



INSECURITY AND THE QUEST FOR STATE POLICE IN THE CONTEXT OF THE RESTRUCTURING DEBATE IN NIGERIA'S FOURTH REPUBLIC

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There has been a debate on the modality for the management of the Nigerian Police Force since the return to civil rule in 1999. The debate revolves around the need to devolve constitutional authority on policing to sub-national units. In theory, this will entail moving internal security issues, inclusive of policing, from the exclusive federal list to the concurrent list. Given the heightened insecurity that has plagued the Nigerian state in recent times, this paper examines the restructuring discourse in Nigeria with a specific focus on the call for the establishment of state police within the context of the subsidiarity principle. The study was contextualized within the exploratory research design paradigm and it adopted the qualitative approach in the sourcing and analysis of data. To this end, the paper has drawn information from published media reports that include: opinion, commentaries, editorials and news articles. Data was also sourced from published academic and policy publications that include: articles, chapter in books, books and government documents. Drawing on information from these sources, this paper assesses the positions of protagonists and antagonists of state police in Nigeria. It draws out implications for security governance in Nigeria.

Keywords: Criminality; Constitutionalism; Insecurity; Nigeria; Restructuring; State Police.

Introduction

To argue that Nigeria is facing an existential crisis as it relates to insecurity is practically highlighting the obvious. Currently, there are no geopolitical zones of the country that is not battling one form of insecurity. In Northeast Nigeria, the Boko Haram insurgency has raged for more than a decade. The carnage of the terror group had resulted in losses of lives, destruction of rural communities, population displacement and brought untold hardship to Nigerians that have had to live through the mindless violence of the group. The insurgency had also effectively resulted in the disruption of the economic foundation of the region, wiping off the wealth of millions of people and seriously constraints economic opportunities

for Nigerians marginally impacted. In Northwest and part of Northcentral, banditry, cattle rustling and kidnapping has evolved as new forms of criminal enterprises. Highly dynamics, the security crisis in the Northwest and Northcentral Nigeria had morphed from indigene-settlers and farmers-herdsmen conflicts to cattle rustling and banditry. However, the most disturbing of recent has been the incidences of coordinated attacks on schools and the kidnapping of students for ransom with the Kankara, Jengbebe and Greenfield incidences in Katsina, Zamfara and Kaduna states been the most outrageous (ICG 2020) (ICG 2018) (Lar 2018).

In Southwest Nigeria, there are occasional violent clashes between farmers and herdsmen, cults/gangs violence, highway robbery and a rise in the reported incidences of ransom kidnapping. This cocktail of amorphous security challenges had elicited differing policy responses, of which the creation of Western Nigeria Security Network, WNSN code-named 'the Amotekun Corps', legislation banning open grazing and illegal occupation of forest reserves are important (Obado-Joel 2020) (Yahaya and Bello 2020). For the South-south, the conflicts between the Nigerian state, communities and oil multinational

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corporations over ownership, access and control of oil wealth and the environmental destruction arising from hydrocarbon exploration had raged for decades. The agitation had morphed into militancy spearheaded by arrays of armed groups in the Niger Delta and piracy in the Gulf of Guinea. Communal clashes mostly over lands, armed robbery and kidnapping are problems in the Southeast. Added on to these is the resurrection of the agitation for secession now spearheaded by the Indigenous People of Biafra, IPOB led by Nnamdi Kanu and the group's increasing violence against state institution notably the Nigeria Police Force. More worrisome is the group deployment of violence as instrument to intimidate citizen in the region and the atmosphere of fear of violence engender by the increasing rascality and criminality of those affiliated with the organization.

Much as the Nigerian Armed Forces, the Nigerian Police Force and other federal security agencies strive to curtail insecurity and rising criminalities they seem to be swimming against the tide. While there are many instances of success, however, their efforts have so far failed to yield the desired positive effects. Indeed, to many watchers of the Nigerian security landscape, the state security architecture seems to be unravelling, as the security institutions struggle to keep up with the evolving security threats poses to Nigeria and Nigerians by criminal elements across the country. The heightened apprehension about rising criminality has pushed to the fore, the call for the restructuring of Nigeria's federal architecture with the objective of devolving more legislative authority/competency to the federating units. Central to the call for restructuring is the debate over the necessity for the devolution of policing power, authority and competency to the state governments. While not calling for the dismantling of the federal police force, proponents of devolution have argued that Nigeria's federating units should be granted the constitutional authority to establish state policing institutions. They argued that legislative authority on policing can be shared with competency effectively demarcated between the national police and policing institutions at the subnational levels.

The study was contextualized within the exploratory research design paradigm and it adopted the qualitative approach in the sourcing and analysis of data. To this end, the paper drawn information from secondary sources that includes; news articles, opinion pieces, commentaries, editorials and press interviews published in Nigerian newspapers as it relates to the argument for and against decentralization of policing power, authority and services. It also utilized information sourced from official documents and reports published by governmental and non-governmental bodies. Drawing on information from these sources, this paper assesses the positions of protagonists and antagonists of the state police in Nigeria. It draws out implications for security governance in Nigeria in the context of a teething security challenges. The paper is structured into six sections. Following this introduction is the section that discusses the principle of subsidiarity as it relates to the devolution of authority and responsibility especially in federations. Section three and four examine the arguments for and against state police in Nigeria's fourth republic respectively. Section five discusses the incidences of rising criminalities in Nigeria and the necessity for the creation of state police and this was followed by the concluding thought.

Federalism and the principle of subsidiarity

The role of the police in every society is crucial to the maintenance of law and order. According to Odeyemi and Obiyan (Odeyemi and Obiyan 2018), the police as an institution is mostly charged with the responsibility of providing security or at the least a socio-psychological feeling of security for the citizen. To this end, policing entails an attempt at maintaining social order while the police as an institution is established to enforce the law and maintain social order. Discourse on the management of police and the tier of government that should have policing authority is of critical importance in a multi-ethnic, multi-religious and complex federal political system like Nigeria. This becomes even significant, in the context of the nation's evolving security landscape.

