

**PLANNED POLICE-CIVIL SOCIETY PARTNERSHIP IN
CRIME PREVENTION AND CONTROL IN NIGERIA:
LOOKING TOWARDS A HUMAN RIGHTS APPROACH**

**BEING PRESENTATION
BY**

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IN

MAKURDI BENUE STATE

FROM 30TH – 31ST JANUARY 2014

PLANNED POLICE-CIVIL SOCIETY PARTNERSHIP IN CRIME PREVENTION AND CONTROL IN NIGERIA: LOOKING TOWARDS A HUMAN RIGHTS APPROACH BEING PRESENTATION BY THE EXECUTIVE SECRETARY NATIONAL HUMAN RIGHTS COMMISSION, PROF. BEM ANGWE AT THE POLICE SERVICE COMMISSION 2014 BIENNIAL RETREAT HELD IN MAKURDI BENUE STATE FROM 30TH – 31ST JANUARY 2014.

PROTOCOL

INTRODUCTION:

As you are all aware, the National Human Rights Commission (**NHRC**) of Nigeria was established by the National Human Rights Act, 1995 in line with the resolution of the General Assembly of the United Nations which enjoins all member States to establish Human Rights Institutions for the promotion and protection of human rights. The Commission serves as a mechanism for the enhancement of the enjoyment of human rights. Its establishment is aimed at creating an enabling environment for **extra-judicial recognition**, promotion and protection and enforcement of human rights, treaty obligations and providing a forum for public enlightenment and dialogue on human rights issues thereby limiting controversy and confrontation.

At inception, the commission had no enforcement powers, but with the recent amendment of 2010, particularly sections 5 and 6, of the NHRC Act as amended, the power of the Commission was expanded to cover enforcement and quasi-judicial powers such as power to compel attendance etc.

The Act establishing the Commission in section 6 (e) also specifically mandates the Commission to visit prisons, police cells and other places of detention in order to ascertain the conditions thereof and make recommendations to the appropriate authorities.

This occasion therefore provides a platform for the actualization of our mandate as far as our oversight function on the police is concerned. It also further give credence to the importance of human rights in the ever increasing policy debates on how to reconcile security and law enforcement measures with basic human rights standards.

Conscious of the present Security challenges facing humanity, it behooves on all of us to contribute our quota to ensuring an effective strategy to tackling the challenging reality of our time. I therefore commend the organizers of this forum for taking this laudable initiative to strengthen the system for multidimensional security.

The sole reason for societal existence is the maintenance of law and order and the protection of Human Rights of its citizens. Most decent climes have constitutional provisions to underscore this. **S.14 (2) (b)** of the Constitution of the Federal Republic of Nigeria provides that: "The **security and welfare** of the people shall be the primary purpose of government". The place of crime prevention and crime fighting in any society therefore cannot be over-emphasized.

Traditionally, the maintenance of law and order in any society is usually the exclusive role of conventional police and other law enforcement agents.

This logic underscores the prohibition of self-help in certain cases. People cannot take laws into their own hands. The rationale behind this reasoning is that the state is present to protect its citizens and to create an environment for realization of human rights. Citizens only have a limited right vested in themselves to protect their or anyone else's person or property which is guaranteed by the right of private defence. There is no right of private defence in cases where there is adequate time to have recourse to public protection.

The foregoing notion has since changed after the realization that the state alone cannot provide the needed security and development in any society.

Recent trend in the global system is to evaluate the development of any country not in terms of their military or economic strength or the splendor of their capital cities and big public buildings, but also in terms of human development, security and the well being of its citizens. Optimal development requires the harnessing of country assets, its capital, human and natural resources to meet demand from its population as comprehensively as possible. In the last one and a half decade, development actors have adopted "participatory development" as its strategy.

The current strategy is for People to form associations, foundations and similar institutions to deliver human services, promote grassroots economic development, prevent environmental degradation, protect civil rights and pursue a thousand other objectives formerly unattended or left by the state. The scope and scale of this phenomenon is immense. *The most basic force is that of ordinary people who decide to take matters into their own hands and organize to improve their conditions or seek basic rights.*

The causes of this development have been attributed to the following factors:

1. Societal conflict and tension.
2. The need to respond more effectively to crisis situations in the face of breakdown of traditional structures.
3. Ideological and value differences with the powers-that-be in the planning and implementation of development work.
4. The realization that neither government nor the private sector has the will, means or capacity to deal with all immediate and lingering social problems.

CRIME PREVENTION AND CONTROL IN NIGERIA: A HISTORICAL PERSPECTIVE.

In Nigeria, the pre-colonial era was characterized by indigenous institutions responsible for crime fighting. Then, like many African societies, the social structure provided the necessary basis for the regulation of the behaviour of members of the society in the absence of codified laws. In different parts of the country, there were various institutions responsible for crime prevention. In other words, there was community responsibility for security and crime prevention. The conduct of the citizens was regulated by indigenous behavioral codes which they were quite familiar with.

