

The Police and the Challenges of Sustainable Democracy in Nigeria: Contributions and Constraints

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Abstract: Since the democratization of the Nigerian polity on 29th May 1999, the major concern has been about meeting the challenges of consolidating the hard-won democracy. In this Herculean task, the police, under an ideal setting, stand out as one of the institutional structures capable of making meaningful contributions to the process. Its role is defined in terms of national security imperatives such as the protection of life and property as well as fundamental human rights of citizens, crime control, maintenance of law and order and other related responsibilities of effective policing. This study evaluates the performance of the Nigeria Police in these regards, pointing out its contributions and constraints. The study concludes that rather than serve as a viable instrument for the deepening of democratic values in Nigeria, the police have tragically served to undermine it. The task of effective policing for sustainable democracy, the study contends, calls for a comprehensive review of the police as an institution and a general reorientation and socialization among its rank and file.

Key words: Police, policing, police brutality, sustainable democracy, corruption, socialization, human rights

INTRODUCTION

After a very long haul that spanned almost two decades, Nigeria eventually transitioned to democracy on 29th May 1999. The transition elicited high hopes and expectations across the country and beyond for obvious reasons. For one, democracy represents a fulcrum in the values which the “global wind of change” has imposed on the global system consequent upon the end of the Cold War. Two, democracy is generally seen as a harbinger of good governance and development. These were in addition to the series of frustrating experiences, which Nigerians had had to contend with under successive military absolutism. In the circumstance, it then follows that any country desirous of relevance within the world system must be seen as “democratically compliant”. In this sense, democratization assumes a standard yardstick for full participation in world affairs and the enjoyment of the associated benefits (Omotola, 2003).

Indeed, given Nigeria’s tortuous march towards democratization in the present fourth republic, one must attempt a prognosis of the possibility of the survival of the nascent democracy and suggest possible recipes for further development. This becomes more pressing considering the fact that one major preoccupation and fears in the mind of an average Nigerian is how to nurture and sustain the nascent democracy (Ojo, 2003). While several other factors such as the civil society, good governance, mass media, labour movement etc (Ojo, 2003; Azeez, 2002a, b; Omotola, 2003; Ikelegbe, 2001) have

attracted the attention of scholars in the field of democratic consolidation, the putative role and democratic significance of the police have not yet been given the deserved attention.

As a matter of fact, ignoring the centrality of the police to the successful democratization of any society, particularly in the search for consolidation, may turn out to be deadly. This is because as an institution, the police is saddled with the responsibility of policing the society. Its putative roles are basically defined in terms of national security imperatives such as protection of lives and property as well as fundamental human rights of citizens; crime control and the general task of maintaining law and order (Reiner, 1997; Bayley and Shearing, 1996; Baker, 2002a). The extent to which the police is able to discharge these functions effectively is very decisive to the deepening of democratic political culture and by extension democratic consolidation.

But while the police are fundamental to the democratization process, its overall role should not be considered *a priori*, as a given. Its performance is obviously predicated upon a number of factors, as would be shown later. It is against this background that this paper raises the questions: How robust is the relationship between the police and democracy in Nigeria? What are the possibilities and limitations of adapting the police to further the cause of democratization in Nigeria? What must be done to facilitate robust relationships between the police and democracy in Nigeria? In doing this, we rely largely on secondary data, including textbooks,

journals, newspapers and magazines. This is complemented with existing survey data on police performance in Nigeria and the cumulative observation of this researcher. Providing insights into these and related questions constitutes the major concern of this study.

CONCEPTUAL CLARIFICATION

Three concepts are central to this study:

Police and policing: Across time and space, the police have always been an indispensable institution of the state. Before the advent of modern state system, which heralded the formation of modern police, institutions saddled with the task of maintaining law and orders existed and were organized in an informal, private and localized basis, the locus of social order residing in institutions of civil society (Johnston, 1992). This takes the form of vigilantism or what Bruce Baker referred to as non-state policing (Baker, 2002a).

The rise of modern state system has however brought about the formation of specialized and formal police organizations, whose functions, according to Dandeker (1990) were to manage and secure internal boundaries and to protect its citizens against internal threat. It is instructive to note that the rise of modern police has not totally displaced non-state police/security outfits. Rather, the rising tides of insecurity across the globe; failure of the modern police to effectively discharge its responsibilities as in the case of Nigeria and South Africa (Ekeh, 2002; Baker, 2002a) and the new challenges posed for policing by globalization, have ensured that both state and non-state police institutions coexist. This underscores the need for us to clarify our conception of the police in the context of this study.