To be fair to the proponents of restructuring, what has emerged as the model of federal governance in Nigeria under past military



autocracies and since the return to civil rule in 1999 has been a system that reinforces a high degree of centralization of power, legislative authority and competency in service delivery. The flip has been that, often times, Nigeria's federating units are forced by circumstances of the federal constitutional and institutional processes to relate with the federal government and operate within the federal arrangement from a position of weakness. This runs contrary to the underlying assumptions, and principles that guide the operations of the federal political system, the most essential being the non-subordination of the federating units to the national government and the principle of subsidiarity as it relates to functional authority and competency over service delivery.

Federalism as a principle and form of state organization is an ingenious political device essentially deployed for the accommodation of diversity within a political entity or, alternatively, for ensuring oversight over a large territorial expanse (Ayoade 2020, 9). Thus, federalism as a political instrument for the organization of the state is often deployed to ensure the protection and advancement of diversity (differences) while enhancing the promotion of political stability of the federal state. It then means that while unity of purpose can be achieved, uniformity, as it relates to processes, would be anathema to the ideal of federalism and federal governance (Ayoade 2020, 10). However, it is important to state that the notion of federalism and federal principle stated above often approximate processes in aggregative federations. Whereas for dis-aggregative (holding together) federations like Nigeria the need to advance national unity is often elevated to the position of 'deity' to the extent that it sometimes becomes the foundation for political and governance crisis.

Federalism as a state organizing principle denotes an institutional framework that entails at its core the division of legislative authority and competency among national and subnational governments within a distinctly defined political entity (Rozell and Wilcox 2019). Thus, as Jega notes (Jega 2021), irrespective of whether the subnational government were initially independent and came voluntarily to form a federation (aggregative) or they were compelled

by political/historical circumstances into such union (dis-aggregative), the subnational government would by legal, constitutional and institutional arrangement and processes have coordinate, or shared responsibilities with the national government. As Jega notes (Jega 2021), an underlying objective of the federal system is the non-conflictual management of diversity, through equitable and just sharing/division of political power, administrative authority and resources in a manner directed at advancing national progress while recognizing and protecting the diversity of federating units.

An important rule that often guides the division of legislative authority (devolution/division/decentralization) in a federal system is the 'principle of subsidiarity'. In its basic conception, the principle of subsidiarity regulates authority within a political order. The overriding objective has been to ensure that powers, authority, administrative competency or performance of tasks should rest with sub-national units within a political arrangement unless allocating them to national unit/federal government would ensure higher comparative advantage, as it relates to, efficiency or effectiveness in the discharge of administrative responsibilities or exercising of authority (Follesdal 1998). Central to the application of the principle of subsidiarity is the notion that an allocation of legislative authority or competency in the administration of tasks must satisfy a condition of comparative efficiency (Follesdal 1998).

As Follesdal argued (Follesdal 1998), the principle of subsidiarity should be holistically applied to ensure that decisions are taken as closely as possible to the people. The principle of subsidiarity can include a necessity condition, empowering national government to take action only when subnational governments cannot achieve the desired result as it relates to effectiveness and efficiency in the administration of responsibility and service delivery on their own. Follesdal further stressed that the principle of subsidiarity can also regulate how the national government is to act, so as to respect the autonomy of sub-national unit. Taking other things as constant, the federal government should employ directives that stipulate results while leaving the choice of means to federating units rather than



adopting detailed regulations which are directly applicable to member states (Follesdal 1998).

Thus, the subsidiarity principle should be essentially taken to be ‘a de-centralizing principle, which favours decentralization over centralization as it relates to decision-making’ (Evans and Zimmermann 2014). It contains clear limits to state intervention or other forms of centralized power arrangements (Mulé and Walzenbach 2019). In a nutshell, at the heart of subsidiarity is the affirmation that with the existence of joint competence, decision-making capacity should be allocated to the lowest political unit possible. Commenting on the utility of the principle, Reho noted (Reho 2019) that taking subsidiarity seriously means that the federal/national/union government should mainly act as the guarantor of its members’ integrity, autonomy, independence and identity and not as an agent of uniformity and centralization.

In essence, devolution is central to the applicability of subsidiarity as a cardinal principle of competency assignment in federal systems. The current call for the restructuring of Nigeria’s federal architecture that has become strident will entail some forms of stepping down of legislative authority and administrative competency over few areas wherein the federal government had long exercise dominance. It might also entail joint sharing of authority and competency in other areas wherein the federal government has long enjoyed sole authority. Central among such few areas wherein sharing of authority and competency might be needed if the clamour for restructuring sails through will be over the establishment, management and control of the Police and the exercising of policing authority.

Proponents of decentralization and restructuring in Nigeria have often cited the over-centralization of control, command and operational system and process that characterized the working of the Nigerian Police Force and ‘the one size fit all’ approach to policing Nigeria as an impediment to the realization of the objective of security provisioning in the country. Thus, when decentralized, policing will then entail collaboration and synergy between agencies of the federal government and those of the federating units (Agboga 2020) (Crook and Manor 1998) (Agrawal and Ribot 1999).

Federalism and the argument for the creation of the state police in Nigeria

The increasing call for the restructuring of Nigeria’s federal architecture should be expected and not treated as a misnomer. From historical accounts, there had been series of attempts at restructuring the framework that underpins the operation of the Nigerian state under colonial rule and in the post-colonial era (Agbaje 2018) (Agbaje 1998) (Saliu 2018). More than this, it is important to note that, constitutional change and adaptation, is normal and not exceptional, as far as the character, nature and working of federal systems are concerned (Kincaid 2012) (Suberu 2015). This is more so, as Suberu noted (Suberu 2015, 3), in ‘post-authoritarian and/or heterogeneous federations with a recent history of non-inclusivity or centrist constitution’ with all the constitutional and political landmines contained therein in such constitutions. all of which aided constitutional mortality in such federal political systems all of which aided constitutional mortality in such federal political systems.

