges facing policing in Nigeria putting in view the numerous security situations, and posits that since both states control now being canvassed, and the current structure of Federal Police Force have strong merits and short comings, a superlatively important thing is massive psychological input into the Police, and policing in Nigeria, which is only possible if Heads of Government eschew nepotism and corruption.

Introduction

Policing in Nigeria generally can be categorized into to three eras: the pre-colonial; colonial; and postcolonial eras. In the pre-colonial era, crime prevention was the duty of indigenous institutions responsible for crime control (John & Ubong, 2013). The various layers of judicial and quasi-judicial organs in the traditional societies, with or without enforcers, provided a veritable structure for policing in the pre-colonial communities. In the colonial era, policing was operated based on the provisions of the laws of United Kingdom. This era operated under the philosophy of coercion, intimidation and compulsory civilization of the indigenous communities.

This model marked a paradigm shift from the traditional pattern of policing where lots of emphasis was placed on traditions, customs and unwritten laws, to a more arbitrary use of foreign code of laws in the administration of peace, security and welfare of the colonial subjects. In this era, the police served and protected the commercial interest of the colonial masters, to the detriment of the masses whom they were ordinarily commissioned to protect (Rotimi, 2001). This era has been described as adopting the pattern of policing in which 'strangers policed strangers' (Rotimi, 2001). The police were pitched against the people



they were meant to protect and there were series of clashes between both parties (Rotimi, 2001). The post-colonial era of policing envisages the constitutional and structural metamorphosis of the Nigeria police, from the uncodified, rule of thumb pre-colonial setting, to the exploitative/invasive colonial setting, and finally to a unified and yet problematic post-colonial arrangement.

Evolution of the Modern Police Force in Nigeria

Historically, the existence of a modern police force in Nigeria can be traced to the colonial arrangement to use trained and armed personnel to maintain law and order, while simultaneously engaging in governance and exploitation of resources within the territory of the country. After the annexation of Lagos as a British colony in 1861, the colonial invaders sought to secure their lives and properties and to maintain unhindered access to the raw materials in the hinterland. This necessitated an urgent need to organize a force that will guarantee the security of both colonial personnel and their commercial ventures. Accordingly, Consul Foote, who was the head of colonial government at the time of annexation, wasted no time in proposing the establishment of a consular guard to be stationed in Lagos. Although the request was turned down by the British foreign office for economic reasons, it was not long before the acting governor of Lagos colony realized the indispensability of an organized police force in the conquered territory. Thus in 1861, Acting Governor of Lagos Colony, McCoskry established the nucleus of the first police force – a constabulary of 30 men. This formation marked the beginning of the first modern police in the history of Lagos. It was also the first modern police force in the territory later designated as Nigeria by the British (Tamuno, Bashir, Alemika & Akano, 1993).

Essentially, this pre-independence police structure was retained by Nigeria after independence on the 1st of October, 1960, though with modifications. In this context, while the 1963 Constitution established a Police Force for Nigeria, it permitted regional legislatures to make provisions for the maintenance of native police (section 105 (7), Republican Constitution, 1963). However, the first republic politicians abused the duties and objectives of the native police. In fact, the loyalty of the native police was primarily to the regional figure that appointed them, and their modus operandi was molded to pursue the whims and caprices of such persons, who used them to achieve their nefarious intentions. Crucially, traditional authorities and politicians combined to turn native police personnel into agents of repression and brigandage. By the 18th February 1966, when General Ironsi took over as the Head of State (following the overthrow of the first civilian administration) it had become apparent that the native police

system had become a problematic and endangered institution (Ahire, 1993; Rotimi, 1993).

In this regard, the military government of Ironsi set up a committee to examine the feasibility of the unification of the Nigerian police and that of the native police (the Committee was also mandated to look into the possibility of unifying prisons in the country). Although General Ironsi was no longer alive when the committee submitted its report, General Yakubu Gowon, who took over as the Head of State after the assassination of Gen. Ironsi, accepted the recommendations submitted by the Committee that the Nigerian police system be unified. Consequently, native police forces were abolished and they ceased to exist, beginning from February 1968. Nevertheless, existing personnel in these forces were recruited into the Nigerian Police Force as a unitary federal agency of the Nigerian government. This structure has continued to the present day.