Generally speaking, the police typify an official body of men and women whose duty is to maintain law and order. It is an official organization whose job is to make people obey the law and to prevent and solve crime. The police, for short, are an institution officially established for policing the society. Policing on the other hand, connotes the activity of maintaining law and order by the police. It is fundamentally about the establishment of security or peace (Shearing, 1992). This can be done by both state and non-state actors. But, as Bayley and Shearing (1992) have warned, being “diverse, purposive activity”, any meaningful discussion about policing should transcend its conception in the amorphous terms of social control and focus on the “self-conscious process whereby societies designate and authorize people to create public safety”. This caution underscores the “beauty” of state (modern) police particularly in a

democratic setting. The police, under an ideal setting, is imbued with a legitimate access to force, having the sanctioned potential of applying a non-negotiable coercive force in its role as a custodian of official order (Bittner, 1991). Unlike non-state or self-policing that is inherently characterized by legitimacy crisis, as well as its lack of accountability and poor attitude to the rule of law which, clearly disqualify it from being a valid alternative policing strategy within a democracy (Baker, 2002b).

Essentially, policing is ubiquitous in its roles and responsibilities (Bayley, 1996). Though an elastic concept, it is normally associated with an array of functions which Baker (2002a) has identified as including regulating society and maintaining order, preventing crime, responding to crime and restoring order and the use of necessary instruments of coercion to assist in any of those roles. The National Orientation Agency (NOA) and the Nigeria Police (NP) conceive of police role as that of investigating cases of breaches of the law and maintaining and preserving the peace (NOA and NPF, 1995). Specifically, the Nigerian Constitution of 1999 in its section 214 (2) (b) states that the Nigeria police shall have such powers and duties as may be conferred upon them by law. The law, through section 4 of the Police Act as modified by the Police (Amendment) Act No. 23 of 1979 specifies the duties of the Nigeria police as follows: The prevention and detention of crime; the preservation of law and order; the apprehension of offenders; the protection of lives and property; the due enforcement of all laws and regulations with which they are directly charged and shall perform such military duties within or without Nigeria as may be required of them by or under the authority of any Act (FRN, 1979, 1999).

There is no gainsaying the fact that these responsibilities touch on national security imperatives and are vital to the sustainability of the country’s nascent democracy (Adekanye, 2001; Nwolise, 2004). The extent to which the police are able to effectively discharge them is therefore pivotal to the strengthening of the democratic system. This is predicated on some factors. Baker (2002b) contends that policing activities required to be “accountable, consistent and human”. These conditions, according to him, are obtainable if policing is treated as an inherently public good, whose provision should reside in the hands of a single monopoly supplier, the democratic state. For him, non-state police actors possess certain internal contradictions that would not allow for these virtues (Baker, 2002a). While this claim may be theoretically appealing, one should be conscious about its phenomenon reality. The Nigeria Police, for example, have been recently indicted by a report from the World Bank as one of the two “most corrupt-riddled organizations in the Nigerian nation”, (Ihenacho, 2004).

Again, the issue of how the police should perform its duties to make it a positive instrument of societal progress has also engaged the attention of scholars over the years. Bittner (1991) alluded to this when he writes that “the role of the police is best understood as a mechanism for the distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies”¹. In his elaboration on this point, Les Johnston argues that the defining characteristic of the police is their capacity to engage in decisive action (Johnston, 2000). For him, an action is decisive where “it is authoritative, the police’s authority deriving from their capacity to exercise legitimate force where it is required”. Though persuasive, this argument raises some pertinent questions. For example, what action(s) make(s) the use of force legitimate? What degree of force, minimal or maximal, as Johnson himself demarcates, is required of the police at a given point in time? How do we determine the boundary between minimal and maximal force, or better still, how do we make a scientific measurement of force to ascertain its level of deployment? These are questions yarning for answers but certainly beyond the purview of this study. While Johnston’s typology on the forms of police action offers some useful clarifications, it certainly belies the magnitude of the issues raised herein.

One significant point made through the matrix however is the necessity of diversity in policing as a necessary means for resolving various policing problems. This requires optimal policing, defined as a system of security which is neither quantitatively excessive (to the detriment of alternative social values and objectives) nor qualitatively invasive (to the detriment of public freedom) and which satisfied conditions of public accountability, effectiveness and justice for all (Johnston, 2000). It is this kind of policing that is desirable in a democratic society to the deepening and consolidation of democracy.

Sustainable democracy: The term sustainable democracy is synonymous with democratic consolidation. In its original conception, democratic consolidation was meant to describe “the challenges of making new democracies secure, of extending their life expectancy beyond the short term, of making them immune against the threat of authoritarian repression and of building dams against eventual reversal waves” (Schedler, 1998). This however describes the classical meaning of democratic consolidation. As Ojo (2003) rightly posits, the list of problems of democratic consolidation (as well as the corresponding list of conditions for democratic consolidation) has expanded beyond all recognition. It has come to include such divergent items as popular legitimation, the diffusion of democratic values, the neutralization of anti-system actors, civilian supremacy

over the military, the elimination of authoritarian enclaves, party building, the organization of functional interest, the stabilization of electoral rules, the routinization of politics, the decentralization of state power, the introduction of mechanisms of direct democracy, judicial reform and the alleviation of poverty and economic stabilizations. From a positivist perspective therefore, democratic consolidation deals with reaching the goal of democratic continuity, maintenance, entrenchment, survival, permanence, endurance, persistence, resilience, viability, sustainability or irreversibility. Put differently, it entails moving beyond democratic fragility, instability, uncertainty, vulnerability or the threat of breakdown (Schedler, 1998).

