

SECURITY CHALLENGES: IS THE LAW ENFORCEMENT AGENCIES OVERWHELMED?

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Abstract

Security challenge: Is the law Enforcement Agencies overwhelmed?, is a paper designed to interrogate the role of Law Enforcement Agencies especially the police in the face of unprecedented insecurity in Nigeria. By using the analytical method of research, the paper observed that though the government and the law enforcement agencies are doing their best, insurgency has eaten deep into the fabric of the Nigeria society, consequently, the paper asserts by way of conclusion that the law enforcement agencies have been overwhelmed by large scale insecurity. Consequently the paper recommends, among others, more recruitment of law enforcement officers, purchase of modern equipment, training and retraining of officers and men, improvement in intelligence gathering and synergy among the different units, and involvement of communities, among others.

Key Words: National Security, Law, Enforcement and Overwhelming

Introduction

Nigeria, like a ship that has lost its captain and crew members, is drifting into the deep blue sea, unsure of its destination. Crime and disorder have become the order of the day. Miscreant gangs, kidnapers, assassins, both known and unknown gunmen, terrorists, Boko haram and Iswap activists are literally in control of both land and airspace in Nigeria. The scenario is short of anarchy. Perhaps, most people stop short of describing the situation as anarchic for obvious reasons.

The situation is so dire that the question in everybody's lips, is where are the law enforcements agencies? Seeking to locate law enforcement agencies in this theater of war is yet another problem. This is because; the confusion is such that, it is difficult to identify who is who in this gruesome arena. An alleged kidnapper, for instance, may be a soldier, or police officer, the supposed law enforcer. This may amount to saying, that it would appear, that law enforcement agencies have become intertwined in this imbroglio, thereby leaving the security architecture porous and unmanned. This paper seeks to interrogate the law as instrument of National Security in Nigeria. The import here, is to point to the fact that all the laws are geared toward one goal, National Security; the security of life and property.

National Security

The goal of any government, irrespective of the type of government is to provide for the welfare and security of its citizens¹. The two words, welfare and security are not far removed from each other while welfare means "exemption from pain or discomfort", security connotes the state of "being secure, specifically freedom from danger, risk, care, poverty or apprehension"². Therefore, as welfare seeks to exempt one, group of person or community from pain, security secures same class of people from danger, including pain and other similar discomforts. For the purpose of this work, the term security will encompass welfare.

¹ See section 14 (2)(b)

² The New *International Webster's Dictionary and Thesaurus of the English Language International Encyclopedia* Edition, (Canada: Typhoon International corporation, 2011), p. 2011

However, the provision of the 1999 constitution indicates that National security should be seen as the security and welfare of the people³. In other words, national security is not security consigned to political elites or the upper-class but security for all citizens irrespective of class or creed. In this wise National Security is synonymous with peace and order, resource scarcity; threat to health; general well being of citizens; and most importantly development. It is the protection of life, property and well being of all citizens and the Nations territory from internal and external aggression and negative influence⁴. It has been argued that where security has been replaced by insecurity, development is stalled, life is threatened and anarchy becomes the prevailing norm. Kofi Annan anchored the need for security when, he asserted: “we will not enjoy development, without security. We will not enjoy security without development and we will not enjoy either without respect for human rights, unless all these causes are advance none will succeed”⁵.

Role of Law Enforcement Agencies

The 1999 constitution of the Federal Republic of Nigeria makes provision for the establishment of various security agencies⁶. There are numerous security agencies in Nigeria. They include police, the military (Army, Navy and Air Force) Directorate of state services (DSS), Nigeria civil Defense corp., custom, immigration and other uniform and non uniform security agencies, too numerous to mention. Among all of them, the police is the most visible and require our discussion and besides, they are the one that have encounter with citizens on daily bases.