Thus, as Agbaje averred (Agbaje 2018, 104), it will be wrong to argue that the ‘so-called, inscrutable’ Nigerian factor is solely responsible for the rising call for restructuring of the nation’s federal framework. On the contrary, the calls and debate about the need to restructure Nigeria’s federal architecture has been on for much longer, albeit with changing concepts, contents, and intents. The call is necessarily a consequence of a certain set of problems inherent in certain types of federal systems (Agbaje 2018). Given the need to address diversity problems as they arise, what works for a federation might not work for another. Indeed, for the same federation what had worked in decades past might become the source of tension and crisis in the future.

However, it is also important to state that the essence of the adoption of a federal framework is the need to constantly adapt to changing political realities thus, institutional and constitutional frameworks in federations are often not cast in stone. But as Agbaje has highlighted (Agbaje 2018), federal systems whose constitutional and institutional frameworks contained serious inherent problems that seem to contradict and negate the core assumptions underlying federal systems would not but be prone to constitutional



and institutional crises, and this seems to be the case for Nigeria since the return to civil rule. The contradictions and inherent problems that predispose the Nigeria federation to crisis at present might have informed Jega's position (Jega 2021, 2) that while Nigeria is technically and substantively a federation, 'it is one of the worst models of political accommodation of diversity, as well as power and resource sharing'.

As Agbaje noted (Agbaje 2018), there are number of proposals on the approaches better suited to Nigeria as it relates to restructuring. Saliu also averred (Saliu 2018) that there are as many positions among Nigeria's power elite and the citizenry alike on what restructuring should entail. One of the important proposals espoused on the Nigerian public space is that which call for constitutional reform. Key in the argument of proponents of this option is the contention that the 1999 federal constitution place too much political power, legislative authority and competency, as well as, resources at the disposal of the federal government, thus stifling the capacity of the thirty-six federating units. For proponents, the best option is to devolve power, authority and resources away from the central and invest such at the federating states. The argument has been that doing this will stimulate competition, raise the potential for innovative ideas and promote sub-national units' development and by extension overall national development. Key on the agenda of those calling for devolution especially on security and notably policing is the argument for the sharing of policing power between the federal government and the governments of the federating units.

Protagonists of the agenda for the devolution of policing authority and competence as means for addressing Nigeria security crisis cut across the strata of the Nigerian society. Making the case for the creation of state police, former Governor of Lagos State and current Minister of Work and Housing, Babatunde Fashola was quoted to have argued that:

Every state that has the power and can give judgment through its state high courts and magistrates and make laws through its state assemblies and legislators must have the concomitant powers to

enforce its law and police its state (Aleyomi 2013).

In the same vein, Egunjobi quoted lawyer and human rights activist, Femi Falana as stating that "the issue of establishing state police is necessary in a federation". While the adoption of a unified, single national police institution was informed by political considerations after the Nigerian civil war, current realities especially as it relates to worsening security environment calls for a rethink (Egunjobi 2016). Affirming the need for such rethink, the Chairman of the House of Representatives, Committee on Judiciary, Onofiok Luke was quoted to have stated that:

The Constitution envisages Nigeria as a federal state. Granting allowance to state governments to establish police force and other security apparatuses will bring Nigeria into the original constitutional contemplation of a federal state (Baiyewu 2021).

Indeed, rather than being an exception, devolution of policing power, authority and competency was an important hallmark of federal practices across many federations. Although, as Hooghe and Marks noted (Hooghe and Marks 2003, 235), large jurisdictions have the opportunity of exploiting economies of scale in the provision of public goods, however, large jurisdictions become problematic when they impose a uniform policy on diverse ecological systems or territorial heterogeneous populations. Indeed, there is an extensive federalism literature that had examined the optimal allocation of authority across multiple tiers of government and how governments at different levels interact, cooperate and coordinate towards achieving synergy in the delivery of public goods and services (Benz 2000) (Kincaid 2001) (Oates, Fiscal federalism 1972) (Simeon and Cameron 2000) (Tullock 1969) (Wright 1987). A substantial part of the argument for multi-tiers governance was captured in Oates decentralization theorem (Oates 1999, 1122).

The argument that large jurisdiction becomes problematic when they impose a 'one-size fit all' single policy on a large geographical expanse that is highly heterogeneous capture the crisis of policing in Nigeria. It also underscores the



failure of the Nigerian Police Force at addressing the country's evolving security crisis. Aleyomi (Aleyomi 2013) had alluded to the issue of geography and ecology when he notes that Nigeria's large territory and heterogeneity is an important issue to consider in making the case for the constitutionality of state policing. There is the argument that local level policing through the establishment of state police will aid the penetration of community and help promote community-friendly policing, a practice that has been problematic given the heightened level of community suspicion and mistrust against the Nigerian Police Force. This mistrust against the Nigerian Police Force was informed by years of policing through harassment, intimidation, and violence by personnel of the Nigerian Police. The bottled-up anger culminated in the public protests against the Nigerian Police Force between 2017 and 2018 and the October 2020 #EndSARS protest in Lagos and across other major cities (Ojedokun, Ogunleye and Aderinto 2021) (Amusan and Saka 2018) (Akinlabi 2017) (Agbibo 2015).

