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Governance, Accountability, and Security in Nigeria

By Oluwakemi Okenyodo

- **Low levels of trust in the Nigerian police limit public cooperation critical to combatting internal security threats from irregular forces such as insurgents, criminal gangs, and extremists.**
- **Allegations of corruption, heavy-handedness, and politicization have dogged the Nigeria Police Force for years. However, a lack of political will has perpetuated a culture of impunity, weak oversight, and an unwillingness to absorb lessons learned from previous efforts at police reform.**
- **Improving the effectiveness of the Nigerian police depends on governance reforms. Depoliticizing the appointment and promotion processes for senior police officers and genuinely empowering oversight bodies are critical steps to opening a sustainable path to reform and rebuilding trust with local communities.**

HIGHLIGHTS

From violent extremism and insurgency to piracy, kidnapping for ransom, attacks on oil infrastructure, drug trafficking, and organized crime, Nigeria faces a host of complex security challenges. These threats typically involve irregular forces and are largely societally based. They are most prevalent and persistent in marginalized areas where communities feel high levels of distrust toward the government—often built up over many years. At their root, then, these security challenges are symptoms of larger failures in governance.

As many of Nigeria's security threats are domestic in nature, the Nigeria Police Force (NPF) is often the primary security interface with the public. However, low levels of public trust in the police inhibit the cooperation needed to be effective against these societally based threats.

Seventy-two percent of Nigerians surveyed by Transparency International perceived police as corrupt.[1] Police commonly demand bribes in their everyday encounters with citizens. Indeed, of the 11,500 people interviewed by the CLEEN Foundation in its National Crime and Safety Survey, 33 percent had paid or had been asked to pay a bribe to the police.[2] The problem of corruption builds on a long legacy. In 2012, then Inspector General of Police Mohammed Abubakar acknowledged the depth of the challenge, "The Nigeria Police Force has fallen to its lowest level and has indeed become a subject of ridicule within the law enforcement community and among members of the enlarged public." Furthermore, he noted:

> *Police duties have become commercialized…. Our men are deployed to rich individuals and corporate entities such that we lack manpower to provide security for the common man. Our investigations departments cannot equitably handle matters unless those involved have money to part with. Complainants suddenly become suspects at different investigation levels following spurious petitions filed with the connivance of police*

officers. Our police stations, State [Criminal Investigations Divisions] and operations offices have become business centres and collection points for rendering returns from all kinds of squads and teams set up for the benefit of superior officers. Our special anti-robbery squads (SARS) have become killer teams engaging in deals for land speculators and debt collectors. Toll stations in the name of checkpoints adorn our highways with policemen shamefully collecting money from motorists in the full glare of the public.[3]

This has broader implications for security. Corruption within the bodies responsible for enforcing the law shapes expectations and tolerance of corruption in a society more generally.[4] In such contexts, citizens are more likely to challenge the symbols of authority. Violent crime and conflict are more likely to result.

Nigeria's police also have a reputation for heavy-handedness. Arbitrary arrests and lack of due process create an ongoing sense of vulnerability for many citizens. In September 2007, then Inspector General of Police Mike Okiro famously noted that, in his first 100 days, the police had killed 785 robbers in the line of duty while robbers had killed 62 officers. The remarks led to widespread criticism, both because the violence surrounding mere robbery seemed excessive and because the lack of official reports to corroborate the claim suggested evidence of extrajudicial killings.[5]

Nigeria's police are also perceived to be politicized. Leaders are often appointed based on their political allegiances rather than on their experience or capabilities in law enforcement. As a result, the quality of leadership at the helm of the NPF suffers. Appointees under such circumstances feel loyalty to their political patron rather than to their institutions or citizens. How and to whom the law is applied is not consistent. Norms of professionalism and ethics are weakened.

The problem of nonmeritocratic leadership is exacerbated by a command-and-control structure that is opaque, centralized, and often chaotic. Police leaders who have not earned their position lose the respect of their colleagues, who are then more likely to abandon a unit when facing an armed threat. Insufficient understanding or commitment to effectiveness among a force's leadership often results in the neglect of training. Problems of police engagement with communities are thus perpetuated.

