

The collaboration of investigative authorities in Nigeria-current issues and challenges

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Abstract

Collaboration is very crucial and important for effective and efficient service delivery. This also applies to agencies designed for preventing crimes as this ensures the security and lives of individuals in the community or State. This paper examines the issues and challenges faced by investigative agencies and authorities in Nigeria especially as regards the question of collaboration with one another. The paper notes that there are various agencies created by law in Nigeria for crimes prevention. This is due to the fact that the Nigerian State has been experiencing different kinds of crimes ranging from political, cultural, social and economic. More recently, terrorism and cybercrimes were added to the list. There have also been waves of religious and ethnic based conflicts. These agencies created by the various laws are expected to live up to their statutory responsibilities of crime detection and prevention. The paper notes that no one single agency can effectively carry out its responsibilities in the absence of collaboration as crimes most times comes in different shades and may begin from one part of the country but spreads to the other parts. The paper sadly notes that investigative agencies in Nigeria have not performed so creditably well in the field of collaboration due to some challenges that bothers on effective management of intelligence and information. There are other challenges with jurisdiction. In order to improve collaboration among the agencies, the paper suggests that adequate funding must be made available. There is also need for joint training of the members of these agencies and authorities and the paper also notes that there must be a clear definition of roles for these authorities in order to avoid overlap of functions that leads to tensions rather than synergy. The paper concludes by noting that the suggestions should be implemented if the confidence of the citizens in these agencies will be restored.

Keywords: investigative, agencies, collaboration, terrorism, corruption, commission, police

1. Introduction

This paper examines the collaboration of investigative authorities or agencies in Nigeria in order to determine their challenges and be able to proffer solutions for the efficient working of these agencies. In Nigeria, there are various investigative agencies that were created to help ensure the safety and security of lives and properties of the citizens. This arises due to the fact that Nigeria has been bedevilled by series of crimes and these crimes range from murder, armed robbery, religious crises, ethnic crises, indigenes/settlers mayhem and series of attacks by pastoralists/herdsmen in some regions particularly in Southern Kaduna which some have described as a calculated attempt to annihilate the indigenes of that area which is akin to genocide, financial and economic crimes, terrorism, human trafficking, drug trafficking, importation of contrabands, oil bunkering (illegal), terrorism, cybercrimes and the likes. Some of these crimes have been considered serious enough that the National Assembly had to enact laws to curtail such crimes. Some of the crimes that have deserved attention include terrorism, cybercrime, economic and financial crimes, drug and human trafficking and some others that would be considered in the paper.

Interagency collaboration refers to the art and act of promoting active working relationship among multiple security agencies with a view to improving process outcome at a reduced cost ^[1]. The institutions that will be discussed will be restricted to the following: Nigeria State Security Service, Economic and Financial Crimes Commission, Independent Corrupt Practices Commission, Police, National Agency for the Prevention of Trafficking in Persons and National Drug Law Enforcement

Agency Act ^[2]. The focus on these agencies is due to the fact that their enabling laws seem to have empowered them to be involved in some acts that may have been considered as an exclusive preserve of the police, i.e. the power of investigation. The paper will examine how these agencies have collaborated in this regard. To discuss the topic, the paper is divided into seven parts. Part I introduces the paper. Part II examines the laws creating the agencies/outfit while part III discusses the conflict of interest among these agencies to determine the extent of their independence or overlap of their activities. Part IV examines the level of collaboration and the challenges to such collaboration; and part V discusses the suggestions for reforms. Part VI discusses the desirability of fusing investigative agencies while part VII concludes the paper.

2. Legal and Institutional Framework

Presently several laws exist for the purpose of fighting crimes in Nigeria, these include, but not limited to the following: The Constitution of the Federal Republic of Nigeria 1999 ^[3], Criminal Code Act ^[4], Penal Code ^[5], Administration of Criminal Justice Act 2015, Money Laundering (Prohibition) Act, 2011, Economic and Financial Crimes Commission Act ^[6], Independent Corrupt Practices Commission Act, Corrupt Practices and other Related Offences Act ^[7], Code of Conduct Bureau and Tribunal Act ^[8], Public Complaints Commission Act ^[9] National Security Act, Police Act, National Agency for the Prevention of Trafficking in Persons and National Drug Law Enforcement Agency Act ^[10].