Constitutionality of State police: A Call for Clarification

Presently, Nigeria operates a federal system of government. The implication of this is that structurally, Nigeria is made up of the federal government at the centre and other federating units identified as States. Section 2(2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that 'Nigeria shall be a Federation consisting of States and Federal Capital Territory'. The legal implication of the above is that while there are certain items which are exclusively under the control and management of the federal government (the exclusive legislative list) other items are within the concurrent legislative list (for both the States and the federal government at the centre). The items that are not in the exclusive or concurrent lists are contained in the residual list (for the states and their local governments). One important item in the exclusive legislative list is that of policing. Accordingly, Section 214 (1) of the 1999 Constitution provides that: There shall be a Police Force for Nigeria, which shall be known as the Nigerian Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof.

In this context, it appears right to argue that the Nigerian Constitution does not permit any other police force other than a federal police force for the whole country. This argument is additionally supported by the provision of section 214(2) of the 1999 Constitution which provides that:

The Nigeria Police Force shall be organized and administered in accordance with the provisions as may be prescribed by an Act of the National Assembly.



The Nigerian National Assembly, which is the federal law making organ of the Nigerian government, is bestowed with the powers to exclusively make laws relating to the management and administration of the Nigerian Police Force. This fact is further reinforced by the provisions of Item 45 of Part 1 of the Second Schedule of the Constitution.

Furthermore, the 1999 Constitution (as amended) neither provides for a governor nor a local government chairman to be the chief security officer of the State or local government as the case may be (in practice, State governors and local government chairmen are made ceremonial chief security officers while Commissioners of Police and Divisional Police Officers – who are agents of the national leadership and government – wield the real powers and functions in the States and local governments) (Eme & Ede, 2009). Though the President (under Item K of Part I of the Third Schedule of the 1999 Constitution) is the Chairman of the National Security Council, no such provision was made for the governor. By implication, all instruments of security – the military and the police, state security services, even the road safety personnel and the traffic wardens – are all federal institutions because they are under the exclusive legislative list in the Constitution. It is, therefore, surprising that a state governor or a local government chairman is labelled “the Chief Security Officer” of his state or local government.

Notwithstanding these provisions, it has been argued that State governments have a major role to play in the management and administration of the Police Force in Nigeria. The argument is that Nigeria operates “pseudo-federalism” where security agencies (like the Police, Civil Defence etc.) that operate in the states hardly have enough to work with. This means that they usually go cap-in-hand to state governments to solicit for assistance in the purchase of security equipment, automobiles and for operational costs. In this regard, state governments have played and continue to play a major role in policing and should be recognized as major stakeholders in issues concerning the control of the Nigerian Police Force. Advocates of this viewpoint usually point to the provisions of Section 215(4) of the Constitution which provides that:

Subject to the provisions of this section, the Governor of a state or such Commissioner of the Government state as he may authorize in that behalf, may give to the Commissioner of Police of that state such lawful directions with respect to the maintenance and securing of public safety and public order within the state as he may consider necessary, and the Commissioner of Police shall comply with those directions or cause them to be complied with:

However, the interpretation to the above provision cannot support the agitation that State governments have an indispensable role to play in police affairs. In fact, the proviso to the same section 215(4) quoted above makes whatever direction coming from a State governor or his appointee subject to the supervisory role of the federal government. The proviso states as follows: 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 his directions.

It appears right, therefore, to argue that Nigeria operates a uniform police force, with a central command directly under the federal government's control.

Connotations of National Security

Generally, it is the principal responsibility of government to protect the lives and property of its citizens. Indeed, section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria (CFRN) 1999, as amended, provides that "the security and welfare of the people shall be the primary purpose of government". This responsibility to provide security for itself and its citizens permits the state to exercise certain forms of regulatory measures on society (e.g. Conscription, Official Secret Acts, earmarking sums of money as security vote, etc. (Okechukwu & Anyadike, 2013).

The notion of "national security" is uncertain and its focus is shaped by the peculiarities of each nation-state (Wolfer, 1952). It is not easily defined and can mean different things to different people. For Carey, it is an eccentric experience, a subjective feeling which is relational or qualified, rather than factual or real (Carey, 2000). The indefinite character of the concept is succinctly captured in a Canadian Police Report (commissioned to decipher ways of promoting national security in the country), where it was submitted that: [We do] not know what national security means. But then, neither does the government. The Solicitor General stated in early June, 1978, before the House of Commons Standing Committee on Justice and Legal Affairs: "There is no definition of the term "national security" because in effect national security is basically a term that refers to protection of sovereignty, and activities related to the protection of sovereignty.' It is one of those terms after which one should add the phrase 'whatever that means (Relyea, 1987)