Not granting Nigeria's federating states power, authority and competency over policing seem to be a disservice. This is because state governments have been committing significant resources to policing through their provisioning of logistics, physical structures, arms and ammunition and other resources needed for effective policing to federally controlled police commands operating in their jurisdictions. Governor Nasir El-Rufai of Kaduna state, alluded to this when he was quoted as stating that:

The state governments today bear most of the burden of the running costs of the federal police anyway, so why not the state police now. So, I repeat my persistent call for State police as soon as possible (Isenyo 2021).

That the states have been committing significant funds to the operational cost for running the Nigerian Police Force in their domains is an indication that the federal government has been abdicating her funding to the Nigerian Police Force while still retaining management and control (Eboh 2014). This goes against the dictates of fairness and justice aside from the fact that it is against the logic of federal principle,

practices and extant thinking about multi-tiers governance as espoused by Oates (Oates 1999). More importantly, it is no longer a sustainable policing model given the mirage of security challenges confronting the Nigerian state which the unified and federally controlled Nigerian Police Force seems to no longer find answers to nor capable of effectively addressing. There is also the argument that while the federating states collect huge funding as 'security vote' monthly from the federation account, there is a clear lack of accountability in the utilization of the vote. To this end, allowing states to establish local police and turning the opaque 'security vote' to matching grants solely devoted to maintaining sub-national policing agencies might be financially prudent (Odeh and Umoh 2015).

Given Nigeria's territorial expanse and the country's heterogeneity, applying uniformity in policing methods, approaches and processes go against the principle of decentralization and multi-tiers governance practice. Indeed, proponents of state police have argued that different regions of Nigeria had peculiar security challenges. Because of the peculiarity, it is better if personnel recruited to serve as police officers have a better grasp of the geography of crime in the area they are to serve for their effectiveness. This can better be achieved when state governments are allowed by law to establish local police authority and draw recruits from within their localities against the posting of officers and men from disparate geographical and cultural backgrounds all around the country as currently practised by the Nigerian Police Force (Eme and Anyadike 2012). This sentiment was also echoed by the Chairman House of Representative Committee on Judiciary in the course of the House ongoing constitutional review and considerations of the proposed alterations to provisions of the constitution on policing. The Chairman, Honourable Onofiok Luke was quoted as stating that:

The federal structuring of our security does not encourage community policing or localization of policing. Recruitment and subsequent deployment of police officers in their local area are one of the major ways of curbing crime. Such officers understand the



area, terrain, language, behaviour and attitude of the people he or she is policing (Baiyewu 2021).

In essence, not until people familiar with the geography of crimes in a locality are entrusted with the responsibility of policing their localities, Nigeria cannot begin to talk of effective policing and indeed community policing (Ojong and Bem 2020) (Egunjobi 2016).

Arguments against the devolution of policing power and authority in Nigeria

Given the process of evolution of the Nigerian state and her political history, the debate about the propriety or otherwise of devolution of policing power and authority will continue to elicit divergent positions. As there are proponents, there are also those that passionately argued against the devolution of policing authority and the creation of police at the sub-national level in Nigeria. The most important argument deployed by antagonists of the idea of state police has been that anchored on the 'fear of abuse' of such authority and the concern that sub-national police will become an instrument of intimidation and oppression of political opposition. Antagonists of state police are quick to reference the nation's political history to remind anyone willing to listen of how regional political leaders abused local the power of policing during the first republic.

Antagonists of the proposition are quick to express the fear that the tendency is there for highly ambitious political leaders at the sub-national level to turn state police into an instrument for political vendetta. For antagonists, it is not a matter of whether it will happen, but rather that of when and how quick this tendency will manifest. Espousing this position, Adedeji (O. Adedeji 2012), noted that nothing has changed in the condition that initially led to the dismantling of the native authority police as operated during Nigeria's first republic. In taking the argument further, Odeyemi and Obiyan (Odeyemi and Obiyan 2018) note that governors may use state police to pursue personal political interests, harassing political opposition and muffling dissenting voices, perpetrate elections fraud and trample on the fundamental rights of citizens.

Not relying on the argument of past abuse of the native authority police as a yardstick to

gauge whether state police will become subject of abuse or not, Aleyomi (Aleyomi 2013) notes that antagonists of the idea, have pointed to the emasculation of the local government system as a pointer to what to expect with police institution control and manage by political elite at the sub-national level. While the 1999 constitution of the federal republic of Nigeria legislates for the establishment of a system of democratically elected local government, most state governors and the House of Assemblies under their beck and call have manage the local government more as fiefdoms of the state governors against the dictate of the constitution and without minding the democratic rights of the people to elect those that manage the local government on people's behalf. Pointing to this, antagonists of state police argued that the state governors will use the instruments of control under their watch to abuse the institution of police if the states are allowed to establish their policing agency.

Eme and Anyadike (Eme and Anyadike 2012) also note that stakeholders have argued that creating state police at this stage in Nigeria given the heightened level of mutual distrust among the constituting segments may amount to an invitation to chaos. Apart from the impunity of state governors and the possibility of abuse of power, state police could lead to the disintegration of the country, especially now with the fragile nature of social relations among ethnic nationalities. Antagonists are pointing to the uproar that the creation of the Western Nigeria Security Network WNSN (Amotekun Corps), the regional security outfit by Southwest Nigeria governors has caused. Antagonists of state police are pointing to arguments coming from Northern Nigeria elite that the WNSN security agency was created with the intent to use the outfit to chase Fulani herdsmen away from Southwest Nigeria. The continued reports of clashes between the outfit and armed herdsmen have not helped in disabusing the minds of Northern Nigeria elite and ordinary northerners. For the Yoruba of Southwest Nigeria and their elite, 'Amotekun' has come to stay and the political leaders have argued that the states in the region have the right to police their forests and protect lives and properties given the failure of the federal government control security institutions to effectively secure their people and territory.