As rightly articulated by Lary Diamond, democracy can be said to be consolidated when it has become so broadly and profoundly legitimate among its citizens that it is very unlikely to break down. To attain such heights requires “behavioural and institutional changes that normalize democratic politics and narrow its uncertainties” (Diamond, 1995). In such a situation, there must be “the widespread acceptance of rules to guarantee political participation and political competition (Bratton, 1998). Following this line of argument, Azeez posits that a democracy can best be said to be sustained or consolidated when we have good reasons to believe that it is capable of withstanding pressures or shocks without abandoning the electoral process or the political freedom on which it depends, including those of dissent and opposition (Azeez, 2002a, b).

Though this study shares the foregoing views, it however defines sustainable democracy as the entrenchment and deepening of democratic political culture and multicultural citizenship receptive to the institutions, mechanisms and principles of a democratic regime and at the same time immuned against internal and/or external threats of erosion, breakdown or reversal (Omotola, 2004b). This requires effective institutions for the maintenance of law and order, if the games must be played according to the rules. Herein lies the centrality of effective policing to democratic consolidation.

HISTORICAL BACKGROUND OF THE NIGERIA POLICE

As in elsewhere, the origin of modern policing in Nigeria was coterminous with the emergence of modern state system. Prior to the colonial adventure in Nigeria, there existed a form of an informal and in some cases formal forms of policing among the various groups that later became known as Nigeria (Tamuno, 1970; Nwanko *et al.*, 1993). The Human Right Watch (HRW) and Centre for Law Enforcement Education (CLEEN)

corroborate this point in their recent report on Nigeria where they point out that in pre-colonial Nigeria, some, though not all independent local communities, especially in the south-east, maintained their own standing army to defend their territory against the threat of invasion from neighbouring communities (HRW and CLEEN, 2000).

The emergence of modern policing in Nigeria was essentially a colonial construct. In his pioneering work on the police in modern Nigeria, Tekena Tamuno alluded to this fact. According to him, the need for state policing arose as a result of the nature of Nigerian opposition to British jurisdiction and rule. In order to suppress all forms of local opposition and uprising against its hegemony, the colonial state emphasized the need for troops and police as the ready instrument of enforcing government orders when peaceful overtures failed (Tamuno, 1970). Following local resistance to the British colonial invasion, the British Consul charged with the administration of the colony of Lagos sought and obtained permission from his principal in London to establish a Consular Guard comprising of 30 men in April, 1861 (Sache, 2002, 2003). By 1863, the Consular Guard became known as the "Hausa Guard" and was further regularized in 1879 by an ordinance creating a Constabulary of the Colony of Lagos under the command of an Inspector General of Police. With these changes, there was also a change in the nomenclature to "Hausa Constabulary" (Tamuno, 1970; Sache, 2003).

On 1st January 1896, the Lagos Police Force was created and armed like the Hausa Constabulary, under the control of a Commissioner of Police, who was also a Sheriff, Inspector of Weights and Measures and the officer in charge of the prisons. It was from this structure that the Criminal Investigation Department at Alagbon Clsoe, Ikoyi, Lagos was created in 1901. While these were going on in Lagos and some part of Yoruba heartland, the areas now known as Edo, Delta, Akwa Ibom, Rivers and Cross Rivers States² were declared as Oil Rivers Protectorate in 1891 with Headquarters at Calabar where an armed constabulary was formed. In 1893, the area was proclaimed the Niger Coast. A Constabulary modeled on the Hausa Constabulary was then formed and it existed for 6 years and featured prominently in the British expedition to Benin in 1896 (Sache, 2003).

In northern Nigeria, the Royal Niger Company which was granted a Charter in 1886 by the British Government to administer the territory set up the Royal Niger Constabulary in 1888 with headquarters at Lokoja. Its main duty was to protect its installations along the banks of River Niger and played an important role in British campaigns against Bida and Ilorin. When the Charter granted to the Royal Niger Company was revoked in 1900, the Royal Niger Constabulary was split into the Northern Nigeria Police Force and the Northern Nigeria Regiment.

In the South, the Lagos Police Force and part of the Niger Coast Constabulary became the Southern Nigeria Police Force in 1906, while the bulk of the Niger Coast Constabulary formed the Southern Nigeria Regiment (Sache, 2002, th2003).

Following the amalgamation of Northern and Southern Nigeria in 1914, as in other governmental agencies and activities, both Police Forces continued to operate separately. It was not until 1st April, 1930 when they were merged to form the present Nigeria Police with its headquarters in Lagos under the command of an Inspector General of Police (IGP). The title of the IGP was however changed to Commissioner in 1937 but later reverted to the original title in 1951 following the introduction of the Macpherson Constitution. Consequently, the designation Commissioner was assigned to the officers then in charge of the Regions.