The Nigeria police is responsible for the apprehension and prosecution of offenders; preservation of law and order; protection of life and property; enforcement of law and regulation. In the discharge of this responsibility it is absolutely essential for the police and other security agencies to be flexible innovative and responsive by way of collaborating with the community to enable it achieve its aims and objective⁷. The police is empowered to use coercive force to compel individuals to comply with the requirement of criminal law or force them to face the consequences. Police dramatize the power of the state. In many situations and for most people, police provide their most common source of contact with state authority. This is manifested whenever, we call on police to perform some services, are directed in traffic, are questioned as suspect or witnesses among others⁸. The question that seem to defy answer is how can the police perform these functions without infringing on citizens rights. In a democracy, the concept of liberty and freedom is embedded in the constitution to assure citizens that government activities will not impinge unjustly on their liberties, while at the same time remain steadfast in maintaining law and order in the society via the criminal law. This ambivalence between society’s needs and citizen’s liberty has its roots in two conflicting views of social control: conflict theory and consensus theory⁹. Conflict theory advocates that certain behaviors are criminalized to keep the dominant class in power, while consensus theory states that individuals within a society agree on basic value on what is inherently right and wrong. Acts that are wrong are considered crimes. As stated earlier, police functions are built around the prevention, detection and investigation and prosecution of criminal activities. In the execution of these functions, the police force is required to act within the ambition of the law. In apposition with these police functions are citizens rights as well as economic,

³ C.C. Ekweku, Civilian And Security Agencies coexistence for sustainable Development, In: S.L Mohammed civilian and security Agencies Relationship: Role of the police Towards Building An Equitable and Democratic society. (Nigeria: Friedrich Ebert Steftung, 2006), p. 24

⁴ Kofi Annan, former secretary General of the United Nations.

⁵ K. Annan, In: S.L. Mohammed (ed) *Ibid*.

⁶ For example, Chapter vi part iii (supplemented) provides for B: Nigeria police, section 214 CFRN 1999, C: Armed Forces of the federation, section 217

⁷ S.L. Mohammed, the role of security Agencies Towards Building A Democratic Society: *An Introduction, op. cit* p. 10

⁸ K.O Udude, “Police Powers and Scales of Justice: Need to maintain a balance”, Polac Journal of International Law And Jurisprudence vol. No. 1 August 2014, p. 133

⁹ *Ibid*.

social and cultural, people's or group rights (i.e. rights of ethnic groups or minorities). These conflicts reflects a basic tension in the Nigeria legal system resulting from these two sets of forces. On the one hand is the state's need to preserve its legitimacy by maintaining a rule of law and the desire of private citizens to be free from arbitrary intervention in their lives by the state. in conflict also is the state's need to meet citizen demands for the repression of crime and its own need to repress individuals and ideas threatening to the state of the underlying economic organization it is designed to protect. These forces favour a relatively free hand in the enforcement of law¹⁰. We must keep in mind that without means of enforcement, the great body of federal, state and local government law would be meaningless. Keep in mind also that law implies not only the rule but enforcement of that rule. To ensure enforcement police have been given power and authority from the people via the constitution. This power absolutely rest with people because their elected representative create the law. Police power, however is not absolute, it is restricted by the constitution. Police have the powers to enforce the law so long as they do not violate the fundamental rights of any citizen. The scales of justice symbolizes the need to balance the need of society with the needs of the individuals within that society. A similar balance is needed between the two models of criminal justice: crime control and due process of law¹¹.

Aware, nevertheless, of the potential for abuse which the exercise of such police duties entails, the United Nations outlined the following principles and prerequisites for the humane performance of law enforcement functions, namely:¹²

- a. That, like all agencies of the criminal justice system, every law enforcement agency should be representative of and responsive and accountable to the community as a whole.
- b. That the effective maintenance of ethical standards among law enforcement officials depends on the existence of a well-conceived, popularly accepted and humane system of laws.
- c. That every law enforcement official is part of the criminal justice system, the aim of which is to prevent and control crime, and that the conduct of every functionary within the system has an impact on the entire system.
- d. That every law enforcement agency, in fulfillment of the first premise of every profession, should be held to the duty of disciplining itself in complete conformity with the principle and standard herein provided and that the actions of law enforcement officials should be responsive to public screening, whether exercised by a review board, a ministry, a procuracy, the judiciary, an ombudsman, a citizens' committee or any combination thereof or any other reviewing agency.
- e. That standards as such lack practical value unless their content and meaning, through education and training and through monitoring, become part of the creed of every law enforcement official.

