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## **AN ETHICAL INVESTIGATION INTO THE PERFORMANCE APPRAISAL OF SECURITY AGENCIES IN THE MANAGEMENT OF CRIMES IN A DEMOCRATIC SOCIETY: NIGERIA AS A CASE STUDY**

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### **Abstract**

*The nature and character of Post-Colonial states in Africa has remained in a state of vague. This is because of the contradictions between the bequeathed functions of the state and the systematic arrangements of actualizing its fundamental objectives. It is based on this premise that the objective of study sets out to ethically assess the performances of Nigeria's security agencies in the management of Nigeria's security challenges between 1999 and 2017. The study is necessitated by the debate in theoretical literature on the relationship between democracy and security. It is against this backdrop that the study sets to ethically investigate whether the re-introduction of democratic rule in Nigeria in 1999 has enhanced the security of lives and property of Nigerian citizens between 1999 and 2017. Data for the study were gathered and analyzed using the descriptive method. The Marxist theory of post-colonial state formed the*

*framework of its analysis. The finding of the study is that the re-introduction of civil rule in Nigeria has not enhanced the security of lives and properties of Nigerian citizens as expected. The study therefore recommends among other things the need for forensic training and future studies on the organization of Nigeria's security intelligence to ethically assess the management and performances of the nation's security outfits.*

### **Keywords**

Boko Haram, Crime, Civil Rule, Nigeria Security, Performance Appraisal

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## **1. Introduction**

The significant appreciation on the management of security in post -colonial Nigeria has attracted a lot of mixed reactions from within and outside the nation's geography. According to Oyemwinmina and Aibeyi, (2016) they contend that the nation's security management and designs had refuted to address the ever-trending crimes and criminalities in Nigeria because of unforeseen variables and logistics. On their own contribution to public perception of security leadership in Nigeria, Nwidag and Okwendi, (2015) observed the likely variable fall out of Nigeria security agencies in the management of their operations. However, in his preface to the reports of the study, *Governance and Insecurity in South East Nigeria*, Innocent Chukwuma, the Executive Director of CLEEN Foundation states that thirteen years after the restoration of civilian government in Nigeria, serious existential challenges had persisted at the federal, state and local government's levels. These, according to him, include:

*“persisting low public confidence in the capability of the electoral system to produce truly elected political leaders at various levels, implementation of economic reform programmes that have neither improved public services nor produced jobs for thousands of young people graduating every year from higher institutions, pervasive corruption, which has reduced government's annual budgetary pronouncements and development targets to hollow rituals scuffed at by a cynical public, and above all, an alarming spate of armed violence and terrorism over widening space and territories and apparent inability of the security forces to restore law and order, bring the perpetrators to justice and reassure a traumatized citizenry” (Chukwuma, 2012: 1).*

However, he noted that despite Nigeria's impressive macroeconomic growth and development, the country still ranks very low on major indicators of good governance such as infant mortality, maternal mortality, quantity and quality of education, job creation, poverty

eradication, security of lives and property; high corruption profile and cost of doing businesses, adding that of all the challenges confronting Nigeria, it is arguable that security challenge is the most acute. From Maiduguri to Bauchi in Northeast, and Jos in North-central down to Aba in Southeast, Nigerians are at a loss about the inability of security authorities in the country to arrest the increasing drift to a state of lawlessness where almost anybody can get away with the most heinous of violent crimes if it involves mass number of victims. An explanation of why this has festered for so long in Nigeria requires an understanding of its linkage with poor political governance (Chukwuma, 2012).

Similarly, Osaghae (2007), Jega (2007), and other renowned scholars have observed that the transition to civil democratic rule in Nigeria in 1999 was greeted with popular enthusiasm and optimism, and that the relative cordiality that characterized the process of formation of political parties and the relative ease with which such parties were registered was a clear demonstration of the optimism and commitment of the Nigerian political class and the state elites to democracy project in country. Amongst the generality of the people of Nigeria, the transition was a welcome development not only because it signaled the eventual termination of authoritarian military rule, but more so, perceived as the dawn of an era of great optimism and the realization of the dream of a good life. However, he observed that the great expectation among Nigerians has since waned and has been replaced by mixed feelings of disappointment and resignation, and that, one area in which these disappointing feelings appear most pronounced is in security.

Corobating the above view, Elaigwu, (2005:57-76) noted that the country had witnessed over 90 violent ethno-religious, communal, political, etc conflicts of varying intensities and magnitudes. As a result, the palpable growing feelings insecurity (broadly conceived) is due, in large part, to the rising crime rates and increasing constriction of space for effective popular participation (Mija,2007: 2). Accordingly, the conjecture had elicited a wide range of reactions from the populace. This had comprised the interest of the citizens towards their lives. The growing eroding of internal security in Nigeria has raise pertinent question of whether states still cares for her citizens or has been captured by the ruling class at the expense of the masses who look towards the state as their last hope.