The intrinsically unpredictable connotation of the notion permits any state actor "to label whatever state policy he or she favours with an attractive and possibly



deceptive name” (Wolfers, 1952). As a result, “it is not surprising that the funding of security matters also exhibits some of the characteristics of national security itself” (Egbo, Nwakoby, Onwumere & Uche, 2012). Nevertheless, attempts have been made to define national security in a “broad and less state-centric fashion”, notably in South Africa. In this context, the White Paper of National Defence for South Africa (1996) defines national security as:

...an all-encompassing condition in which individual citizens live in freedom, peace and safety; participate fully in the process of governance; enjoy the protection of fundamental rights; have access to resources and the basic necessities of life; and inhabit an environment which is not detrimental to their health and well-being.

Currently in Nigeria, it appears there are two divergent views on the nature of national security and the need to preserve it. Accordingly, the debate on the character and meaning of national security has polarized around two different positions. One viewpoint converges on strategic characterization, while the other emphasizes the non-strategic approach, through the concentration on socio-economic factors. According to Okechukwu and Anyadike (2013), “the strategic – ‘realist’ perspective conceptualizes national security in terms of self-defense by amassing arms to deter aggression”. This scholarship, which has dominated the international system for a long time, evolved from the Westphalia state system after 1648 (Nwangwu & Ononogbu, 2014). The viewpoint sees disputes between men and states as ubiquitous. In this regard, the struggle for power and the control of resources is central to national security. Within this framework, states are only restrained by agreements, treaties and tenets of international law which they believe promote their own interests. National security, in this context, focuses on the military, military values and strategies, capabilities and the survival of the state (Odeh & Umoh, 2015).

On the other hand, the non-strategic position argues that security that flows only from armed belligerence (the barrel of a gun) has failed mankind. As a result, national security should concern itself with much more than strategic characterization and cannot be understood apart from the interests of social forces as they struggle with one another. For Al-Mashat (1985), national security should be construed in excess of territorial protection, and should be directed towards the physical, social and psychological quality of life of a society and its members, both in the domestic setting and within the larger regional and global system.

Supporting this perspective, the United Nations Development Programme (UNDP) (1994) theorizes that national security envelops vital aspects of human existence and development, including economic security, food security, health security, environmental security, personal security, community security, and political security. Accordingly, national security is the capacity of the government to protect its citizens from the threat of disease, hunger, unemployment, crime, social conflict, political repression, and environmental hazards. In this context, building a functioning state requires a basic level of security and by being responsive to the need for security; democratic governance can help lay the foundations for maintaining order and managing development (UNDP, 2002).

McNamara (1968) argued that in a modernizing society, security means development. Security is not military force though it may involve it; security is not military hardware, though it may include it. Security is development and without development, there can be no security... the security of any nation lies not solely or even primarily in its military capacity; but equally in developing relatively stable patterns of economic and political growth.

National security in this sense will encompass not just military defence of territory, but also internal stability, socio-economic development, protection of life, property and economic resources of the country by constituted authorities. Thus, it is obvious that the concept of national security does not just mean security from external or internal attacks. It is not just a military or police affair that can be handled by arms and ammunition, but rather goes beyond all these, converging also on how governments rule; how media intelligence are shaped; on whether the people are malnourished, on whether soldiers, policemen, teachers, and civil servants are remunerated appropriately, and on how government performs its function in relation to other countries (Idowu, 1999). Apparently, national security in Nigeria is still conceived from the prism of the realist paradigm. Thus, the strategy often adopted by the Nigerian state to tackle insecurity consists of, and is anchored on the deployment of superior fire power to contain what the state has identified as threats to it, which often coincide with the interest of the ruling elite (Nwozor, 2013).

Assessing Policing effectiveness

Before looking at the issue of state police and its implications to national security, it is considered apposite to first of all gain insight into theories that underpin policing. The interface between psychology and policing has acquired not only theoretical and normative affinity, but also practical significance. The psychological state of a police officer is critical to policing at every stage of law enforcement: selection of candidates for police job; "fitness-for-duty evaluations;



prevention and treatment of stress-related disorders; hostage negotiation; psychological profiling of terrorists and mass murderers; and eyewitness testimony” (Eric, 1986). In this context, the optimal theory of policing to be adopted by a country is deeply rooted in psychology, given that the linkage that underpins law enforcement tactics to be adopted by the police is hugely dependent on social and psychological dispositions of the policed group.