The periodic balkanization of Nigeria into states under successive military regimes, as it has turned out, has impacted on the structure of the Nigeria Police. For instance, the creation of twelve states on 27th May 1967, which was used as Police Commands with each headed by a Commissioner of Police, rose to 19 in 1976 with the creation of the 19 state structures. In 1986, 1991 and 1996, additional states were created thereby changing the federal structure into 36 states, apart from the federal capital territory. Thus the thirty seven Police Commands in the country. On 14th October 1986, Zonal Command headed by Assistant Inspector-General of Police was introduced to conform with the political structure of the country. Today, there exists twelve Zonal Commands in the country while the Force Headquarters operates as a Police Command. It is important to note that since the appointment of the first indigenous Inspector-General of Police in 1964 in person of Mr. Louis Orok Edet, the Nigeria Police have been headed by eleven other Nigerian, including the incumbent Mr. Sunday Ehindero (Sache, 2003). Another major impact of military rule on the police is the problem of funding. There was no constitutional provision that a certain percentage of national revenue be allocated to the police. As such, the police have been subjected to a perpetual crisis of underfunding.

Flowing from this historical account, it has become obvious that the Nigeria Police are essentially a colonial creation, imbued with military character for furthering the cause of British colonization of Nigeria. As Peter Ekeh Poignantly puts it: "its purpose was quasi-military assistance to the British colonization of Nigeria" (Ekeh, 2002). This military character inherited at independence in 1960, was strengthened by successive military regimes and up till today remains one of the greatest undoing of the Nigeria Police.

THE POLICE AND THE STRUGGLE FOR SUSTAINABLE DEMOCRACY

The role of the police particularly in a democratic setting is defined in terms of national security imperatives. In both developed and developing democracies, the police are normally associated with an array of functions including regulating society and maintaining order, preventing crime and restoring order and the use of necessary instrument of coercion to assist in those roles (Baker, 2002b). In the course of doing these, adequate precautionary measures must be taken so as not to violate the basic rights of the citizens in the name of maintaining law and order. It follows that the police must be well-informed, educated and equipped.

Across all epochs-pre-colonial, colonial and post-independence Nigeria, the police have been striving, albeit unsuccessfully to discharge these responsibilities. In the pre-colonial era, the police existed through some informal structures such as vigilantism for the maintenance of law and order. During the colonial period, the police too were formally on ground to assist the colonial government in enforcing law and order. In fact, the creation of modern police under colonialism was essentially a response to the problem of order, which emanated from a pocket of resistance from the local population. As it later turned out, the police were a vital instrument for the expansion and governance of the colonial entity called Nigeria (Tamuno, 1970; Nwanko *et al.*, 1993; NOA and NPF, 1995; HRW and CLEEN, 2000; Ekeh, 2002).

Since the attainment of independence in 1960, the Nigeria Police have been part and parcel of the struggle for democracy. It has done this in a number of ways. One, it has been the principal organ of crime control through prevention and detection of crimes. Two, it has also been trying to see to the protection of lives and properties of the citizens. Three, it has played prominent role in the maintenance of law and order to ensure orderliness amongst the citizens in their daily activities. Four, it apprehends and prosecutes lawbreakers or offender by arraigning them in a competent court of law and have also contributed to the promotion of rule of law and fundamental human rights. The role of the Nigeria police has also been very visible in the electoral history of the country. In this regard, the police are expected to ensure that:

- No firearms or offensive weapons are carried by anyone at political rallies or procession;
- No political campaign shall be made on the basis of sectional consideration;

- Abusive, intemperate, slanderous or haze language designed or likely to provoke violent emotions or reactions shall not be employed or used in political campaigns;
- Places designed for religious worships or activities shall not be used to promote or propagate or attack the ideas or programmes of any political party or of any of its candidates;
- Masquerades shall not be employed or used by any political party or person during political campaigns or for any political purposes or occasion;
- Political parties shall not recruit, hire or maintain any private security organization or whatever;
- Intelligence gatherings will be carried out with plainclothes men to monitor the goings on at political meetings which are not usually attended or covered by uniformed policemen except upon an invitation or request by a party and
- Offenders will be promptly arrested and prosecuted in accordance with the law (NOA and NPF, 1995).

Under the nascent democracy inaugurated on 29th May 1999, the Nigeria Police have been up and doing to contribute its own quota to the sustenance of the democratic system. This has manifested in a number of ways. First, it has been able to play some deceive roles in the investigation of some criminal cases. For instance, the police were instrumental to the investigation of the allegation of certificate forgery and perjury against the first Speaker of the Federal House of Representatives, Alhaji Salisu Buhari by The News Magazine. Based on police investigation, the Speaker was eventually tried and convicted of forgery and perjury and sentenced to jail on 3rd August 1999 by an Abuja Chief Magistrate Court (The News, 2nd August, 1999; Tell, 9th June, 2000). The story was not different about the first Senate President too, Evan(s) Enwerem. In his own case, he was accused of having a questionable past, which should have prevented him from being given the privilege of becoming the third most important man in the hierarchy of public office holders (Ojo, 2003a, b; Omotola, 2004b). With police investigation, he was eventually removed from the office. In this wise, the police have been able to contribute to the fight against corruption, the latter being an enemy of democracy (Gboyega, 1996). Whether these investigations are independent and free of political interferences from the executive is another thing, given the seeming lack of autonomy of the police in Nigeria.