Antagonists of state police have argued that there are outfits that are purportedly performing community policing functions now or that have done such in the past without been designated as state police (James, 2014). Opponents argued that these outfits have been used as instruments of intimidation and have been accused of abusing the rights of citizens in their areas of operation. Opponents have highlighted the dispensing of jungle justice by vigilante groups backed by state governments in the past such as the dreaded Bakassi Boys that operated in Abia and Anambra states, the Odua's People's Congress in Southwest Nigeria, and the Hisbah outfit in Kano (Lar 2018) (Odeh and Umoh 2015) (Baker 2002). There is also the argument that sanctioning the establishment of police outfits by the thirty-six states of the federation will berth the creation of multiple police agencies which might result in clash of authority and jurisdictions (Aleyomi 2013) (Odeh and Umoh 2015) (Ojong and Bem 2020).

Rising insecurity and the propriety of state police in Nigeria's fourth republic

Discourse on the restructuring of state architecture especially in federal systems has always remained contentious sometimes rancorous depending on the level of the development of political process and culture of tolerance. To that extent, discourse on restructuring in Nigeria in general and devolution of policing authority and competency, in particular, has remained fractious especially in the absence of elite consensus on the issue. Protagonists and antagonists of restructuring and devolution have neither being able to speak respectively to one another nor agree on what to devolve, when to devolve and how to approach the devolution process. The rancorous nature of the debate notwithstanding, there is a common agreement that there is the need to rejig the constitutional and institutional foundations of the Nigeria federal arrangement (Jega 2021).

As it relates to giving constitutional authority to Nigeria's federating states to establish police outfits, the debate has largely lack coordination, like the general discourse surrounding the bigger issue of 'restructuring'. Irrespective of the positions of Nigeria's political elite and Nigerians alike on the propriety or otherwise of the devolution of policing power to federating states,

both the protagonists and antagonists on the debate are in agreement that the Nigerian police force needs reorganization to properly address Nigeria's current security challenges. There has been cosmetic tinkering with the operational processes, procedures and practices of the police via reforms embarked upon by successive management teams since the return to civil rule. However, the objective of evolving an institution that conducts policing through intelligence gathering, immersion with and cordial community relations, uphold laws of the land and protect citizen's rights and respect human dignity has largely eluded the Nigerian Police Force.

Clearly, Nigeria is going through a trying time as far as the economy, politics and more importantly security issues are concern. While our current economic, political and governance challenges are serious they all pale when compare with the crisis of insecurity that Nigeria and Nigerians are contending with. The reason being the complexity of the crisis especially as it relates to its nature, dimensions and dynamics. While the elephant in the room remains the Boko Haram insurgency in Northeast Nigeria, the mindless mayhem and violence that defines banditry and kidnapping and the fact that no geo-political zone of Nigeria is exempted make these evolving criminalities an existential threat for Nigeria and her people (A. Adedeji 2021) (Duerksen 2021) (ICG 2020) (ICG 2018). The growing public perception that Nigeria's security agencies are losing the wars against crimes, criminalities and criminals is raising public anger, fear and desperation. As Campbell argued (Campbell 2021), Nigerians anxiety over the country's deteriorating security situation is beginning to morph from fear of criminals to public panic about criminalities and criminals. While the security environment is deteriorating in the South, people in some parts of Northwest Nigeria, have had to flee to Niger Republic to seeks safety from marauding bandits, cattle rustlers, kidnappers and everyday criminals (acaps 2020) (Hamrouni 2021).

Compounding the crisis is the rising incidence of lethal attacks on Nigeria's security agencies especially the Army in Northern Nigeria and Police formations in Southeast Nigeria (Al-Jazeera 2020). Although security issue in the Southeast has been on the front burner since the conclusion of the 2019 general elections,

Table 1: Incidence of Armed attacks against Police Formations in Southeast Nigeria, Jan-Mar 2021

Compiled by authors from BBC New Pidgin (29 March 2021)

S/N o.	Date of Attack	Police Fatality	Locality, Local Government Area and State
1	January 8	3 Police Officer died	Onueke Police Station in Ezza South Local Government Area, Ebonyi State.
2	February 1	1 Police Officer died	Omoba Police Station in Isiala Ngwa South council area, Abia State.
3	February 4	Police Station burnt	Police Divisional Headquarters in Isu, Onicha Local Government Area, Ebonyi State.
4	February 5	2 Police Officers died	Umulowo Police Division in Obowo local government Area, Imo State.
5	February 23	2 Police Officers died	Abayi Divisional Police Headquarters in Aba, Abia State.
6	February 25	Police Station burnt	Aboh Mbaise Divisional Police Headquarters, Imo State.
7	March 1	Police Station attacked	Iboko Divisional Police Station in Izzi Local Government Area, Ebonyi State.
8	March 9	Police Station burnt	Ihitte-Uboma local government Area, Imo State.
9	March 18	1 Police Officer died	Police checkpoint at Neni, Anaocha local government area, Anambra State.
10	March 19	1 Police Officer died	Ekwulobia Police Station, Nanka, Anambra State.
11	March 22	3 Police Officers died	Abiriba in Ohafia Local government area, Abia State.

however, the rising incidence of attacks on police formations and personnel resulting in deaths across states in the Southeast has become an issue of serious concern (Chibuzo, et al. 2021). In most of the incidences, the attackers razed down police facilities, burned operational vehicles, looted police armoury and inflicted bodily harm on police personnel resulting in the loss of lives. In some parts of the Southeast, Police personnel now manned their posts, scaling down crime patrols and other policing activities (Alexis 2021) (Business Day 2021) (A. Nasir 2021a). In clearer terms, the Nigerian Police Force is being forced to cede the streets to criminals across communities in Southeast Nigeria.