Contributing to the management security and securitization in Nigeria, Tunde, (2011) and Eke, (2016) the contends that law enforcement is one of the three major components of the

criminal justice system. Although, there is an inherent interrelatedness between the different groups that make up the criminal justice system based on their crime deterrence purpose, each component operates independently from one another. Apart from maintaining order, the purpose of police is the investigation of suspects and referral of the results of investigations and *suspected* criminals to the courts. Law enforcement, to varying degrees at different levels of government and in different agencies, is also commonly charged with the responsibilities of deterring criminal activity, service and enforcement of warrants, writs and other orders of the courts (Tunde, 2011: 1). He then observed that since the return to civil democratic rule in 1999, Nigeria has witnessed relative deterioration of security of lives due to poor managements. According to him, “this is worrisome because internal security crisis is inherent with tendencies that threaten national unity and cohesion, discourages investments and retard development”. It is against this backdrop that the study sets to appraise the performance of Nigerian security agencies in the management of crimes in Nigeria between 1999 - 2017.

## **2. Theoretical Perspective**

The theoretical framework of analysis for the study is anchored on the Marxist theory of post- colonial State. The Marxist interpretation of the state and its instrument is to be found in the writings and views of the revolutionaries, philosophers and thinkers like Karl Marx, Engels, Lenin, Stalin, Mao, Gramsci and Lukacs. According to the Marxist theory, the state neither originates in the will of society nor is it maintained for the benefits of all sections of society. This is evidenced in all the post- colonial African states where the state has been captured and compromised for the selfish interest of relatively few individual members of the society. The functions bequeathed upon the states through the process of social contract become an illusion. The state has been charged with certain fundamental functions of maintaining law and order in the society, but with a swift surprise, it has been compromised by privileged elements that see the state as an instrument of production. No wonder, Alavi, (1974, 1978) attributed the prominence of the post- colonial state to its power directly appropriating a very large part of the economic activities in the name of promoting economic development.

As a government and regime, the state is the organizational instrument of society, which provides it with the necessary cohesive factor and maintains its unity of existence (Oyovbaire, 1980:3). In other words, the State is an object force that holds society together. The roles of the

state are many and varied, but the chief responsibility bequeathed to the state is the maintenance of social and political order. It is within this process of securitization of lives and property that the process of class exploitation and subordination emerged. Marx and Engels argue that the state emerges because of class struggle and is used as an instrument of a ruling class to assert its interests.

Therefore, the hallmark of the state as the guarantor of security and stability is the level of its autonomy from social classes in the society. The state's relative autonomy is dynamic, being a function of the ongoing class struggle in the social formation (Ekekwe, 1986:10). By autonomy is meant that the institutional mechanisms of domination are constituted in a way that they enjoy independence from the society and social classes, and appear as 'an objective force standing alongside society' (Ibeanu, 2005:15). In other words, a state can be said to be autonomous if it can independently formulate public policies and ensure effective compliance and execution without undue resort to the use of force. It is such autonomy that allows the state the capacity to act with little or no undue interference from vested interests (Aremu and Omotola, 2007:60).

At the political level, this form of autonomy and domination is reproduced by the way the state is constituted. The legitimacy of the modern state is linked to its capacity to present itself as a provider of public goods and, more importantly, a neutral arbiter that guarantees the security of all sections of the society. Therefore, when the state is generally perceived as serving the particularistic interest of one group, it starts losing its legitimacy and indeed, its authority. As state capacity declines, fear rises, and people resort to other levels of solidarity – religious, ethnic and regional – in search of security (Ibrahim, 1999:94). When the agency that represents this form of domination is not disassociated from the class struggle, the ability of the state to mediate and moderate conflicts is greatly vitiated. Some scholars have alluded to the historical and structural uniqueness or specificity of the postcolonial state. According to Alavi, (1972:257),

*“The essential problem about the state in the post- colonial societies stems from the fact that it is not established by an ascendant native bourgeoisie but instead by a foreign capitalist bourgeoisie... The class basis of the postcolonial state is, therefore complex...the state in postcolonial society is not the instrument of a single class. It is relatively autonomous, and it mediates between the competing interests of the three propertied classes, namely, the metropolitan bourgeoisie, the indigenou bourgeoisie and the landed classes, while*

*at the same time acting on behalf of them all to preserve the social order in which their interests are embedded...”*

The above portrays the part that the emerging states in Africa and Nigeria in particular and her relations to securitization is more of exogenous rather than indigenous. No wonder the security outfits are not adequately prepared to cater, quell the increasing waves of crimes and militancy terrorizing the political landscape of Nigeria since the emergency of the so called fragile democracy.