In short, the culture of corruption and politicization has created a hollowed-out police force—strong on paper but ineffective in practice. The quality of internal managerial practices directly affects police operations in the field.[6] For example, a party dissatisfied in a dispute might complain and cause the transfer of a divisional police officer. This mechanism of informal (and possibly inappropriate) accountability contrasts with the lack of formal public accountability mechanisms. What officers are most acutely aware of, then, is the danger of being blamed for something that went wrong outside their control. This leads to a minimalist approach. Officers would often rather do nothing than make an intervention without explicit orders.

All of this has implications for citizen security. Corruption and poor leadership divert resources from the forces and assets for which these funds were intended. Such patterns explain the paradox of increasing budget outlays coinciding with weakening force effectiveness. For instance, from 2011 to 2016, the country's police budget for overhead and capital expenditures steadily increased from NGN 11.9 billion (USD $72.9 million) to NGN 25.4 billion (USD $127.6 million). Yet this increase in funding hasn't been matched by gains in effectiveness.

INSTITUTIONAL CHALLENGES TO THE GOVERNANCE AND ACCOUNTABILITY OF NIGERIA'S POLICE

A number of factors underlie the inability of Nigeria's police force to effectively respond to domestic security challenges and build greater trust at the community level.

Public Alienation and Corruption

The NPF was founded in the days of colonialism. It thus retains a legacy of paramilitary action with limited public accountability. Instead of serving and protecting the Nigerian people, the colonial-era NPF destroyed the fabric of indigenous community-grown systems of

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security, justice, law enforcement, and dispute resolution.[7] After Nigeria's 1967-1970 civil war, police accountability was further limited when the force was centralized. The negative consequences of this history were compounded by years of military misrule, which held back the NPF's institutional development and left it weakened once democratic rule emerged at the end of the 1990s.

This history and the relative absence of functional accountability mechanisms have allowed corruption to persist within the NPF. Police have been deployed to advance the political aims of officeholders, including senior police leaders. Such partisan behavior undermines the cohesion, effectiveness, and performance of the NPF. The same incentives push some officers to compromise their professionalism to curry political favor in the hope of future career advancement or patronage. All of this has had the effect of alienating the public and generating distrust.

Overly Centralized and Nonmeritocratic Leadership

The command structure of the Nigeria Police Force is highly centralized despite covering a diverse federal polity. While allowing for easier interstate cooperation than in decentralized police systems, the centralized nature of the force also tends to disempower state-level commands, hinder service delivery, create bottlenecks, and distance citizens from "their" police. It can also lead to politicization and lack of professionalism. Centralized leadership filters human resources and assets toward the center, leaving many frontline units at the state-level command under-resourced and nominally supervised.

Notwithstanding the NPF's five-tier command structure, too many decisions begin and end on the desk of the NPF's top commander, the Inspector General of Police (IGP). This undercuts responsiveness and customization of police engagements at the community level. The deputy inspectors general who are supposed to work with lieutenants and members of the police management team only nominally function as heads of departments. The offices of the 12 zonal assistant inspectors general, who are expected to give leadership and strategic direction to state-level commissioners, fare even worse in being able to effectively exercise their statutory leadership roles.

Accountability is also centralized and largely "upward looking." For example, as opposed to working closely with district commanders and their local citizens and municipal officials, the police leadership is answerable primarily to the presidency (which houses the Ministry of Interior, the Police Service Commission, and the Police Council).

"at their root, these security challenges are symptoms of larger failures in governance"

An opaque leadership appointment procedure with little regard for performance makes this centralized decision-making even more problematic. For example, in 2012, the perceived illegitimate and undeserved promotion of 7 deputy inspectors general and 13 assistant inspectors general led a large cadre of senior police officers to threaten to quit en masse. In a statement, the group claimed only two of the seven deputies were adequately qualified, and called the remainder of the promotions "strange, ridiculous and suspicious, as [the nominees] are not the most senior officers from their respective geo-political zones."[8] Such behavior has consistently denied the NPF the services of its most competent officers at important leadership levels. The Federal Character Principle, which is aimed at ensuring equity in representation of ethnic groups in government institutions, has been exploited as a vehicle for nepotism, subjecting the selection process to personal and political connections.