The concept of policing and security however changed with the advent of colonialism which placed priority on the Economic interest of the colonial masters.

The style and principles of policing in the colonial era have been described as anti-people by several authors. This pitched the police against the people they were meant to protect and there were series of clashes between both parties.

The present day policing in Nigeria to a large extent reflects the post-colonial Nigeria Police Force which is a carryover from the colonial epoch. This is evident in the style of law enforcement used by the post colonial police in the daily discharge of their duties. Some have opined that the post-colonial Nigerian police also serve the interests of their financiers and nothing better can be expected from them for as the saying goes "he who pays the piper dictates the tune".

Apart from the foregoing, the present day police is faced with other numerous challenges ranging from under-funding, lack of requisite manpower (personnel) and infrastructure as well as tools for crime prevention and control like forensic and fingerprint facilities, patrol vans, arms and ammunition, anti-riot kit, bullet proof jackets and

communication gadgets (including phones and walkie-talkie). This is not to mention poor salaries and allowances, which have dampened the morale of the police personnel and made some of them to be easily vulnerable to temptations of bribery and corruption and connivance with criminals.

Related to the foregoing is lack of adequate welfare and motivational packages in the Nigerian police, in terms of duty allowance, decent offices and barracks, meritorious awards for exemplary staff, promotion of officers and men as and when due and compensation for those who die or sustain injury while on active service. There is also the problem of inadequate training, re-training and re-orientation of some of the police men and women in modern law enforcement/anti-crime techniques, especially now when criminals are becoming more organized, sophisticated and brutal in their nefarious activities.

POLICE CIVIL-SOCIETY PARTNERSHIP IN NIGERIA.

One of the greatest challenges to crime control in Nigeria today is the antagonistic relationship between Civil Society and Law Enforcement agencies. In climes where effective policing takes place, the success story has been the existence of a robust relationship between the police and the civil society founded on mutual trust and confidentiality. Effective policing is only possible in a society where information gathering is enabled by the civil society's willingness to give what is popularly termed **intelligence** to the police. Police men/women are no magicians; they can only work with available information provided by the Community in which they work. The absence of this leaves the police with no other choice than to resort to unorthodox means of investigation such as torture, arrest before investigation, desperation to ground conviction at all cost etc.

Relationships between the Nigerian police and citizens are largely characterized by suspicion, prejudice, mutual disrespect, conflict and violence. It has equally been noted that it will be very difficult for any police organization to succeed in its objective of maintenance of law and order without the cooperation of the people being policed. To solve this dilemma, therefore, there must be not only a cordial relationship between the police and the citizens, but also be a working partnership between them if the laudable goals are to be achieved.

It was the quest for an ideal people's police that made the present day Nigerian police to undergo series of reforms one of which was the concept of community policing which was popularized by the former Inspector General of Police, Tafa Balogun and launched on April 27, 2004, by former President Olusegun Obasanjo.

PRE-REQUISITES FOR EFFECTIVE POLICE – CIVIL SOCIETY PARTNERSHIP.

As lofty as the Police – Civil Society partnership may sound; it can only work if the enabling environment is made possible by certain factors. These factors include the following:

1. There must be appropriate legal regime for witness/informant protection
2. Strengthening of internal police accountability mechanism
3. Demonstrable and visible commitment of the Force to reduce or eradicate corruption
4. Acceptance and belief on the part of the public that the police are indeed their friend.
5. Genuine commitment on the part of government to police reforms
6. Prioritizing improved skills and training of police for effectiveness
7. Mainstreaming human rights into policing at all levels.

BASIC PRINCIPLES AND CHARACTERISTICS OF POLICE – CIVIL SOCIETY PARTNERSHIP

According to The Organization for Security and Co-operation in Europe (OSCE), the central premise of community policing is that the level of community participation in enhancing safety and social order and in solving community related crime should be raised since the police cannot carry out this task on their own. In order to achieve such partnerships, the police must be better integrated into the community and strengthen their legitimacy through policing by consent and improving their services to the public. They should therefore:

- be visible and accessible to the public;
- know, and be known by, the public;
- respond to the communities' needs;
- listen to the communities' concerns;
- engage and mobilize the communities;
 - be accountable for their activities and the outcome of these activities

IMPEDIMENTS TO EFFECTIVE POLICE – CIVIL SOCIETY PARTNERSHIP IN NIGERIA

The problem of police-community relations in Nigeria is not one that will be addressed by *political* declarations alone, but through sincere efforts of all stakeholders in the business of securing a safe environment for all. To achieve this, it must be realized that Nigerians are a peculiar people, a nation like non else in the world. It therefore follows that solutions that have worked somewhere else may not necessarily fit into the Nigerian situation.