Onuoha, (2011) noted that the emerging consensus on the study of ethnic and religious conflicts in Nigeria therefore emphasizes an appreciation of the nature and character of postcolonial state of Nigeria, as both the regulator of competitions among the diverse ethnic and religious groups as well as the guarantor of security (Osaghae, 2007:171; Jega, 2007:119). In this wise, the Nigerian State has been described variously as “comprador”, “rent-seeking”, “neo-patrimonial”, “prebendal”, “predatory”, and “postcolonial”. As Jega, (2007:119) rightly argues “these characteristics have combined with one another, and with many others, in complex dynamics, to undermine the Nigerian state’s capacity to discharge those fundamental obligations of a modern state, such as socioeconomic provisions, guarantee of fundamental rights and freedoms, ensuring law and order and facilitating peace and stability as preconditions for growth and development of citizens”.

This development is traced to the history of colonialism and the internationalization of capital. As noted by Ifesinachi, (2006:21-22), the Nigerian state emerged as a product of the extension of capitalism from Europe to other lands in the 1860s. The motive of monopoly capital was centered primarily on profit maximization. In the process, monopoly capitalism tended to de-emphasize the transformation of pre-capitalist social relations. The consequence is the persistence of a medley of disparate pre-capitalist social relations and institutions side by side with the capitalist social relations and institutions that defines the state, and this has become part of the ideological ensemble of the postcolonial state of Nigeria. Built by conquest and subjugation, the state never acquired any enduring legitimacy or trust from the various indigenous groups and nationalities. Since the colonial state was for its subjects, it could not engender any legitimacy even though it made rules and laws profusely and propagated values. It presented itself as an apparatus of violence, had a narrow social base, and relied for compliance on coercion rather than authority (Ake, 2003:3). As a result, the postcolonial Nigerian state was

coercive, primarily in order to establish power and attain narrow economic objectives at the expense of the securitization of lives (Falola, 1998:52). This is essentially because the Nigerian state lacks autonomy from vested interests both locally and externally. As one scholar puts it, in Nigeria:

*“The ruling class derived both its origin and wealth from the state, around which it gravitates, using every available means to secure power and access. Hence, in the competition and struggles for state power, especially in the period of economic crisis, identity politics become heightened and tend to assume primacy. The state tends to resort to politics of identity for its legitimization, while those excluded tend to resort to identity politics to contest this exclusion. The state, thus, is projected as the critical variable in identity transformation, and the resurgence of identity politics” (Jega, 2007:119).*

As a result, the Nigerian state not only lacks the capacity to set the frameworks for action in society, but even where and when it does, such frameworks most often appear to be inadequate. The effect is that its policies are enforced with difficulties where they are enacted at all, with deep-rooted legitimacy crisis to the bargain (Osaghae, 1989:33). The post-colonial Nigerian state with its machineries had become so entangled in ethnic and religious issues to the extent that its neutrality and legitimacy has also become suspect. As Jinadu, (2007:11) rightly observes the nature and character of the Nigerian state:

*“the state and its institutions are ethicized and immersed in clientelist ethnic and religious networks and in ethnic or religious based struggle to implant and entrench ethnic or religious ‘gatekeepers’ in critical, key positions in the bureaucracy and educational institutions, and in other public-sector institutions and even in the private sector...”*

Given the way the Nigerian state emerged and presently constituted, state resources are used to fund religious groups or to maintain some clientelist and patronage networks along religious or ethnic lines. In turn, these religious groups or networks play critical role in providing mobilization and support for individuals or factions of the ruling class that leverage or support the activities of such religious networks or movements in the society. The politicization of religion consequently whittles down the capacity of the Nigerian state to impose principles of behaviour which regulate the lives of men. This is because when religion is politicized some powerful individuals or vested interests “capture” the state, thereby making the state unable to enjoy legitimacy that bestows it the latitude to impartially mediate conflicts in the society.

Since patronage has remained a key element of Nigerian politics, individuals depend on religion, ethnicity and other ties to mobilize and create power relations (Falola, 1998:53). When the competition for values (state power) and resources intensifies between and within classes, individuals with access to the state and machinery of government exploit such religious networks, movements or sentiments to gain support and influence. Because the state and its institutions have become immersed in clientelist ethnic and religious networks, it inevitably loses the capacity and impartiality critical for effective mediation and moderation of conflicts and crimes in the society.

### **3. Literature Review**

The review of extant literature on the topic of the study will be explicated thematically. This will help to appreciate the major empirical variables from each objective. However, the review of relevant literature will be organized in the following thematic ways;

#### **3.1 Democratic Regime, Security Architecture and Securitization of Lives and Property**

It has been observed that “property and property – related crimes have consistently dominated Nigeria’s crime scene” and that in the light of the worsening crime situation, and the ineffectiveness of the crime control apparatuses, Nigeria can be deemed to have a serious crime problem (Aremu, 2011: 392). According to him, the management of crime is essentially aimed at the efficient and effective engagement of such core issues that drive and shape it. He cited the reasons for the increase in crime in Nigeria to include urbanization which is spreading more widely and rapidly than improvement in the social and economic condition. Crime, he said, is a huge threat to public safety as it causes great personal suffering, vast material damage, and places enormous burden on the urban social network. Violent crimes are among the most important aspects of criminal activities that are directly related to national security. Their modalities and impacts on both the individual and group members of Nigeria society are enormous. Members of the society receive occurrence of violent crimes with great shock as they usually cause of lives and properties. Various types of violent crime classified by Nigeria criminal code include, murder, manslaughter, felonies wounding, assault (including rape), armed robbery, arson and other activities that are likely to cause breach of peace (Obioha, 2008). No wonder, the Nigeria police has classified crime in to four categories based on the victim or injured party. These are offences against person – murder, manslaughter, attempted murder,