In the US, for instance, the “broken window theory” of policing (or quality-of-life or order-maintenance policing) has become a vital aspect of policing, reflecting the socio-cultural and politico-economic realities of that society. This theory asserts that in disruptive societies, suppression of small signs of crime, anti-social behavior and civil disorder (i.e. maintaining order) not only improves the quality of life for residents but also reduces the opportunities for more serious crimes (Bratton & Kelling, 2015). The metaphorical import of “broken window” is one of deterioration, i.e. “a building where a broken window goes unrepaired will soon be subjected to far more extensive vandalism, because it sends a message that the building owners (and, by implication, the police) cannot or will not control minor crimes and thus, will be unable to deter more serious ones (Bratton & Kelling, 2015). Put differently, a neighborhood where minor offenses go unchallenged soon becomes a breeding ground for more serious criminal activity and, ultimately, for violence” (Bratton & Kelling, 2015).

The Broken window theory fits into the broader contextual theory of policing, which is predicated on the coercive theory of policing and consensual theory of policing. While the coercive theory of policing is prevalent in aggressive or disruptive societies, the consensual theory of policing is increasingly gaining traction because of the legitimacy accorded to it by the policed (Tyler, Goff & MacCoun, 2015).

These theories have significant ramifications for the psychology of the state police debate that is currently gaining momentum in Nigeria. As a matter of fact, the framework of state police is not a new phenomenon, particularly in countries with federal structures. State police in these countries sometimes allow for the existence of a federal police force in charge of certain federal offences. Offences and crimes within each jurisdiction are clearly defined by the law, which also provides for the resolution of conflicts in exercise of powers conferred on each jurisdiction. The US is easily cited as typifying a country with state police in charge of state offences within the state, while federal offences are handled by agencies such as the Federal Bureau of Intelligence (FBI). Other countries with similar frameworks of state police include Australia, Brazil, Canada, Germany,

India, Switzerland, amongst others. Nevertheless, some of these countries have more centralized administration than others (Bronnit & Finnane, 2012).

The adoption of state police in these countries was defined by the existence of certain societal peculiarities and realities which include that, these countries are mostly federal states; they have huge landmass; they have diverse population and identities; they are mostly advanced in economic, political, social and cultural aspects (with the exception of Brazil and India that are still evolving). In this regard, it is clear that the level of advancement or sophistication of a country (with a diverse tribal population and cultural and religious identities) economically, politically, socially and culturally, is a critical factor in the practice of state police. Notwithstanding the characteristics enumerated above, state policing in some of these countries remain controversial. For instance, allegations of prejudice and bias is a recurring theme in state policing in the US, with minorities (particularly the blacks) preponderantly bearing the brunt of police brutality and rashness. This indicates that though advancement or sophistication is critical in optimal policing outcome, it does not cater for the psychological prejudice of police officers.

Nigeria has not attained the level of advancement or sophistication possessed by some of these countries with state police (Owen, 2014) and appears to be resisting the assimilation of policing ideals projected by these advanced countries (Hills, 2012). As a result, what is evident in the country is the condition of general insecurity, corruption in the police force, police brutality and a culture of lack of accountability (Stone, 2007). With regards to the latter, Stone (2007) has poignantly stated that if police violence has been commonplace in Nigeria, police accountability has been rare.

Emphasizing the depth of decay in the Nigerian police, the United Nations Special Rapporteur on Extra Judicial, Summary or Arbitrary Executions, noted the prevalence of bad policing in Nigeria. Such bad practices include, falsely labeling people as armed robbers, shooting unarmed civilians, fraudulent placement of weapons, attempted extortion of victims' families, disregard for post mortem procedures, falsifying death certificates, and the flight of accused police officers when investigations into their misconducts start getting perilously close for their comfort (Stone, 2007).

The implication of the preceding is that the current federal police force has not satisfied the vast expectation of stakeholders, both nationally and internationally (especially with the recent failures of the federal police force to protect lives and



property). Hence the continuing calls for decentralization in the form of state police.

Implications of State Police to National Security: Arguments in Favour

One main objection to the current framework of policing in Nigeria is the over-centralization of control, a practice which is against the principles of true federalism. The police force is primarily controlled by the Inspector General of police (IGP) who is an appointee of the president, and therefore answerable to him. The appointment, promotion, disciplining, and retirement of police officers are done by the federal agency under the direct control of the President. Thus, the commissioners of police posted to each state of the federation may be required to take directives from governors but in reality their ultimate loyalty lies with the President through the IGP. As was stated earlier, the proviso to Section 215 (4) of the constitution makes it clear that the police may refer such directives given by a state governor to the President before acting on them. Proponents of state police argue that security within the country deeply implicates the state just like other items in the concurrent legislative list. Consequently, state governments should be able to share control of the police.