Apart from investigation, detection and prosecution of crime, another area where the police have been of help to the democratization process is in the area of security of lives and property as well as maintenance of law and

order. The protective role of the police had manifested in the form of patrol, apprehension and prosecution of lawbreakers. It has also been involved in conflict management especially to quench riots and violent demonstrations. By so doing, it has seemingly become a “guarantor” of civil liberties and fundamental human rights. The major problem here is that most often, the police get overzealous and tend to overdo things and in the process violate the rights it was intended to protect.

Perhaps, the most visible role of the Nigeria police in the democratization process has been in the area of electoral politics. Its involvement here is multidimensional. Besides the fact that it offered security services during the various stages of the electoral process-voters registration, campaign and rallies; conduct of the election, collation of results-it also helped a great deal in the maintenance of law and order. There is no gain saying the fact that the presence of security officials helped to reduce the specter of violence during the 2003 elections (Omotola, 2004a). A very vital role of the police during the 2003 elections was its project on Monitoring Police Conduct During Election (MPCDE). Initiated by partnership of the Nigeria Police Service Commission (PSC), the Open Society Initiative (OSI) and CLEEN, the MPCDE offered short term financial assistance and technical support for the PSC to check and report on police behaviour during the 2003 elections in Nigeria. The programme has the following objectives:

- Develop standards and ground rules governing police conduct during the 2003 presidential, national and state elections in Nigeria;
- Disseminate these standards through the rank and file of police personnel and to the Nigerian public;
- Monitor and act on breaches of these standards and
- Issue public reports of the activities undertaken (Thisday, 3rd April, 2003; Daily Champion, 4th April, 2003; NPSC, 2003).

Pursuant to these objectives, the PSC created an inter-agency committee to advise and assist in the implementation of the project, consisting of members of the PSC, the Justice initiative, CLEEN, NOA, independent National Electoral Commission (INEC), the NPF and Transition Monitoring Group (TMG). The deliberation led to the creation of a secretariat for the project in two rooms at PSC, issuance of guidelines and the creation of public awareness about the project. Thus, 60,000 copies of the guidelines in full booklet form; 120,000 copies of the guidelines summary on 2-sided laminated cards and 20,000 copies of the guidelines summary in poster format were produced and circulated (Daily Trust, 20th June, 2003; Daily Independent, 16th April, 2003; Vanguard,

16th April, 2003).

Eventually, the project, in conjunction with the NOA, TMG and PSC recruited 185 “roving monitors” for the elections (5 for each state of the federation), who were adequately kitted for the exercise. Preliminary reports suggest that the project was a huge success. It was said to have increased police knowledge and understanding of the guidelines; raising public profile of the PSC; demonstrating that the PSC could operate professionally and efficiently to fulfill some of its functions and curbing some of the worst excesses of police abuse which have plagued past elections in Nigeria. The PSC’s performance was widely reported to be one of the marked positive features of the elections (Thisday, 3rd April, 2003: 13th May, 2003: Vanguard, 13th May 2003). Thisday, a Lagos based newspaper wrote: “The commission deserves a lot of commendation for its forthright and exemplary practice, which is fast disappearing from the public service in today’s Nigeria” (3rd April, 2003). The Coalition Against Police Assault (CAPA), an NGO also wrote and congratulated the chairman of PSC in particular for “criticizing the officers where they were found wanting and praising them where the situation warranted” (Vanguard, 13th May, 2003).

Be that as it may, the performance of the Nigeria police in the search for sustainable democracy, though has been boosted by the return of the country to democracy on 29th May 1999; the recruitment drive into the force; creation of a Separate Ministry of Police Affairs with a cabinet rank minister to ensure more efficiency and the procurement of necessary instruments in the areas of communication, transportation and arms and ammunition; still leaves more to be desired. For instance, the security situation of the country today has been hijacked, undermined and compromised by men (and women?) of the underworld who operate considerably with reckless abandon and little regard for decency and respect for human life. As the Social Science Academy of Nigeria (SSAN) wrote in an editorial comment:

The streets, even in broad day light, are no longer safe. It is increasingly becoming risky to travel on the highway, particularly at night. Even when Nigerians sleep, they are not absolutely sure of safety. Fear is in control largely because armed criminals have assumed the commanding heights of the national security landscape (SSAN, 2004).

These claims are largely supported by realities across the country. Between 1999 to date, several Nigerians have been killed/assassinated and the police have not been able to come out with the reports of their investigations, let alone arresting and prosecuting the suspects/culprits.

The list include Chief Bola Ige, the attorney General of the Federation and Minister of Justice when he was assassinated in 2002; top politicians such as Harry Marshall, Charles Dikibo, Funsho Williams and Ayo Daramola, the last two being gubernatorial aspirants in Lagos and Ekiti states, respectively.