Management Overlap and Weak Oversight

The management mechanisms established for Nigeria's police suffer from bureaucratic overlap and poor implementation of statutory mandates. Three agencies within Nigeria's executive branch are charged with supervision: the Police Service Commission, the Ministry of Interior, and the Police Council. There are also oversight bodies led by the legislative and judicial branches of government.

Nigeria's Police Service Commission (PSC) is the main civilian supervisory and oversight body of the NPF. According to statute, it ought to be one of the most powerful such bodies in the world. It is charged with responsibility for appointments, promotions, and disciplinary action in the NPF. However, a combination of factors—political interference, budgetary constraints, and inability to set up and maintain a functional investigative unit—have affected its disciplinary functions

over the NPF, thereby robbing the PSC of its relevance and vibrancy. Indeed, the PSC refers all complaints of extrajudicial killings back to the NPF for investigation. One UN official observed: "[The PSC's] Quarterly Reports to the President are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns. A radical overhaul of its procedures and compositions is warranted."[9]

The Ministry of Interior (MoI) has a cabinet-level minister charged with directing the IGP. The MoI is responsible for the provision of policy, administration, logistics, and financial management to the Nigeria Police Force. A 2015 restructuring integrated the NPF with other agencies the MoI oversees, such as Immigration Services, Fire Services, the Security Civil Defence Corps, and Prison Services. Yet Ministry supervision of the police has been aimless. It has not defined its vision, determined its scope of responsibility, or announced its intended involvement based on its resources and skills in order to realize optimal impact.

The apex of executive branch management mechanisms is the Police Council, which serves as a "board of directors" comprising the President, the governor of each state, the chairman of the Police Service Commission, and the Inspector General of Police. The Council is meant to organize and administer the NPF, provide general supervision, and advise the President on the appointment of the Inspector General of Police. However, these functions overlap and compete with the mandate of the MoI. Moreover, the absence of the Minister of Interior and the Attorney General from the Police Council effectively fosters parallel command structures.

"the relative absence of functional accountability mechanisms have allowed corruption to persist within the NPF"

Beyond the confounding management arrangements, independent oversight agencies for the NPF often have weak and overly restrictive mandates to respond to citizen concerns. For example, the Public Complaints Commission, which is the ombudsman for the country, is restricted from reviewing complaints that are related to conduct of the military, police, or other uniformed personnel.

Oversight functions can also by stymied by partisan appointments to key management posts. For example, in 2015 a leaked audiotape implicated a number of senior officials—including the Minister of Defence and the Minister of Police Affairs—in an electoral fraud plot with the incumbent political party to rig a gubernatorial election.[10] This example reflects how appointees are often named based on party association or nepotism rather than being publicly advertised with specified selection criteria and defined skill requirements. As such, appointees may use their management powers to serve partisan interests rather than aggressively pursue their oversight mandate.

Finally, key accountability and oversight bodies lack the requisite funds to fulfill their functions. For example, oversight bodies lack office structures in several states, whereas the NPF has state and divisional command offices in all 36 states, the federal capital territory, and the 774 local government areas. Even in the so-called zonal offices, these oversight groups lack basic office equipment, thereby inhibiting their professionalism and reach.

In recent years the NPF has taken certain steps to improve public accountability. For example, the Complaints Response Unit was established in 2015 with the mandate to receive complaints from members of the public related to unbecoming conduct by any police officer, including the IGP. Members of the public can lodge their complaints through one of multiple channels—mobile phones, email, social media, traditional platforms—and get a receipt acknowledging their complaint that includes a tracking number. Such engagement has been found to improve police-civilian relations. Another form of engagement that has worked is an interactive forum between officers and members of the public, such as those organized by the nonprofit CLEEN Foundation. Held in each of the country's six geopolitical zones, the forums allow citizens to express their safety and security concerns with police. The respective stakeholders can discuss and jointly agree on steps that need to be taken, which results in improved interactions between the parties and enhanced safety in these localities.