While the Nigerian Armed Forces and the Nigerian Police Force continued to records casualties as they strive to contained rising criminality and insecurity, as table 1 above show, it also needs to be stated that civilian death tolls are also becoming horrendous. Casualty figures continue to mount as insecurity worsen across all the regions of the country especially starting from the beginning of 2021. To highlights the worsening security environment across the country, on Monday 26th April 2021, media accounts reported the death of seventy-seven (77) Nigerians attributed to terrorists, bandits, kidnapping, cultist attacks among others across eleven (11) states cutting across Northern and Southern Nigeria (Ibemere 2021).

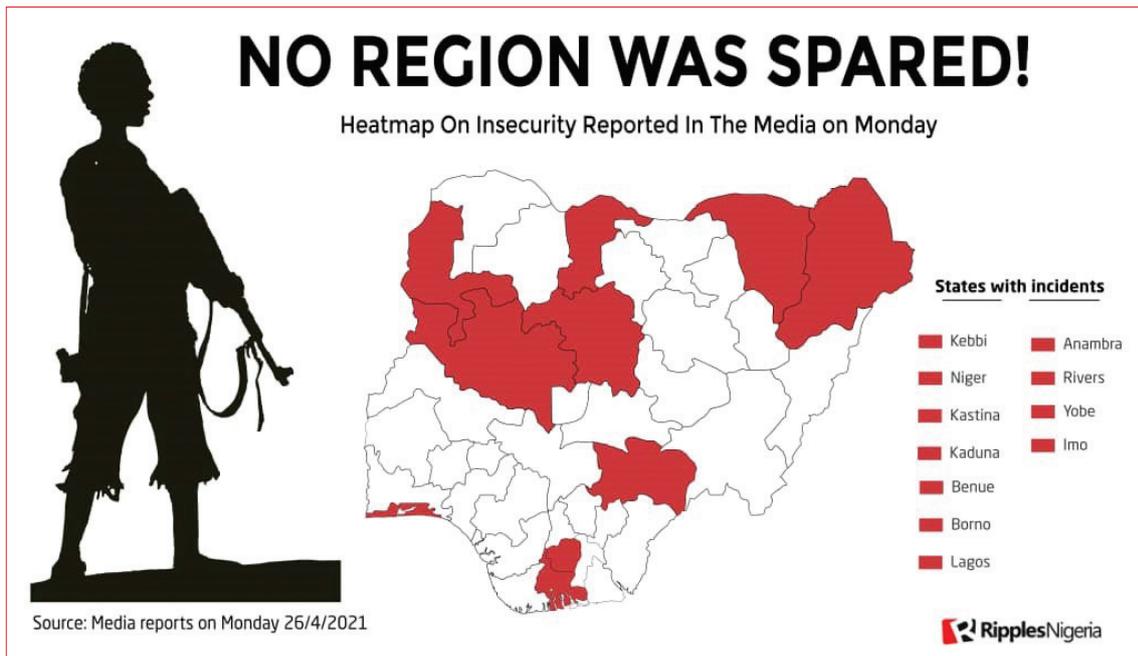
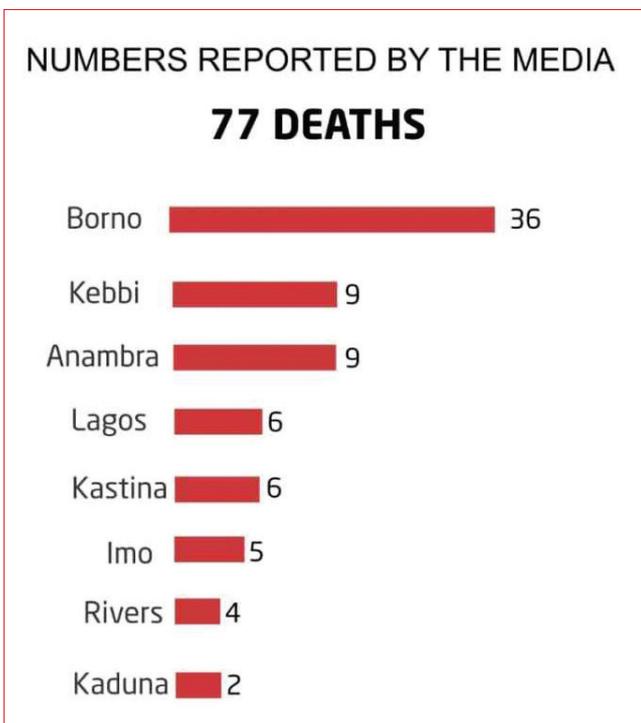


Figure 1 Heat map of reported death in the Nigeria News Media for Monday 26th April 2021. (Ibemere 2021)

Graph 1: Media reports of deaths from armed attacks across Nigeria Monday 26th April 2021 (Ibemere 2021)



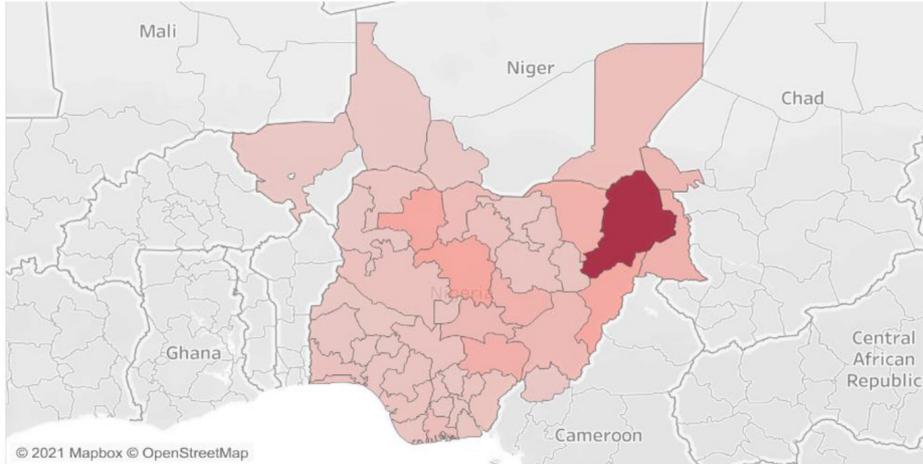
organization ‘Nigeria Mourns’, Premium Times newspapers reported that at least 1,603 Nigerians lose their lives to armed attacks across the country between January and March 2021 (A. Nasir 2021b). It was also reported that around 1,774 Nigerians were victims of abduction and kidnapping within the three months covered by the organization’s report (A. Nasir 2021b). As it relates to perpetrators of these crimes, the report noted that 921 people were killed by suspected bandits, 207 people killed by suspected members of Boko Haram or its breakaway faction ISWAP, 205 killed in isolated attacks and 106 were killed in clashes among rival cult groups across the country. It was also reported that 79 people were victims of extra-judicial killings, 53 deaths were attributed to communal clashes and 32 people were killed by suspected herdsmen (A. Nasir 2021b). The first quarter of 2021 was bloody for Nigeria and Nigerians given the incidence of reported attacks against civilian, military units and police formations.