assaults, suicides slave dealing, rape, indecent assault, kidnapping or child stealing among others. Offences against property are – armed robbery, malicious damage, theft and other stealing, burglary, house breaking, ship breaking etc. miscellaneous offences forgery of currency notes and coins, gambling, breach of public peace, perjury, bribery and corruption, escaping from lawful custody etc. There are offences against local acts – traffic offences, liquor offense, fire arms offences, narcotics treason, felony etc. It has been noted that Nigerian cities are lucrative areas for criminal activities because they provide the anonymity needed for personal crime as well as environment for a specialized and organized underworld. Theft, fraudulence, arson, forgery and other criminal activities become a means of survival. Aremu further observed that security is very important for all human beings regardless of one's status in the country but that this will not be guaranteed if the security sector is greedy and corrupt. More so, poverty reduction and development of democracy in country will be better enhanced when the security of lives and property of the citizen are guaranteed. It has been noted that the cost of crime and its control is equivalent to 5% GDP in the developed world, the figure rises to about 14% in developing nation (ICPC, 1999). Lack of security and securitization of lives and property affect the welfare of poor and the rich people. It can cause injury and death, reduce family income and generate a climate of fear (DFID, 2000). The demand for weapons is often symptomatic of the underdevelopment of society. Poverty, economic stagnation or declines, unequal access to rights and resources, the absence of effective welfare infrastructure, the collapse of law, exposure of crime; all generate instability and vulnerability to conflict (DFID, 2000). Weapon possession and misuse may begin as a symptom of underdevelopment, but can quickly become an impediment to development, security and democracy. Where governments are unable to control small arms, provide credible and guarantees of security, then post – conflict reconstruction and political, social and economic development are rapidly undermined (DFID, 2000). This is the case in Nigeria where the security agencies had failed to protect the lives and property of citizens since the emergence of democratic regimes in Nigeria.

It has been argued that the levels of crime in the community can be reduced by the construction of social capital (Paxton, 2002), increases in informal social control (Sampson, Raudenbush, and Earls, 1997), and the creation of forms of community justice (Clear and Karp, 1999) and community policing (Trojanowicz and Bucqueroux, 1993). Social capital is created when relations among people changes in a way that can facilitate collective action (Coleman,

1988). The modalities security issues should be treated as a specialized mission that requires specialized capabilities and training to support democracy rather than compromising the apparatuses of the state for aggrandizement. In democratic societies, safety of lives and property are major concerns. Increased levels of crime, violence and disorder associated with democratic environments may exceed the ability of the police and other para-military to maintain order, particularly if the police are expected to reform in-line with human rights, democratic values and citizen safety (Wiatrowski, Nathan, and Pritchard, 2008). The tables below present a summary of crime cases in Nigeria between 1994 to 2003 and 2016.

**Table 1: Summary of Reported Crime Cases in Nigeria 1994-2003**

Offence	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Murder	1629	1585	1561	1730	1670	1645	1255	2120	2117	2136
Attempted Murder	259	321	307	250	248	220	76	253	267	233
Manslaughter	20	25	21	18	27	14	101	14	13	6
Suicide	200	229	238	272	313	323	146	241	152	191
Attempted Suicide	291	120	77	58	43	30	41	27	29	38
Grievous harm/wound	17167	16300	17605	14720	114362	15931	9756	15241	17580	17666
Assault	46924	46543	52747	42815	40764	33881	17909	37531	29329	29125
Child stealing	131	175	146	303	107	147	101	116	55	39
Slave dealing	33	16	7	17	11	21	11	45	17	18
Rape/Indecent	2364	2364	2198	2585	2249	2241	1529	2284	2084	2253
Kidnapping	461	415	373	377	282	342	243	349	337	410
Aberration Offence	685	462	419	435	516	456	376	434	277	306
Armed robbery	2044	2109	2419	2181	2286	2291	1877	2809	3889	3497
Demand with menace	777	243	88	128	112	63	133	122	88	80
Theft /Stealing	69341	70542	71338	58095	54506	32974	29127	40796	35231	33124
Burglary	7858	7690	6390	7706	5548	4928	3768	5523	2683	2769
House breaking	10532	10568	9237	8562	7847	5979	3636	6059	5448	4706
Store breaking	6137	5646	4235	4729	4036	3643	2446	3089	2973	2990
False Pretence/ Cheating	13546	13524	13057	11950	12037	9996	7927	10234	9134	9508
Coining Offence	100	8	10	14	14	7	4	32	6	16
Gambling	1308	319	250	203	158	264	189	263	228	148
Breach of Public peace	8052	7926	7097	7100	7519	6765	5395	7532	7324	7298
Perjury	61	22	153	97	20	12	16	455	17	50
Bribery & Corruption	224	390	579	100	138	75	48	57	43	36
Escape from lawful custody	672	629	712	543	484	552	294	312	229	272
<b>Total</b>	<b>190816</b>	<b>188171</b>	<b>91264</b>	<b>164988</b>	<b>255297</b>	<b>22800</b>	<b>86404</b>	<b>135938</b>	<b>119550</b>	<b>116915</b>