In cases where the police would appear to be responding to the challenges of national security, they tend to do that with maximum force. In the process, they inflict unwarranted level of damage on the people. As such, we must examine why the security forces particularly the police inherited and nurtured since political independence appear dedicated to visiting pains and violence on the masses rather than protecting them. All these are no doubt at the primacy of the ineffectiveness and inefficiency that have come to envelop the Nigeria Police over the years. This is the concern of the next study. One also recalls the massive use of the police against pro-democracy movements during the heady days of the struggle for democracy. It is ironic that the democratization of the country since 1999 has done very little or nothing to change the situation. The police have been repeatedly used to rig elections at all levels, as was the case in the 2003 and recent 2007 Nigerian elections.

THE CONSTRAINTS AGAINST EFFECTIVE POLICING

That the Nigeria Police has largely betrayed the high hopes and expectations placed on it by Nigerians in terms of national security imperatives and by extension sustainable democracy is not an exaggeration (Jike, 2003). The Police in Nigeria, like in other ex-colonies in Africa, have peculiar problems. First and foremost is the military character stamped on the police at inception by the British colonialists. For all intents and purposes, the Nigeria police were created as a coercive force to silence all forms of opposition from Nigerians to colonial rule. Tekano Tamuno, the distinguished historian notes this point well when he writes that:

By far the most crucial factor in understanding the existence in Nigeria of semi-military police lay in the nature of Nigerian opposition to British jurisdiction and rule... These sources of friction... emphasized the need for troops and police as the ready instrument of enforcing government orders when peaceful overtures failed... In the circumstances, the police formed the front line of defence in Britain's attempts to maintain law and order while soldiers afforded the last... at least in theory. Where however the Constabulary housed, as it were, both the soldiers and the police, the distinction was meaningless (Tamuno, 1970).

Peter P. Ekeh has also underscored this fact when he asserts that "right from the beginning, the purpose of the Nigeria Police Force was to protect government functionaries, sometimes against natives" (Ekeh, 2002). Today, this character of the Nigeria Police has not changed. Rather, long (mis) rule of the military only emboldened the colonial birth mark. As an institution devoted to protecting the interest of the ruling oligarchy, it was never designed to be socially responsible to and embedded in the society. This also reflects in its name-Nigeria Police. As Ekeh (2002) has rightly observed, "Nigeria", in *Nigeria Police Force* was a geographical indication of where the police were to operate, not a political detonation of its ownership. Unfortunately, this oddity of a name used by British colonial administrators would appear not to have bothered the ruling elites and the people alike since independence in 1960. Hence the name has not changed. Under an ideal situation, a people's police must be endogenous even in name. In that case, it would have read *Nigerian Police*.

Given the foregoing, it is therefore not surprising to see that several decades after independence; the police in Nigeria still retain its military character. To be sure, one of the distinguishing features of the Nigeria Police of today is its brutality. The brutality is so much that the police have tragically become the enemy of the people it is meant to protect. Through its anti-democratic attitudes, it has also become a major source of violence against the democracy project. For instance, one Haliru Agaba, a young apprentice in Kaduna state was reportedly shot to death by one Corporal Rabiun Bello of the Kaduna state Criminal Investigation Department (CID) over the former's refusal to oblige his request to buy a stick of cigarette for him (The News, Lagos, 30 April, 2001). Also in February 2001, three policemen attached to Central Kogi State Police Command-Benjamin Oyakhire, Jimo Michael and Gershon Soba-reportedly mounted an illegal road block, robbed some traders (an equivalent of 100,000 US dollars) and set two of the traders ablaze in a brazen attempt to cover their tracks (PANA Press, 3rd April, 2001). Again on 27th March, 2001, a combined team of mobile policemen and military officers reportedly stormed a second-hand auto-market in Lagos, shot four traders and took their money. When contacted, the Deputy Police Commissioner, Mr. Emmanuel said he was not aware of the incident (Vanguard, 28 March, 2003). In the same 2001, precisely on 8 April, Mr. Adewale Ayuba, a local popular musician was shot in the leg while returning from a night gig. Four men of the dreaded Mobile Police were said to have accosted him and demanded to be "settled"⁵. Ayuba responded by given them some money but the policemen demanded for more. For his refusal to add anymore, he

was shot in the leg (Guardian, 9th April, 2001). There have also been reported cases of indiscriminate shooting and killing of commercial cab drivers for refusing to give the 'usual' N20 "toll fee" to the police at the illegal and innumerable checking points (Ahmed,⁶ 2001).