While the year 2021 has been bloody so far in terms of the reported incidence of armed attacks by various armed criminal groups, Nigeria’s security environment has been deteriorating steadily over the decade according to the database from the Nigeria Security Tracker, produced by the Africa Program, Council on Foreign Relations based in New York. As the data in graphs 1, 2 and 3 below show, the incidence of armed attacks against Nigerians resulting in loss of lives has been on a steady increase

Citing the report of a non-governmental

Map: Deaths by State

The map depicts deaths by state. Borno state, in Nigeria's northeast, is the epicenter of Boko Haram related violence, which has also spilled into neighboring Adamawa and Yobe states, among others.



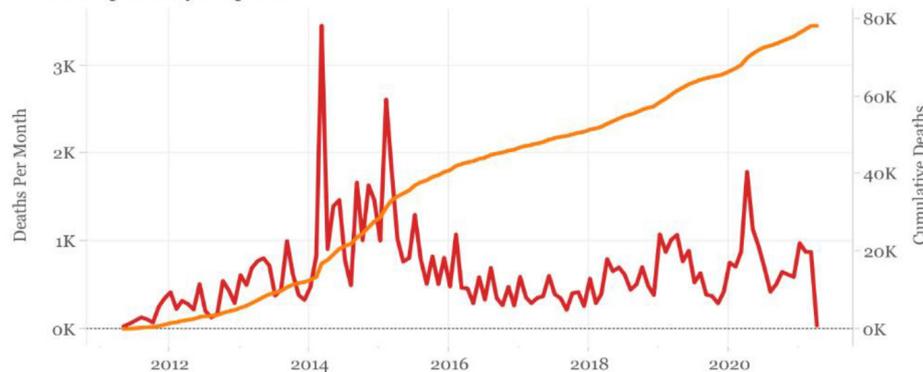
Date
May 2011 to April 2021

Deaths
0 33,578

Notes
Hover over a particular state to view additional information.
Specific dates can be viewed using the slider above.
Darker coloring represents a greater number of deaths in that state.

Graph 1: Deaths Over Time

The line graph depicts deaths over time. The red line shows the number of deaths by month, and the orange shows the cumulative total. The number of deaths is a conservative estimate, based on numbers reported by the press.



Key
■ Cumulative Deaths
■ Deaths Per Month

Notes
Hover over a point in the graph to view the number of deaths on that date.
Specific dates can be viewed using the slider above.

Nigeria Security Tracker produced by the Africa Program at the Council on Foreign Relations (<https://www.cfr.org/programs/africa-program>)

Figure 2 Map showing death by State and graph showing Death Over Time May 2011 to April 2021 (NST 2021)

peaking around 2014-2015 when Nigeria witnessed the worst from Boko Haram attacks. Between 2016 till 2019, reported incidences reduced, however, going by the trend, the incidence of reported armed attacks against Nigerians resulting in deaths is on the rise again starting from 2020.

Graph 2 above shows the death toll over time with the red and orange colour depicting the number of death by months and the cumulative total of death respectively.

In response to the worsening security environment across the country, the Governors of the six Southwest states announced the formation of the Western Nigerian Security Network (Amotekun

Corps) in 2020. In the same vein, Governors of the five Southeast states in April 2021 announced their resolve to establish a joint security outfit to be called 'Ebube Agu'. Related to these two regional outfits was the establishment and operationalization of the Lagos State Neighbourhood Watch, conceived as a community policing outfit. On the constitutional front, there is the increasing possibility that the ongoing constitution review process by the Nigerian National Assembly might give constitutional authorization for the creation of state police. A bill that seeks to amend the 1999 Constitution to allow for the creation of state police and legalize regional security outfits has passed the second reading.



Graph 2: Death by perpetrator and total deaths by perpetrator in Nigeria May 2011 to April 2021 (NST 2021)

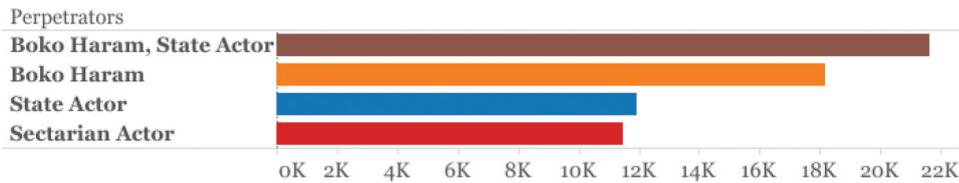
Graph 2: Deaths by Perpetrator

These graphs depict countrywide deaths broken down by perpetrator. These include Boko Haram, state security services, and sectarian groups (excluding Boko Haram). To avoid double counting deaths, the NST distinguishes between incidents in which one perpetrator is involved and in which more than one perpetrator is involved. As a result, deaths of Boko Haram and State Actors are combined for the category "Boko Haram, State Actor," which corresponds to incidents where there was a clash. These five groups represent the majority of deaths documented by the NST. There are additional deaths included in the overall NST count, displayed in graph 1, that are not reflected here.