These laws will be discussed alongside the institutions they created with their functions.

2.1 The Nigeria Police Act

The Police are an inevitable organization in every society that desires peace, order, obedience of the law of the land, prevention of crime, sustenance of civilized social values and standard of behaviour and safety of lives and property.

The origin of the Nigeria Police Force dates back to 1861. The Force was regarded as Hausa Constabulary, and its primary duty was to protect the trade interest of the Royal Company along the river Niger in the North. This special constabulary metamorphosed into Nigeria Police Force. The creation of the Nigerian Police Force for Nigeria has been a constitutional matter, thus:

There shall be a Police Force for Nigeria which shall be styled The Nigerian Police Force, and subject to the provisions of this Section. No other Police shall be established for the Federation or any part thereof^[11].

The Nigerian Police is under the command of the Inspector-General of Police^[12] who is appointed by the President on the advice of the Nigeria Police Council from among serving members of the Nigeria Police Force^[13].

The general duties of the Police are listed in section 4 of the Police Act^[14] thus:

1. The prevention and detection of crime;
2. The apprehension of offenders;
3. The preservation of law and order;
4. The protection of property; and
5. The due enforcement of all laws and regulation with which they are directly charged.

Apart from these general duties of maintenance of law and order, there are other adjunct duties under the Act and other laws and regulations operating in the country. By section 23 of the Police Act,^[15] the police are empowered to conduct prosecution of crimes, though subject to the power of the Attorney General of the State or Federation as the case may be. Other provisions enlarging or elaborating on the general powers of the police include, power of arrest without warrant in given situations, power to arrest without having warrant in possession, power to serve summons, general powers to search and detain suspects and power to take and record for purposes of identification and measurements, photographs and finger prints impression of all persons in lawful custody. The Police also have a primary duty to investigate crimes. The duty of the Police seem to be overwhelming considering the fact that the law provides that no other police force shall be established for the nation or any part thereof. There has been a call by citizens on the need to have a State police outfit that will be responsible or answerable to the State government. This call is as a result of the fact that citizens have lost interest in the federal outfit which appears not to have answers to the crimes being committed in the country and which has also led to the intervention of other investigative agencies and this most times does not end well as the police sees these intervention as a breach of its constitutional function.

2.2 Independent Corrupt Practices Commission Act (ICPC)

The Corrupt Practices and other Related Offences Act^[16] governs the commission's activities.

It was signed and passed into law on the 13th of June 2000. The Act establishes the Independent Corrupt Practices and Other Related Offences Commission, which was the apex body

saddled with the responsibility of fighting corruption and other related offences. The ICPC was inaugurated on the 29th of September 2000. The Act in Section 3 (14) provides for the independence of the Commission and gives the Chairman authority to issue orders for the control and general administration of the Commission.

The mandate of the Commission is "...to prohibit and prescribe punishment for corrupt practices and other related offences."^[17] Section 6 of the Act confers six basic duties on the Commission but three of the main responsibilities will be listed. They are:

1. To receive and investigate reports of corruption and in appropriate cases and prosecute the offender[s].
2. To examine, review and enforce the correction of corruption-prone systems and procedures of public bodies, with a view to eliminating corruption in public life.
3. Educating and enlightening the public on and against corruption and related offences with a view to enlisting and fostering public support for the fight against corruption.

The Independent and Corrupt Practices Commission have its scope defined in the Corrupt Practices and other Related Offences Act^[18] thus: *An Act to prohibit and prescribe punishment for corrupt practices and other related offences.*

The functions of the Commission among others include:^[19]

- a) The enforcement and the due administration of the provisions of this Act;
- b) The investigation of all financial crimes including advance fee fraud money laundering, counterfeiting, illegal charge transfers, future market card fraud, contract scam, etc
- c) The co-ordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on any other person or authority
- d) The adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crime related offences or the properties the value of which corresponds to such proceeds;
- e) The adoption of measure to eradicate the commission of economic and financial crimes
- f) Collaborating with government bodies both within and outside Nigeria in carrying out functions wholly or in part analogous to those of the Commission concern.
- g) The determination of the extent of the financial loss and such other losses by government, private individuals or organizations.