Unintegrated Voluntary Policing Groups

The extended ineffectiveness of the Nigeria Police Force has given rise to a plethora of voluntary community policing groups—a development that has created its own security challenges. Such nonstate security actors are seen to fill a gap in communities where the NPF

does not regularly patrol. Composed of members of the community, these groups are considered to have a degree of legitimacy and are sometimes a welcome substitute for the inadequate presence, perceived corruption, and lack of trust in the police. Some groups have been recognized for their complementary role by the state. Others have assumed a sociocultural identity, claimed service toward faith and belief, or maintained a vigilante status. However, all of these groups are untrained and more prone to engage in abuse or use excessive force while carrying out their duties.

Once organized, some of these voluntary policing groups or militias become a law unto themselves. Some cross the line and effectively become criminal syndicates in their own right—extorting payments from community members or using their coercive capacity to take control of certain licit or illicit economic activities. Most importantly from a policy perspective, the presence of nonstate security actors reflects a governance deficit—as does the state's inability to effectively control them.

One example is the O'odua People's Congress (OPC) in the South West Zone. The group first emerged when it challenged the police, the army, and the federal government over the annulment of the 1993 election. Soon after it formed a vigilante wing to monitor neighborhood security. Designed to confront "increasing youth restiveness, economic hardship, social tension, and insecurity," the OPC became more feared than the criminals it challenged.[11] Members used "charms" and other nonempirical and nonjudicial methods to determine the veracity of accusations, much to the fear and concern of citizens and formal security forces alike.[12]

Another group, the Bakassi Boys, was established in Abia State in the South East Zone to patrol the markets and prevent and investigate crime within the precinct of Aba, a commercial hub. The reputation of the group arose from its vicious activities, propelled by rumors and fear that led to a drastic reduction in crime in the urban areas. This success led the group to expand from the market spaces to communities in Abia State, and then beyond to Anambra and Imo States. The Bakassi Boys were armed with lethal weapons and acted without police authorization and in contravention of state laws. They routinely made spectacles of captured suspects, who were paraded naked, often treated cruelly and inhumanely, and most times killed. Like the OPC, the Bakassi Boys used dubious methods to establish guilt, and sometimes resorted to torture and extrajudicial killing instead of turning suspects over to the police.[13] Although the Bakassi Boys succeeded in controlling crime in the region, they did not succeed in creating an atmosphere of safety. Residents simply feared them more than regular criminals.

Both of these groups originated in response to absent policing. Each then became overly violent themselves and, ultimately, required police intervention. OPC leaders Ganiyu Adams and Fredrick Fasheun were arrested and charged in 1999.[14] Complaints about the violence of the Bakassi Boys eventually pitched them against the police as well, and in late 2002, the federal government raided their operations and disbanded the informal security provider. After the OPC leaders were arrested, the group remained a vocal political actor in the region but no longer remained active in the security arena. The security vacuum was then filled by the so-called Neighborhood Watch Group, which was formed by other vigilantes in cooperation with the state governments. The Bakassi Boys were similarly replaced by a state-led informal security group after being dismantled. These state-led groups benefited from closer state supervision and lessons learned from past experience. Compared to the vigilante groups, they exercised improved management, oversight, leadership, and municipal interfacing.

"the presence of nonstate security actors reflects a governance deficit—as does the state's inability to effectively control them"

A third example of the consequences from a lack of police presence was the rise of the Civilian Joint Task Force (CJTF). Set up by community members in Borno State in early 2013, the CJTF's aim was to protect civilians from Boko Haram in support of the official interagency Joint Task Force (JTF). The CJTF emerged because of civilian distrust of the military, whose campaign against Boko Haram resulted in well-documented civilian abuses.[15] Over time the CJTF developed informal support from relevant state governments. Though equipped only with axes, knives, bows and arrows, locally made guns, and other traditional means of weaponry and defense, the group proved reputable and successful in fighting off major assaults and in raiding the homes of suspected Boko Haram members to make arrests and hand suspects over to the military. Following the CJTF's successes, the JTF initiated a more formal working relationship with it.