Source: The Nigeria Police Command, Zone Eleven, Osun State, Nigeria cited in Aremu, 2011:

**Table 2: Summary of Criminal Offences Committed between January-December, 2016**

State	Offence against Persons	Offence against Property	Offence against Lawful Authority	Offence against Local Acts	Total No of Cases 2016	Percentage of Total Cases
FCT	2984	9350	843	4	13181	10.48
Abia	230	113	21	0	364	0.29
Adamawa	779	1417	56	7	2259	1.80
Akwa Ibom	840	333	232	6	1411	1.12
Anambra	898	1413	142	81	25134	2.01
Bauchi	812	1713	118	14	2657	2.11
Bayelsa	612	837	91	1	1541	1.23
Benue	463	497	0	124	1089	0.87
Borno	623	479	3	269	1174	0.93
Cross/River	1134	1154	100	35	2423	1.93
Delta	3911	2502	1202	252	7867	6.25
Ebonyi	572	595	44	0	1211	0.96
Edo	697	307	0	0	1004	0.80
Ekiti	718	1008	103	0	1829	1.45
Enugu	886	1094	124	0	2104	1.67
Gombe	513	1350	19	356	2238	1.78
Imo	954	873	103	0	1930	1.53
Jigawa	321	214	37	74	646	0.51
Kaduna	338	502	129	37	1006	0.80
Kano	1981	2375	318	243	4917	3.91
Kastina	51	65	4	0	120	0.1.
Kebbi	656	370	21	108	1155	0.92
Kogi	294	480	17	7	798	0.63
Kwara	327	614	21	22	984	0.78
Lagos	15426	22885	6768	306	45385	36.08
Nasarawa	489	725	14	92	1320	1.05
Niger	528	1083	53	105	1769	1.41
Ogun	1122	1112	145	0	2379	1.89
Ondo	1037	1934	521	1	3493	2.78
Osun	257	540	57	333	1188	0.94
Oyo	1377	1752	314	0	3443	2.74
Plateau	470	1938	145	0	2553	2.03
Rivers	1683	897	271	143	2994	2.38
Sokoto	496	1055	29	0	1580	1.26
Taraba	719	998	55	45	1817	1.44
Yobe	398	520	18	8	944	0.75
Zamfara	157	303	6	17	483	0.38
<b>National</b>	<b>45554</b>	<b>65397</b>	<b>12144</b>	<b>2695</b>	<b>125790</b>	<b>100.00</b>

Source: Crime Statistics Reported Offences, 2016

### **3.2 Indices of Crimes and Violence Activities in Nigeria**

Between the periodization of 1999 to 2017, reports had revealed that the millions of people were killed in inter-communal crisis, religious and the ethnic cleansings between Muslims and Christians in and around the town of Yelwa and the southern part of Plateau State, central Nigeria, bringing the total number of victims of the violence in Plateau State since 2001 to between 2,000 and 3,000. On February 24, 2004, armed Muslims killed more than seventy-five Christians in Yelwa; at least forty-eight of them were killed inside a church compound. Then on May 2 and 3, large numbers of well-armed Christians surrounded the town of Yelwa and killed around seven hundred Muslims. Yelwa and many surrounding villages suffered massive destruction, and tens of thousands of people were displaced. One week later, on May 11 and 12, Muslims in the northern city of Kano about hundred kilometers away from Plateau State took revenge for the Yelwa attack and turned against Christian residents of Kano, killing more than two hundred. A once localized dispute in a specific part of Plateau State had escalated into a religious conflict of national dimensions. Most of the victims of the violence in Plateau and Kano states were unarmed men, women and children who were targeted simply because of their religion.

The federal government and security forces bear a heavy responsibility for the massive loss of life in Yelwa and Kano. It is ironical to learnt that in Yelwa, the security forces were absent during the attack of May 2-3. It was recorded that, about 700 people had already been killed by the time the army intervened. Likewise, in Kano, around 200 people had been killed before peace was restored. Then, instead of protecting those at risk and trying to arrest the perpetrators, some of the police and soldiers deployed to Kano carried out dozens of extrajudicial killings, contributing further to the violence. Their actions in Kano were typical of the response of the security forces to previous outbreaks of inter-communal violence in other parts of Nigeria. The conflicts in Plateau State and states in Nigeria stem from longstanding disputes over land and political and economic privileges between ethnic groups who consider themselves “indigenes,” or original inhabitants of area, and those whom they view as “settlers.” In September 2001, tensions suddenly exploded in the state capital Jos, and around 1,000 people were killed in just six days. What had originally been an ethnic and political conflict turned into a religious one, as the ethnic divide happened to coincide with the religious divide: the conflict

between “indigenes” and “settlers” became a conflict between Christians and Muslims, as both sides exploited religion as an effective way of mobilizing large-scale support.