As laudable as the above principles may be, the Nigeria police force is far from imbibing the tenets enunciated therein. The history of the performance of Nigeria police over the decades reveals that it has always been used by persons in control of political authority to serve their interests. This provides the most potent cause of public dislike and disdain for the police today. Allied with this, is, the age long police conduct at "check points" and "road blocks" which the citizenry consider in negative light¹³. This attitude of the police has alienated them from the community they are employed to serve. Some police officers find it difficult to maintain ethical standards expected of a good police officer. Okoro¹⁴, describes such officers as "bad police officers".

According to him:

¹⁰ *Ibid.* p. 135

¹¹ *Ibid.*

¹² The United Nation, Law Enforcement: Code of Conduct for Law Enforcement officials (1979), In: Edwin Lawson, *Encyclopedia of Human Rights* second Edition, (United State of America: Taylorand Francis, 1996), p. 954

¹³ I.J. Goldface-Irokalibe, "Internal Instability and threats To National Security: The Role of the Nigeria Police Force", Ahamadu Bello University Law Journal, vol. 21-22 2003-2004

¹⁴ B.C. Okoro, *The Police, Law and Your Rights*, (Lagos: Princeton, 2013), p. 63

A bad police officer is manifestly, hostile to both complainants and suspects, greedy, corrupt, abusive, trigger-happy, bulltu and usually, a willing tool in the hands of criminals. He avoids carrying out lawful duties but rather, engages in illegal operations, such as extortion, unauthorized road-blocks and raids. A bad police officer is hardly amenable to change. Infarct instead of the system to change him he attempts, always to change the system by applying chugging antics. There are many of such officers in the Nigeria police today.

Goldface,¹⁵ in this light argued that increase in crime rate owing to growing pressure of urbanization and rising population attendant thereto, violent outbursts in the wake of demonstrations and agitations arising from labour disputes, protests against human rights violations, problems and difficulties of students including the phenomenon of secret cults, enforcement of unpopular economic and social legislations, have all added new dimensions to police roles in the nation at large and tended to bring police roles into constant confrontation with the public much more frequently than ever before.

Nigeria in recent time has witnessed an unprecedented level of insecurity. The federal government of Nigeria responded to this new challenge by allocating huge sums of money to security; embarked on criminalization of terrorism by passing the Anti-Terrorism Act in 2011; fundamental surveillance as well as investigation of criminal related offences; heightening of physical security measures around the country aimed at deterring or disrupting potential attacks; strengthening of security agencies through the provision of security facilities and the development and broadcast of security tips in the mass media. Despite these efforts, the level of insecurity in the country is still high. Nigeria has consistently ranked low in the Global Peace Index (GPI, 2012) signifying worsened state of insecurity¹⁶.

Conclusion

It is our conclusion that given the above scenario and the efforts made by the federal government in curtailing the spate of insecurity in the land the police and the entire law enforcement agencies have been overwhelmed by a resurgence of insurgencies in most parts of the country. The paper recommends that the government should embark on higher measures to include more recruitment of personnels, purchase of modern weapons, training and retraining of officers, and improvement in intelligence gathering, among others.

¹⁵ I.J. Goldface-Irokalibe, *op. cit.*

¹⁶ Available in nsacc.org.ng/security-challenge-in-Nigeria-and-the-implication, posted on: 4 August,2016 and accessed 14/5/2017