There are other government attempts to map, train, and coordinate the activities of voluntary policing groups. In Enugu State, groups were quickly brought under the control of the Ministry of Human Capital Development. In Lagos State, the Rural and Urban Development Ministry monitors multiple groups. Overall, however, progress in moving these voluntary community policing groups toward institutionalization or replacing them with official police has been limited.

Even voluntary policing groups set up in collaboration with state governments can at times prove less than ideal. For example, a faith-based policing group called Hisbah emerged in northern Nigeria to enforce sharia law, which was sanctioned as a parallel legal system in Muslim-majority states in the early 2000s. Hisbah is considered nonstate in that it enforces religious law and is separate from the country's constitutionally defined mainstream policing system. Yet Hisbah is also associated with the state in that it was created by the Kano State Government. Despite Hisbah's semiformal status, the group's operations attracted the concern of the federal government and the NPF, who sought legal redress against Hisbah and the Kano State Government on the basis that the new policing outfit was both unconstitutional and improperly intruding upon the NPF's exclusive policing powers. The existence of Hisbah illustrates a troubling disconnect between state and federal security priorities, legal authorities, and legitimacy.

In sum, community policing groups in Nigeria evolved as a result of state security actors having insufficient capability to provide security consistently throughout the country. Hence, local governments and communities innovated myriad ways forward. But the corresponding controls necessary to improve long-term peace and security were rarely instituted.

Failure to Learn Lessons from Past Experience

Previous administrations have raised some of the challenges with police effectiveness identified here, but reform has rarely followed. The process characteristically begins with the formation of high-level committees, members of which are drawn from different spheres of society. Those committees review contributing factors, identify gaps in knowledge, and recommend strategies. Yet reprehensibly, most times the reports of these committees—particularly the ones focused on public safety and security—are not accessible to the public (see box).

REPORTS ON NIGERIA'S SECURITY SECTOR NOT MADE PUBLIC

- Report of the Presidential Committee on the Reform of the Police (2006)
- Report of the Presidential Committee on the Reform of the Nigeria Police Force, led by Alhaji M.D. Yusuf (2008)
- Report of the Sheik Ahmed Lemu Committee with regard to post-2011 election violence (2011)
- Report of the Parry Osayande Committee on Police Reform (2012)
- Report of the Presidential Committee on Dialogue and Peaceful Resolution and Security Challenges in the North with regard to Boko Haram, led by Alhaji Tanimu Turaki (2015)

In many instances, just accessing information to conduct investigations is a challenge. In 2011, the government enacted the Freedom of Information Act (FOIA) in an effort to reduce the secrecy that has shrouded public finance management of the Nigeria Police Force. But the NPF and other security institutions can still broadly rely on the Official Secrets Act when choosing not to disclose information. With so little transparency, including of the very reports meant to identify paths to reform, there is diminished scope to hold leadership accountable for implementing lessons learned from past experience so as to improve future performance.

IMPROVING POLICE EFFECTIVENESS BY IMPROVING GOVERNANCE

Strengthening the effectiveness of the Nigeria Police Force requires improving trust with local communities and better responding to citizens' security needs. Doing so requires systemic reforms in the governance and accountability of Nigeria's police sector.