#### **4. Torture and Extra-Judicial Killings**

Torture, according to the UN General Assembly, constitutes an aggravated and deliberate form of cruel, inhuman and degrading treatment or punishment. To the European Commission on Human Rights, the word ‘torture’ is often used to describe inhuman treatment, which has a purpose such as the obtaining of information or confessions, or the infliction of punishment, and is generally an aggregate form of inhuman treatment. Section 34(1) of the 1999 Constitution of the Federal Republic of Nigeria provides that

*“no person shall be subjected to torture or inhuman or degrading treatment”.*

Extra-judicial’ means happening out of court; out of the jurisdiction of the proper court. Thus, extra-judicial killing means killing not sanctioned by a court of competent jurisdiction in the process of criminal trial. The 1999 Constitution, in section 33(1) guarantees the right to life in the following terms:

*“Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of a sentence of a court in respect of a criminal offence of which he has been found guilty.”*

The only permissible limitations on the right to life are contained in section 33(2) of the Constitution of the Federal Republic of Nigeria which provides that a person shall not be regarded as having been deprived of his life in contravention of this section, if he dies because of the use, to such extent and in such circumstances as are permitted by law:

- a. For the defense of any person from unlawful violence or property;
- b. In order to affect a lawful arrest or to prevent the escape of a person lawfully detained; or
- c. For the purpose of suppressing a riot, insurrection or mutiny.

It must be noted that the general omnibus derogation and limitation clauses in section 45 of the Constitution does not apply to the right to life. Thus, any killing not within the context of section 33(1) & (2) above will be unlawful and illegal. The pertinent question is whether the limitation clauses allow intentional killing in the circumstances enumerated in section 33(2) (a)-

(c). It is respectfully submitted that the killing permitted under section 33(2) should have the objective of achieving one of the specified aims and the killing is merely a consequence of using an absolute amount of force in doing so. The European Commission on Human Rights, in construing a similar provision, ruled that, if disproportionate force is used and a death result, the Convention is violated, even if death was unintentional. While the use of force may sometimes be necessary, conducts resulting in death, whether intentional, negligent or accidental, should always have to be justified. Though the Constitution made no express provision on this matter, it can be implied from the spirit and some other provisions of the Constitution, that there is a duty on the State to act to secure life.

Furthermore, though section 33 of the 1999 Constitution, which guarantees the right to life, appears to have merely imposed a negative obligation on the State not to take life, when that section is read together with section 14 (under the Fundamental Objectives, and Directive Principles of State Policy), it will be clear that the State has a duty to act to save life. Section 14 enacts that the security and welfare of the people shall be the primary purpose of government. The European Commission on Human Rights, while interpreting a provision under the European Convention similar to section 33(1) of the Nigerian Constitution, maintained that right to life imposes obligations on states to take appropriate steps to safeguard life. This entails, taking appropriate steps to promote the lives and property of the citizens and uphold the sovereignty of the state. The United Nations Human Rights Committee has equally noted that the right to life includes duty of the state through its apparatuses to prevent wars, genocide and mass violence causing arbitrary loss of lives and property.

Notwithstanding the constitutional guarantee of right to life in provision against torture, inhuman or degrading to treatment, there have been numerous cases of torture and extra-judicial killings by security agencies since the advent of the Nigerian nascent and fragile democracy. Members of the police and armed forces regularly beat up, kill or maim protesters, criminal suspects and, in some cases, innocent persons. Resort to gunshots and horsewhips are still instruments of compliance and obeisance employed by the security agencies in Nigeria. During communal conflicts that have become recurrent in Nigeria, the police and the Armed Forces do not respond to them in time. When they arrive late, the only solution they know is to kill and maim. Worse still, where in the course of communal conflicts or during riots and a member of the police or armed forces is killed, the police or armed forces will exact revenge by ordering a

massacre of the people of the area. The people of Odi in Rivers State, Obiaruku in Delta State and the Tivs in Benue State have witnessed such massacre. In the Tiv, the members of the militia feared death, 19 soldiers sent to Zaki-Biam on a peacekeeping mission, mistaking them for spies of the opposing Jukun people. Nigerian soldiers went on a revenge mission, killing more than 200 innocent Tivs. The story of the manner of the execution of the revenge mission in Gbeji village is most horrifying. According to available records,