Some of the factors militating against effective police – civil society partnership in Nigeria include:

- internal resistance by policemen who benefited from the traditional policing and who prefer to maintain the *status quo*;
- lack of commitment to the project by implementing officers;
- lack of support from members of the public;
- inadequate support from the government; and
- Poor welfare package/incentives for policemen.

Furthermore, the failure of formal policing and loss of faith by the citizens in the ability of the police to secure them has encouraged the emergence of ethnic militia in Nigeria. Unfortunately, this self help approach by the communities happens to be one of the biggest impediments to the success of community policing in Nigeria. The hostile relationship between the police and the informal policing machinery usually made up of some factions of **ethnic militia groups** in the country compounds security challenges in the country. The seeming successes of these groups and their tacit endorsement by governments particularly at the state and local government level have increased the audacity of some of these non state actors with dire consequences such as confrontation and clashes between the police and these groups. The recent killings of police men by the **Ombatse cult** group in Nassarawa state clearly shows that the architecture for the civil society – police partnership must be carefully worked out to achieve the desired goals.

THE PLACE OF HUMAN RIGHTS IN CRIME PREVENTION AND CONTROL AND PRESCRIPTIONS FOR EFFECTIVE POLICE CIVIL SOCIETY PARTNERSHIP.

Contrary to widely -held assumptions that to achieve effective security, human rights have to be de-emphasized, security and human rights are not mutually exclusive. They are also not inversely proportional to each other. Rather they go together and form an integral whole. The provision of security itself is the most basic human rights protection obligation of governments. As a matter of fact, security officers (particularly the police) are first line human rights defenders by virtue of the very nature of their work.

The primary institution on which the state relies for the maintenance of law and order is the police. In order to achieve this objective, the police are empowered to use limited coercive power thereby creating conditions for realization as well as possible infraction of human rights.

Human rights are core values which the police have a moral as well as a legal duty to uphold. This is the essential difference that distinguishes good policing from bad. While discharging their duty, police have to confront human rights. In order to ensure the security and safety of the people, police cannot belittle the rights of an individual or a marginalized community. They have to maintain the delicate balance between protecting human rights and preserving the security of the people, which though difficult, is not impossible to achieve

In furtherance of the foregoing, this planned police civil-society partnership, should consider the guidelines contained in the following documents

- i) **Guidelines for the prevention of crime ECOSOC Resolution 2002/13, Annex,**
- ii) **ii).Resolution 2005/22 Action to promote effective crime prevention,**
- iii) **iii). Resolution 2008/24 strengthening prevention of urban crime: an integrated approach,**

iv) **IV). United Nations standards and norms on crime prevention.**

The combined effect of the foregoing standards requires the following:

- **Government leadership** at all levels is required to create and maintain an institutional framework for effective crime prevention.
- **Socio-economic development and inclusion** refer to the need to integrate crime prevention into relevant social and economic policies, and to focus on the social integration of at-risk communities, children, families, and youth.
- **Cooperation and partnerships** between government ministries and authorities, civil society organizations, the business sector, and private citizens are required given the wide-ranging nature of the causes of crime and the skills and responsibilities required to address them.
- **Sustainability and accountability** can only be achieved if adequate resources to establish and sustain programmes and evaluation are made available and clear accountability for funding, implementation, evaluation and achievement of planned results is established.
- **Knowledge base** strategies, policies and programmes need to be based on a broad multidisciplinary foundation of

knowledge, together with evidence regarding specific crime problems, their causes, and proven practices.

- **Human rights/rule of law/culture of lawfulness** the rule of law and those human rights which are recognized in international instruments to which Member States are parties must be respected in all aspects of crime prevention, and a culture of lawfulness actively promoted.
- **Interdependency** refers to the need for national crime prevention diagnoses and strategies to take into account, where appropriate, the links between local criminal problems and international organized crime.
- The principle of **differentiation** calls for crime prevention strategies to pay due regard to the different needs of men and women and consider the special needs of vulnerable members of society.

CONCLUSIONS

In conclusion, crime prevention and crime control are key elements of security in any democratic society such as Nigeria. Security on the other hand is central to the sustenance of democracy which in turn provides the requisite environment for the enjoyment of Human Rights. **DEMOCRACY** on the other hand thrives on the tripod of rule of law, due process and respect for the fundamental human rights of the people. This tripod holds the engine that propels democracy. If

we as country must sustain the fragile but modest growth of democracy archived so far, then all hands must be on deck through police civil society partnership. This will help to commit all to the entrenchment of the culture of respect for the fundamental Rights of the citizens as the overriding consideration of public policy. It will also help us to break away from the culture of impunity which characterized our recent history and embrace respect for human rights in the real sense of it.

I thank you

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