Police violence against democracy is most noticeable in two areas. One was in the civilian coup which resulted in the abduction of Governor Chris Ngige of Anambra state. The execution of the said civilian coup was with the active connivance of a section of the Nigeria Police. At least, the abduction team, which consisted of men of the Nigeria Police, was led by Assistant Inspector-General of Police (AIG), Raphael Ige. In the wake of the attendant impasse, the Nigeria Police hurriedly retired the AIG Ige with full benefits. He has since died in mysterious circumstances, which has been interpreted by Nigerians as an attempt to frustrate the investigation of the matter by the police. The Second area is the incessant use of the police to thwart, abort and suppress the expression of dissenting views by opposition elements, even when such was peaceful. For example, the proposed Mass Action by the Conference of Nigerian Political Parties (CNPP) to protest the alleged irregularities that characterized the 2003 Nigeria's general elections was thwarted by the police. First, it refused to grant the application for the protest. Second, when they eventually embarked on this, the police descended very forcefully on them, molested and tortured the leading participants (ThisDay, 20th April, 2004; 21st April, 2004; Daily Trust, 16th April, 2004; 21st April, 2004; This Day, 24th April, 2004). The police have demonstrated the same kind of violence against labour movements in Nigeria particularly the Nigerian Labour Congress. In its struggle against frequent increase in the prices of petroleum products, the police were always on hand to unleash terror on the protesting Nigerians, arresting and detaining their leaders without trial. The same thing was done to them in the protest against the new Labour Amendment Bill (Omotola, 2004b; 2004c). This distortion is obviously anti-democracy, for one of the beauties of democracy is the rights to dissent in non-violent ways.

Another major constraint against police effectiveness, in this democratic dispensation is the pervasiveness of the culture of corruption in the police as an institution. Whereas, Article 324 of Police Act provides for the standards of conduct required of a police officer to include "offer prompt obedience to lawful order" and "be determined and incorruptible in the exercise of his duties" (Cap 154), the phenomenon of corruption has totally overwhelmed the Nigeria police. Onwuewe (1986) identifies the various forms of corruption in the Nigeria police to include: Traffic duties; Arrest and prosecution

of crime suspects; court trial in form of delay of justice, undue adjournment of cases; destruction of exhibits and evidence; issuing of licenses and permits; falsifications and tampering with statements and police investigations. While these remain valid, the most visible of them today relates to traffic duties. Extortion of money from motorists had become one of the several sore points of the police (Abdulkarim, 2004). Right in public glare, the police collect between ₦20.00 and ₦100.00 from each commercial vehicle depending on the category of the vehicle involved. The commercial vehicle drivers have come to accept this as a sacrifice they have to make to avoid higher penalty and waste of time. As one Mafutau, a commercial bus driver noted:

We don't waste time in giving them the money. When you don't bring out the money in time, they will tell you at gunpoint to park and then you might be required to pay more than the regular bribe. They won't collect anything less than ₦500 (Quoted in Thisday, 19 June, 2004).

The twin problem of police brutality and the phenomenon of corruption have combined very well to create a deep-seated image problem for the Nigeria Police. Today, if there is any institution that Nigerians detest, it is certainly the police for obvious reasons. Its militarization has greatly denuded its civilian character. Because of this bad image, there has emerged a regime of mutual suspicion, distrust and hatred between it and the people. As such, the gulf between the two gets deeper by the day, thereby frustrating the emergence of a mutually reinforcing pattern of relations between them. A major implication is that the much more information needed by the police for effective policing can not easily be divulged to them by the people because the police have come to be seen as an evil institution that if one must dine with, it must be with a very long spoon to avoid any form of frivolous indictment. This is another limiting dimension.

There is also the problem of inadequate, nay lack of motivation of police officers particularly among the junior ones. Here, the welfare needs of the junior ranks in terms of salaries, accommodation, kits etc are not only deplorable but pathetic and yet no one seems to be interested (Abubakar, 2002). This neglect has been very central to the failure of all anti-corrupt measures to stamp out corruption from the police. In the nationwide tour of police formations in Nigeria, a police sergeant attached to the Mobile Police unit in Lagos angrily told the Minister of Police Affairs, Chief Broderick Bozimo that:

“Recently, about 36 of us were paraded for extorting money from motorists. Some were shown the way out of the force, but this I think will not serve as a deterrent to other officers engaged in collecting the so-called ₦20 notes at bus stops because most of them are poorly paid, police superiors are not complying to the salary structure and these officers have families who look to them for their daily bread (Thisday, 31 August, 2003)”.

He continued:

“Even when we are on leave, we are not paid our leave allowances. When we are posted to outside stations, no provision for accommodation and you are talking of stamping out corruption. How can that be? Even these officers that are accused of collecting bribes make a particular percentage to their superiors who sit in the office and who do not share from this humiliation at the end (Thisday, 31 August, 2003:14; cf Abdulkarim, 2004)”.

Other elements of poor motivation include inadequacy of equipments for effective policing. These include transport facilities, communication gadgets, arms and ammunition, all of which are grossly inadequate in supply. There is also the dimension of the politicization of the force especially in the areas of recruitment and promotion. As Abubakar Tsav, a one time IG of police in Nigeria points out, “the average prospective recruit pays up to ₦30,000.00 to get recruited. The authorities of the police may pretend not to know this, but it is true” (Isav, 2002). The same trend has grappled promotion exercise such that forces such as “organized corruption, nepotism, ethnicity, favouritism and religious bigotry”, which are responsible for the increasing incident of indiscipline in the Police Force have become the order of the day. Consequently, promotion is no longer based on any well-laid out criteria, resulting in double standards and demoralization of officers. It was for these reasons that the junior ranks decided to embark on a strike action, the first of its kind in the history of the Nigeria Police. This was in contradistinction to the provision of section 38(1) of the Police Act, Cap 154, which made it an offence for any police officer other than a superior officer to begin, raise, abet, countenance or incite mutiny.