*“The soldiers were said to have stormed the village and invited the residents for a peace meeting at a market square. All of them gathered, and were later told that they had a message from the President for the men. The women and children were told to go. shortly after the women departed, the soldiers opened fire at (sic) the men, killing over 70 of them”. (Tell Magazine, 2001)*

In the case of Odi town in Bayelsa State, some irate youths kidnapped and murdered 12 policemen who were in the town on a surveillance mission. President Olusegun Obasanjo gave the youths a 14-day ultimatum to produce the policemen. At the expiration of the 14-day ultimatum, on the 20<sup>th</sup> November 2002, the town came under bombardment by soldiers drafted to the area who employed heavy artillery, aircraft, grenade launchers, bombs and other sophisticated weapons in their operation. Many lives were lost in the process. A similar incident occurred at Obiaruku in Delta, where the police alleged that some protesting youths shot at them; consequently, they opened fire on the youths, which left many of them dead.

In response to the spate of violence being unleashed by some ethnic militia groups, President Obasanjo had on several occasions made a ‘shoot on sight’ order. He once ordered that any member of the Odua People’s Congress, an ethnic army of Yorubas, should be shot on sight. No matter the motive of the President in positively ordering the coercive institutions of the State to kill, either in retaliation, or as a means of putting to halt violence behaviour, it must be stated that the federal government acted in breach of the rule of law, the constitution and democracy.

## **5. Perceived Incidence of Corruption by the Nigeria Security Agencies**

The dialectics of corruption and development over the years attracted the attention and exploration of scholars and international development agencies and institutions. This is to argue that, corruption is the highest single bane of our society; and the manifesto has been extended to officialdom of Nigerian security agencies appreciating the prevalence of corruption in the

securitization of the state property, Ahmadu, (2015) ostensibly observed that corruption is a unwholesome plague that has massively and grievously griped Nigerian police. This menace is plausibly institutionalized among and between members police force. No wonder he maintained that the recruitment exercise has become a money-making venture for those in-charge. It is alleged that job racketeers pay as bribe between four hundred to six hundred thousand before they could be granted to serve their father land. This is not only peculiar to Nigeria police force but has remained a general custom for Nigeria security agencies.

Moreover, the most annoying act of the Nigerian security agencies is their boldness in extorting money and order packages from road users. This constituted not only robbery but total alienation of Nigerian citizens. Also, when it comes to issue staff development and work progress, one has to clear the ground. Within the police, protégés are appointed to head the departments they are not qualified to hold while career minded are posted to police Siberia for not play ball (Ahmadu, 2015; Agbakor, 2010)

There are a lot of reports peddling the national dailies against the Nigerian security agencies in discharge of their bequeathed function of maintaining and ensuring life and property of citizens. Like other security agencies in Nigeria, the heads of the police force are involved in multi fraud schemes. It is alleged that the former inspector general of police, Tafa Balogun opened secret fictitious bank accounts into which bribed money and police service money and resources are logged for self-aggrandizement. According to National Dailies, Punch, (2005), This day, (2005) listed account names and their respective numbers are: Ola-Trade Nigeria limited, Account number; 02201191; Renovation construction limited; 02201473; Caledonia Telecoms: 02201472, Yeboa Investment Limited; 02201475; Yeboa Nigeria Limited: 02201474; Aworo Nigerian Limited; 02201278. Inspector General Imprest Account: 02201436. It was discovered that about 1.4 billion naira which the Independent National Electoral Commission (INEC) paid to the police for security during the general elections found its way into the various account above.

However, on this point, it is argued that Nigeria security agencies have not lived to the expectations of the general public. The presence of any Nigeria security outfits portray sorrow, agony, ill-mind and no one ever sees them as friends to the public. Police corruption implies manipulation of security institution and rules of procedure for private benefits, and therefore it distorts the institutions. Police corruption is a total deviation from the rational legal values and

principles of the agency and leads to institutional decay (Ahmadu, 2015; 26). It is important to envisage that the effects of corrupt practices by the Nigerian security agencies had led them withered and incapacitated in discharging their fundamental functions of managing crimes and other related offences in the society.

No wonder scholars and security experts had argued not that due to identified lapses based on corrupt activities of the security personnel, rules and regulations are greatly distorted in a confusing and impenetrable state. It is important to underscore that corruption amongst the security agencies, in Nigeria had led to a morbid and porous security situation resulting in the state of total alienation and devastation of lives, investment and property by an organized terrorist and militants.

## **6. Challenges of Nigeria Security Agencies**

Following the emergence and reintroduction of democracy in Nigeria, and the trending waves of globalization, the Nigeria security has deemed it necessary to subject their respective bodies to series of reforms to catch up with the high rate of crimes and insurgencies. The transition to civilian rule in 1999 marked a significant effort undertaken to reform and introduce innovation into the security system of the state. It is important to note that, the government has declared its intention to re-organize and re-strategies the security agencies. For instance, there was a serious move to increase the force strength of Nigeria. This has to be done through the process of computerization; a retool for preventing the officers from engaging in a grave corrupt practice.