Date
May 2011 to April 2021

Notes
Hover over the graph to view the number of deaths.

Specific dates can be viewed using the slider above.



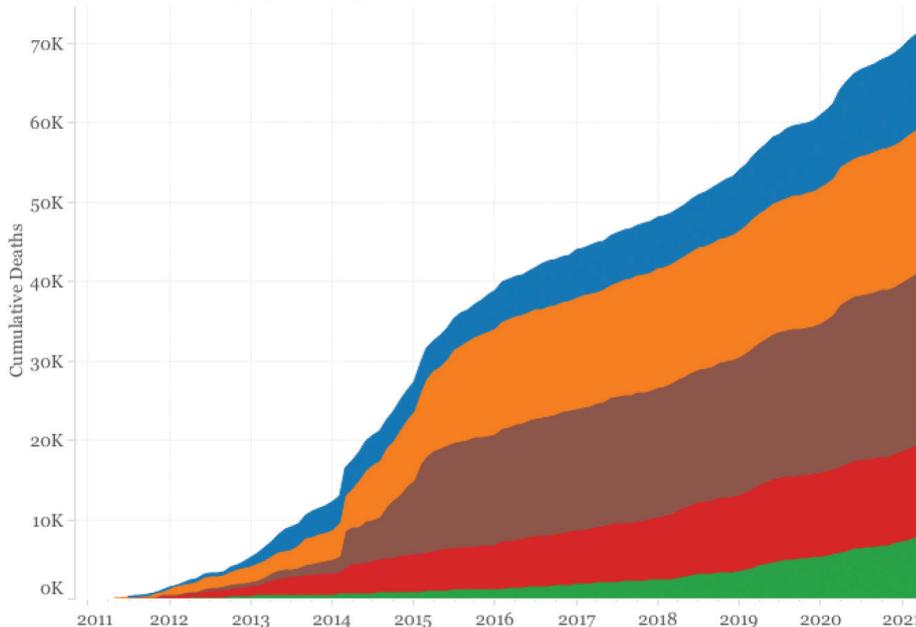
Graph 3: Total Deaths by Perpetrator

This graph reflects the cumulative deaths over time attributed to a particular perpetrator. These five perpetrators represent the vast majority of deaths documented by the NST. There are deaths included in the overall NST count, displayed in graph 1, that are not reflected here.

Perpetrators
 State Actor
 Boko Haram
 Boko Haram, State Actor
 Sectarian Actor
 Other Armed Actor

Notes
Hover over a point in the graph to view the total number of deaths by that date.

Specific dates can be viewed using the slider above.



Honourable Onofiok Luke, Chairman House Committee on Judiciary that sponsored the bill, in his explanatory note, averred that the bill seeks to alter the Constitution, “to provide for state police and other state government security services to enhance security and preservation of lives and properties in Nigeria” (Baiyewu 2021).

This position has been an important rallying cry for protagonists of devolution of police authority.

If the ongoing constitutional review comes to fruition, the bill on devolution of police authority is clear on what it seeks to achieve through the alteration. Specifically, the bill proposes an amendment to Section 197(1) by inserting new Paragraphs ‘e’ and ‘f’ to provide for ‘State Police Council’ and ‘State Police Service



Commission,' respectively. The Second Schedule to the Constitution will also be altered in Part I by deleting Item 45 (federal control of police) from the Exclusive Legislative List; and in Part II by inserting after Item 30 on the Concurrent Legislative List, new Items 31 and 32. The proposal reads, (Item 31) "The National Assembly may make laws for the establishment of the federal police and other federal government security services" and (Item 32) "A House of Assembly may make laws for the establishment of state police and other state government security services." The Third Schedule to the Constitution will also be altered by inserting new Paragraphs 9 to 12 (Baiyewu 2021). By these amendments, policing and management of police will effectively come under the Concurrent Lists, thus turning policing to shared authority, competency and responsibility between the Nigerian federal government and governments of the federating states. If the constitution review process is successfully concluded and the alteration on policing at the House of Representatives get the mandated concurrence of the Senate, one can only hope the new arrangement will aid the cause of securing Nigeria and the police power and authority not becomes subject of abuse by political leaders at the sub-national level in Nigeria.

Conclusion

Federalism and restructuring are two sides of the same coin (Agbaje 2018). This is largely because the adaptability of the federal system and the ability of federations to respond swiftly to changing circumstances is one of the most important traits of virile and robust federal systems. The ability to

swiftly adapt and innovatively respond to emerging realities even becomes more important for federal systems that are faulty by design and can be said to be non-federalist in process and practice. To this end, a federation that failed to adapt to new circumstances by innovatively restructuring its constitutional, political and institutional practices and processes run the risk of implosion and/or collapse. As important as the federal system it is that a constitutional device should manage diversity since federations collapse largely due to failure to adapt and change.

Even if the Nigerian federal system is going through a trying time, the challenges faced by the country are surmountable. The most important existential threats facing the Nigerian federal arrangement are the heightened insecurity and rising criminalities. While the federal government and the security institutions that it controls strive to address the security crisis, their efforts had not aligned with the Nigerians' expectations. The worsening security environment has resulted in a call for restructuring with the view to decentralize policing power, authority and competency to Nigeria's thirty-six federating units. The argument is that the federal and state governments should constitutionally share the exercising of policing power so that the states be allowed to establish, operate, fund, and control police agencies. The belief is that this approach will relieve the federal government of some of the burden of policing Nigeria, encourage community policing, help address the differing security problems of different states and their localities, and ultimately help in addressing Nigeria's security crisis.

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