Other factors inhibiting police effectiveness in the democratization process of Nigeria include the low quality of members of the corps in terms of educational qualification and training and the over centralizing

tendencies inherent in the force which makes the federal government to have absolute monopoly over it. Section 214(1) of the Nigerian Constitution of 1999 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 (FRN, 1999)”.

This is another area of research prospects on the Nigeria Police. However, the basic question is what must be done to salvage the situation?

POLICING FOR SUSTAINABLE DEMOCRACY: A CONCLUDING NOTE

The Nigeria police have always been under the scrutiny of the public. In its present state, the police is seen as an object of derision, detached from the high hopes and expectations placed on it *abinitio*. Rather than serve to strive to strengthen the democracy project, it has in most cases, though contrary to expectation, worked to undermine it. What must be done to salvage the situation and make the police a positive instrument of sustainable democracy?

The first and most urgent need is to begin a genuine process of making the police truly a Nigerian police. In its present temperament and organization, it is quasi-military and largely unresponsive to the challenges of a democratic society. It is therefore proper to contemplate measures to make it shed its colonial garb and military character. This process should begin with a change in name from Nigeria to Nigerian Police. This has the potential of addressing its irresponsiveness to the people and giving it a political aura of popular acceptance. This must however be followed by a process of social mobilization and reorientation among the rank and file that the police exist for the society and wouldn't have been without it. In short, adequate effort must be made to adapt, transform and endogenise the colonial police inherited at independence to domestic realities.

Another vital area that requires urgent attention is the public perception of the police. To salvage its battered image, it is important to address the twin issues of its brutality and corruption. If any efforts in this regard must work, then efforts must first be made to address the welfare need of police officers particularly the junior ranks. Issues such as salary should be reviewed upward and paid as at when due. Leave bonuses, accommodation, regular promotion based on universally acknowledge criteria etc. should all be given adequate attention. There

should also be visible punitive measures for erring officers to serve as deterrent to others and its application should not be selective.

Moreover, the police must be discipline and strengthened to meet the challenges of modern policing. Here, it is expected that an effective institution of control be established, who knows what to do, when and how. The Ministry of Police Affairs and the Police Service Commission readily come to mind here. They should be adequately mobilized and empowered to discharge their responsibilities. The issue of having adequate instruments to assist in the discharge of police duties is also of utmost importance. In this regard, mobility-enhancing instruments such as transport facilities, telecommunication gadgets and the like are required to strengthen the police. The area of arms and ammunition also deserves some attention. As matters stand now, the police are ill-equipped. This explains why in most instances when the police come in contact with armed robbers, the latter usually carry the day because they possess superior fire power/weapon. The police have therefore resorted to the "escape" approach when confronted with such situations and has to that extent dealt a heavy blow on public security and safety.

Above all, it should be noted that the crisis rocking the Nigeria police are the crisis of the Nigerian state. The state itself is largely detached from the society, wielding overbearing influence on every facet of human endeavour. Perhaps, this accounts for why the police are entirely made to be a federal institution. The failure of the state in other areas of governance meant its failure in terms of national security imperatives particularly as it relates to the police. It is within this framework that we can understand the massive resurgence of non-state policing across the country under the nascent democracy (Baker, 2000b; Babawale, 2001; Akinwumi, 2003). What this indicates is that what Nigerians want, as suggested by Peter Ekeh is to reform the Nigerian police by deleting Article 214(1) and permitting multiple police formations such that:

- The Nigeria(n) police force should become specialized in matters that are deemed federal in nature.
- State police should operate in all of its domain in ways that will address personal security problems in their territories of jurisdiction.
- Local governments that can raise revenue (not from the federal government) may also have their own police formations.

- Towns and villages that are willing and able to pay for their own security be permitted by state laws to operate their own police forces for the sake of meeting their security needs, such as those that have prompted the rise of vigilante groups in the recent history of Nigeria (Ekeh, 2002).

Although, this option is fraught with its own contradictions such as the possibility for the elite of power at each level of government to hijack such police outfit to further their personal interests and turn it to an instrument of political vexation and vendetta, just as the federal government is doing with the Nigeria Police, yet, it would appear to be the most viable option at least for now. With little prospect that the Nigeria Police will be adequately resourced and trained sufficiently to make much impression on crime in the near future, it is unlikely that this development will be curtailed (Baker, 2002a). Whatever the case, the fact is that the situation in the Nigeria Police as it is now, calls for very drastic and decisive actions.

Notes:

- Emphasis Mine.
- These states constitute the South-South Geo-political Zone in present day Nigeria.
- Items Issued to the monitors include: a project monitoring information package; a PSC t-shirt and baseball cap for identification; INEC accreditation badge; at least two monitoring checklists per election and the phone number of the project secretariat to allow for immediate reporting of specific incidents.
- Emphasis is mine.
- A local name for bribe.
- Ede Ahmed is a pseudonym provided by the author for obvious reason. He is an Asylum seeker based in Ireland.
- Emphasis mine.

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