Indeed, the statutory power of commissioners of police to refer directives to the president entails that they can legally refuse to take orders from any governor, and direct officers under their command to do same, if that is the wish of the President. Perhaps, this explains the various claims by state governors in recent times that their directives were ignored by the police in their respective states. For example, the governors of Enugu, Benue and Taraba states claim that their instructions to the police to proactively prevent the attacks of rampaging Fulani herdsmen in their states were ignored. The story is not different in other flashpoints of violence in the country. This anomalous control approach makes it impossible for the various state governors to rely on the police force for effective maintenance of law and order in their states. As a result, informal policing (with various appellations but commonly identified as vigilante groups) are mushrooming everywhere (John & Ubong, 2013). The point is that not only do the governors have absolute control of these vigilante groups to ensure peaceful and harmonious ordering of their respective states, the groups on their own, also understand the local dynamics necessary for effective maintenance of law and order.

Another problem that undermines federal police control is the issue of posting. Police officers are constantly posted to areas they encounter language and cultural barriers. As a result of not speaking the language of a community, constant communication and interaction with the people for the purpose of

tackling prospective crimes and catching offenders is impaired. Police officers are known to get leads that can stop or reduce crimes through mingling and conversing with the people, while hiding their identities and eavesdropping. But this is impossible if the relevant officer does not speak the language of the locality. This makes effective policing, and indeed community policing, impossible (White & Escobar, 2008).

Moreover, an authoritarian president can use a centralized police force to promote parochial interests and sectional agenda, or to undermine “an enemy” governor. A president that is not in good terms with a particular governor or tribe can use the police (through the state commissioner of police) against the governor or tribe. This may happen where a commissioner of police discreetly indulges in the special protection of a particular tribe or sect in the state, to the detriment of the rest of the populace of that state. This could be reflected in a number of religiously-motivated violence which the police sometimes ignore, or where an arrest is made in the day there would be inexplicable release of the perpetrators at night. A typical example is the release without conviction of the murderers of 74 year old Bridget Agbahime in Kano.

Again, the Federal Government is already burdened with enormous responsibilities with about 66 items on the exclusive legislative list, which they have not discharged efficiently. Therefore, there is the need to decentralize policing, federal to state governments for more effective outcomes. This will allow the Federal Government to concentrate on external security matters. Nigeria can opt for a US approach where the state police are responsible for state matters including inter-state highway enforcement, while federal police takes charge of federal crimes and offences.

Finally, the case for the establishment of state police is predicated on the gigantic geographical landscape of the country. The argument is that Nigeria is too large for a centralized police. Centralized policing creates administrative bottlenecks in the deployment of the police to crisis areas and flashpoints of violence, particularly if they are coming from outside the state. State policing is more suited for a large country such as Nigeria. The efficacy of such state-inspired groups as the *Oodua People’s Congress, Bakassi Boys, Egbesu Boys, and others* lends credence to the general belief that security is a local problem and only those who adequately understand the terrain, culture and language of the people can properly manage it (Okemuyiwa, 2012).

Additionally, a major objection to state policing is that states cannot fund the police force to be created. The argument is that State governments are already



struggling to pay the minimum wage of workers and have continued to resist any further increment to the salary of workers. In the situation where they find it difficult to pay existing workers or support any increment in workers' salary, how can they adequately fund the police force which they will create?

While this argument appears to be plausible at face value, on further scrutiny, however, it seems to be weak and without merit. This is because state governors already have enormous funds, identified as "security vote" reserved for them. Security vote has been depreciatively portrayed by Ibeanu and Momoh (2008) as an opaque fund reserved for the executive arm at various levels of government, to manipulate security issues for political and economic gains. To Egbo, Nwakoby, Onwumere and Uche (2012), it involves the misappropriating and stealing of public money under the guise of enhancing national security. For Kumolu (2013), it refers to funds unconstitutionally appropriated by government at all levels in Nigeria for the purpose of enhancing national security.