Decentralize the Nigeria Police Force. To avoid powerful politicization efforts concentrated toward its leadership, the NPF should be decentralized. This would allow officers to be more engaged at the community level and give them flexibility to carry out their duties without routine matters facing bottlenecked decision-making at the highest levels. It would also enhance community-based accountability incentives among police, making them no longer responsive solely to superiors based far

away. This change should be reinforced with a constitutional amendment:

- Section 215(3) of the Constitution and Sections 9(4)-(5) and 10(1)-(2) of the Police Act should be amended to restrict the role of the President, who may currently authorize a minister to issue policy directives to the NPF. The amendment should state clearly and unambiguously that operational control of the NPF and its department rests solely with the Inspector General of Police or other such police commanders as the IGP might authorize.
- The NPF structure is already made up of five administrative tiers, but decision-making remains consolidated at the level of the IGP. It would be more practical to decentralize and devolve powers and resources to the zone, state, and local government area commands, as well as to the divisional tiers to enable them to undertake timely initiatives in concert with host communities. The IGP should no longer be involved in operational issues that can be delegated, such as parading suspects or granting interviews on policing issues at the state or divisional levels. Greater financial autonomy should also be extended to the state and divisional levels. This will enhance accountability, transparency, partnership, and participation. Increased local engagement and responsiveness may also limit the emergence of nonstate security actors.

Improve merit-based appointment, promotion, and removal processes. Strengthening the quality and professionalism of security sector leadership through a meritocratic process would allow the sector to complete its mission more effectively.

The process by which the Inspector General of Police is appointed should be open, competitive, and transparent. The criteria and competence required should be clearly articulated. The National Assembly and the Police Council should also provide input. The appointment of the heads of various security agencies should guarantee a term of not more than 5 years or within the statutory period of service which is 35 years of service or 60 years of age, whichever comes first. In order to protect against political influence or capricious decision-making by the executive, removal of heads of security agencies should be based on a motion in the upper chamber and on grounds of evident gross misconduct as defined in Section 143(11) of the Constitution or due to incapacitation of mind or body.

The process of appointing the chairperson and members for the Police Service Commission and all other oversight bodies should be made transparent (open to public view and comment) and objective (in accordance with publicly published guidelines) to ensure that only suitably qualified persons are appointed to help actualize the mandate of the oversight body.

Deconflict management bodies. The multiple supervisory bodies and the overlapping mandates of each effectively fosters parallel command structures within the NPF. This hinders NPF adherence to a clear strategic vision and requires the diversion of badly needed resources to internal communication efforts and overhead rather than core mission support.

- The Minister of the Interior and the Attorney General should be added to the Police Council so that the supervisory bodies can better work to complement each other and not exercise needlessly duplicative authority.

Strengthen oversight mechanisms and encourage public accountability. Strengthening oversight institutions so they can effectively carry out their responsibilities is key to establishing trust between Nigeria's police and its citizens. This will facilitate greater citizen cooperation with police efforts and help ensure that the NPF and its promotion processes remain protected from politicization or shifts away from meritocracy.

- The PSC and other oversight bodies should be provided with adequate resources and skills to support their autonomy and functional service delivery. For example, an independent investigative arm should be set up for the PSC so it is not reliant on the NPF to investigate petitions against itself.
- The PSC should be empowered to review citizen complaints regarding the conduct of the police. In the same vein, legislation protecting whistleblowers should be enacted so that those who bring valid concerns from within the police force to the public or relevant oversight agencies do not have to fear retribution.
- Engaging citizens and civil society organizations should be encouraged at all bureaucratic levels in order to reduce tensions and strengthen relations between security agencies and members of the public.

Regulate and hold accountable nonstate security actors. Nonstate security actors should be screened,

trained, and (re)certified. This would build confidence on the part of the formal security agencies and enable them to partner with designated members of the community in order to enhance security and accountability. To do this, the existing regulatory bodies will need legislative reviews to bolster their mandates and enable them to spread their current reach beyond the federally established security agencies to state- or community-based groups as well. These regulatory bodies should then use their dual reach to ensure nonstate security actors are adequately trained at federally established facilities with approved curricula to the appropriate standard.

Mandate publication of future committee reports and strengthen FOIA. Any committee on police or security sector reform should be required to publish an unclassified version of their report. This recognizes that the public is the ultimate stakeholder on security issues and needs to have a place at the table. Making these reports publicly available fosters dialogue, informs the public, and focuses on areas of improvement. An independent adjudicator should review FOIA requests to ensure that worthy inquiries are not blocked while legitimate national security concerns are respected.

NOTES

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