However, the quest to maintain an adequate and lasting peace in different part of the country has force the state securities especially the Nigeria police to introduce the principle of community policing or democratic policing. As in community policing, foreign developmental aids have been instrumental in creating a resource base for creating awareness about gender base violence amongst the police and for increasing service delivery capacity within the police organization. Funding provided by European Union to CLEEN foundation have aimed at improving access to support services, increase reporting to the police and police management of cases and reducing stigmatization of victims (EUNP, 2006).

Consequently, despite the reforms of the Nigeria security agencies, it is however noted that their effectiveness to discharge their tasks had remained abysmal. This is due to enormous

challenges bedeviling the Nigeria security agencies. According to Tamuno, (1993); Black, (1980) and Etakibueche; (1992) cited by Ahmadu, (2015) maintained that Nigeria security agencies like that of police in particular has suffered a lot of challenges in managing crimes in the society.

The failure of Nigerian and the persistent reluctance of the public to report crimes no doubt contribute to the inefficiency of the force (Ahmadu, 2015). Also, it has been observed that the security agencies lack sophisticated gadgets and weapons to fight and manage crimes in the society. Less than five percent (5%) of Nigeria security agencies (police) in the states and federal capital tertiary (FCT\_ have Walkie – talkie for communication during patrols. Less than twenty percent (20%) of the police stations have telephones to respond to distress calls from the public during emergencies. In terms of vehicles, about five percent (5%) of the commands were one or no longer and another operational vehicle (Dambazau, 2007).

Furthermore, the social psychology of the security personnel constitutes several threats to the challenges of crime management in Nigeria. Motivation goes a long way to trigger self-actualization and esteem. According to Adebayo; (2013), Damazzau, (2007); they maintained that, a visit to some barracks will reveal the sorry state of dilapidation and squalor and are in dire need of renovation to make it habitable for decent condition of living. Also, apart from the fact, that they are underfunded and reduced to mere object of degradation with meager salaries, they also have operated in less habitable places as offices. No wonder he argued that the security agencies are demoralized and, yet they are the one assigned the tedious and dangerous job of patrolling our high ways (Adebayo, 2013).

## **7. Prospects of Nigerian Security Agencies in the Contemporary Democratic Regimes**

The Nigeria security outfits had in the mean repositioned themselves to meet up with expectations and quell the lingering crises in the country. This has called for inter-agency collaborations with service chiefs in ironing out possible ways to retooling their operations toward combating crimes and crime management. The integration of civilian Joint Task Force and the liberalization of the principle and democratic or community policing has gone along way by curtailing the trends of crimes. The Nigerian security agencies despite their numerous challenges in winning the war on crimes and other related offences had in the recent times,

integrated and appreciated the joint endeavor of the state government in establishing state wing of crime control popularly called Neighborhood Watch. Its activities and functions have always remained practice toward total eradication of crimes in the rural areas and community. The Nigeria security agencies had also repositioned it towards mounting surveillance to be at alert and respond to urgent situations.

However, the numerous security agencies had now engaged in frequent training and re-training of their officers in the act of decapitating the activities of insurgents and organized terrorist organization. It is noted that foreign experts had been engaged in the staff development and training on the use of modern and sophisticated weapons demilitarization of insurgents and pipe line vandals etc. It is of utmost interest that, in the recent time to come, the Nigeria security agencies despite the odds and challenges will be on top of the situations that undermine their chances of delivery in their professional callings to depend and manage crimes in the society.

## **8. Conclusion and Recommendations**

Despite the likely challenges of the Nigeria security agencies, they have failed in devising and retooling available logistics to win the war on crime. The institutionalization of democratic policy or community policing is a welcome development that would have helped to arrest and unravel poor information and communication reaching the Nigeria in their war over crimes. Also, the involvement of Civilian Joint Task Force in combating the spate of terrorism has been undermined by unscrupulous elements in curbing the spates and trends of criminality. Therefore, it is at this back drop that the paper recommends the following for the Nigeria security agencies:

- There should be forensic and future studies on the organization of Nigeria's security intelligence to ethically assess the management and performances of the nation's security outfits.
- The Nigerian security agencies should always be subjected to pro-active training and development. It is important to note that such an exposure will help the security forces to appreciate the arts and science behind the use of counter insurgency. However, despite accolades that had been showered on the security agencies, the use of modern weaponry has remained vague. The Nigeria security agencies in their quest to use modern arsenal

should solicit the effort of foreign experts that will be training them in act of contemporary conventional warfare and the protection of the fundamental human rights.

- The principles and philosophy of community policing should be intensified to help security operatives to easily fish out the miscreants that terrorize the members of the society.
- There should be mutual understanding among the Heads of the security agencies, this could be enhanced through frequent parleys and conferences that will expose them on their respective jurisdictional functions to avoid overlapping by the different security agencies.
- The Heads of different security agencies should also stick to Annual Performance and Evaluation Report and Behaviorally Anchored Rating Scale.

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