Ordinarily, as its name indicates, security vote is meant for the augmentation of security matters in states and at the federal level where innumerable challenges spring up by the day. The justification for the votes is that heads of government should be unencumbered by bureaucracy and should be empowered to act speedily to attack security challenges in their domains. In this sense, an aggregation of security concerns like ethnic insurrections that need urgent fiscal attention to curb, continuously break-out in different parts of the country, thus necessitating the setting aside of funds for tackling them head-on. Security vote, thereby, becomes funds expected to be used in catering for these emergency occurrences.

The issue of security vote and the humongous amounts involved in them has been the topic of impassioned deliberations in many States and their Houses of Assembly. While conceding that there is no empirical data to corroborate or substantiate some of these allegations, it is nevertheless suggestive of the amount of public fund that goes into security votes. In Edo State, "Adams Oshiomole, was once accused of collecting ₦911 million 'between November 12 to December 31, 2008' as security vote without decline in extra judicial killings, kidnapping, and cultism in the state" (Nnebe, 2013). In the same way, the Ondo State Governor was alleged to have appropriated ₦4 billion annually as security vote (Nnebe, 2013). Again, there was consternation in Abia State, not too long ago, when the Deputy Speaker of the House, while denying the accusation that the House had approved the sum of ₦700 Million monthly as the Governor's security vote, stated that:

This House has not approved...~~₦~~700 million for the governor. Assuming it is passed the way it is in the budget estimate, it is only going to be ~~₦~~667 million and not ~~₦~~700 million.

The house approved ~~₦~~667 million monthly and not ~~₦~~700 million! As Dada has queried, what is the difference? (Nnebe, 2013).

Similarly, the current Bauchi State Government has accused the immediate past Governor of the State, Isa Yuguda, of receiving and misspending the sum of ~~₦~~91 billion as security vote in eight years. Furthermore, the illegal impeachment of Rashidi Ladoja, when he was the Governor of Oyo State, was alleged to have been predicated on a disagreement between him and his political Godfather, Lamidi Adedibu, on who gets what share in the monthly security votes accruing to the Governor (Abdul-Jelil, 2018). The same story replicates itself in other states of the Federation, including Rivers, Anambra, Lagos, Bayelsa, amongst others (Abdul-Jelil, 2018).

Is there any state police that these mentioned amounts cannot adequately fund? In this context, it appears wrong to argue that funding of state police will be a problem to state governors. The fund available to them presently as “security vote” is more than enough to fund state police in their various states. The problem is that as a result of their corrupt tendencies, they prefer to channel these funds into their pockets and their bank accounts (Dada, 2015).

With these points, promoters of state police will readily declare that it is in Nigeria’s national interest and security to establish state-controlled police forces to better cater for the (national) security and welfare of the Nigerian people, in line with the provisions of section 14 (2) (b) of the 1999 constitution (as amended).

Implications of State Police to National Security: Arguments Against

The main objection against state police is that governors will convert it into a private enterprise employed to oppress their political opponents and enemies. As was witnessed in the first republic, politicians deployed native police commands to hound those who disagreed with their political beliefs and there is no reason why this cannot happen again. Presently, in many of the 36 federating states in Nigeria, governors have been accused of channeling “slush funds” into the secret funding of private armies and mobs for political gains. The argument is that this will only get worse where and when state police is legalized (Okemuyiwa, 2012).



Moreover, state police could be tribalized and employed against non-tribal groups in a state. Nigeria is not sufficiently advanced socially and culturally to adopt state police. Over-time, tribal elements will infiltrate state policing and make cosmopolitan states and cities into ones with prejudices against non-tribal indigenes.

Indeed, the issues of abuse of state police and the ethnicization of same are salient issues which cannot be wished away. As a result, state police, if established, may work against the (national) security and welfare of the Nigerian people, in line with the provisions of section 14 (2) (b) of the 1999 constitution (as amended).

From the foregoing, it is clear that both state and federal control over the police have inherent promises and pitfalls. Whichever control approach that is adopted must have an overarching capacity to foster national security in the long term.

Conclusion

The argument for and against the establishment of state police is gaining traction based on the failure of the current federal police to control the spate of violence, killings and insecurity in Nigeria. But the establishment state police is not without shortcomings, judging from the ugly experience of its experimentation in the first republic. Hence, there is a need to strike a balance between federal policing and the proposed state policing. Any policing approach to be adopted should be able to tackle insecurity and stem the tide crimes across the federation. Also, such policing approach should be sensitive and manage the prevalent differences in tribe and religion among Nigerians. In this connection, is the unequivocal and urgent need for concerted psychological input into the Police, and policing in Nigeria.

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