Apart from the above stated functions, the Commission is also vested with special powers to cause investigation to be conducted as to whether any person, body corporate or organization has committed an offence under the Act or other law relating to economic and financial crimes and to cause investigations to be conducted into the properties of any person if it appears to the Commission that the person's life style and extent of the properties are not justified by his source of income^[20]. This is where it can be argued that the commission derived its powers from; it can investigate any person whether artificial or natural.

A cursory look at the first function of this Commission would reveal that it has power to investigate reports of corruption and prosecute the offenders. This is a purely civil outfit with a mandate to investigate and prosecute. This appears to be an encroachment on the constitutional function of the police force. How this plays out in real situations is a different ball game.

Would the ICPC involve the police in their investigation or arrests or do they have their own mechanisms for investigation, arrest and detention? The grouse had always been that some of these agencies can investigate but must involve the police when it comes to arrest and detention which they have failed to do. They run their own detention outfits different from that of the police force. What does this portend for the nation? This will be discussed subsequently.

2.3 The National Security Agency Act

Section 1(3) of the National Security Agency Act provides that the State Security Service is charged with:

- a) Prevention and detection within Nigeria of any crime against the internal security of Nigeria.
- b) The protection and preservation of all non-military classified matters concerning the internal security of Nigeria; and
- c) Such other responsibilities affecting internal security within Nigerians as the National Assembly or the President as the case may be may deem necessary ^[21].

From the above, it could be deduced that the primary function of the State Security Service is to gather information and intelligence that will help to prevent and detect crime and also the preservation of all non-military classified information on internal security. The law did not empower the SSS to arrest or detain any suspect. This is the duty of the police but the SSS have always relied on part (c) of the Act to do or commit acts that are not expressly covered by the law and this has generated a lot of controversy among the investigative authorities as it is believed that the SSS dabbles into other agencies jurisdictions without apology. This is only so because there is no collaboration among the authorities.

Nigeria State Security Services (SSS) also known as DSS – Department of State Security is the main intelligence Agency in Nigeria. It operates as a department within the presidency and under the control of the National Security Adviser.

Their primary duty is to protect senior government officials, especially the President of Nigeria, 36 state government and foreign envoys. They have adapted to various roles necessitated by the evolving security threats in Nigeria including counter terrorism and counter-insurgency operations which was originally not part of its mandate. Counter terrorism is solely the duty of the police as provided in the Nigeria Anti-Terrorism Law. Counter-insurgency is within the powers of the police and the military as the case may be. The SSS is not a department or a section of the police force so one wonders the platform upon which they stand to act in certain circumstances not prescribed by the enabling law establishing the outfit. As earlier noted, sub paragraph (c) of the law has always been relied upon by the outfit.

Despite some achievement recorded by the SSS it has also been criticised on the following grounds:

1. They failed in their duty of gathering information and intelligence when they allowed Umar Farouk Abdul Mutallab, the underpants bomber to board Northwest airlines flight from Lagos despite his father's warnings of his son's radical view on America.
2. The SSS was criticized in the wake of August 26, 2011 UN Head quarters bombing in Abuja. It was alleged that they had information on the attack but could not stop it.

3. They were also criticised for failure to manage information in a timely manner which led to the public losing confidence in the organisation ^[22].
4. They were also heavily criticised in late 2016 for invading the houses of some judges around the country during one of their sting operations.

2.4 The Trafficking in Persons (Prohibition) Law Enforcement Administration Act.

The specific offence of trafficking in persons was established in Nigeria in 2003 ^[23]. The Trafficking in Persons (Prohibition) Law Enforcement Administration Act 2003 establishes the National Agency for the Prevention of Trafficking in Persons ^[24]. The agency is charged with the responsibility of enforcing laws against trafficking in persons, investigating and prosecuting persons suspected to be engaged in human trafficking and to take charge and co-ordinate the rehabilitation and counselling of trafficked persons and for related matters ^[25].

The agency has the function of enforcing and administering the provisions of the Act; ^[26] co-ordinating all laws on trafficking in persons and related offences and the enforcement of those laws; ^[27] adopting of measures to increase the effectiveness of eradication of trafficking in persons; ^[28] taking charge, supervising, controlling and co-ordinating the rehabilitation of trafficked persons and participating in proceedings relating to trafficking in persons ^[29] and so on.

2.5 National Drug Law Enforcement Agency Act

There was then a clarion call for the enactment of a proper legislation to check and curb the excesses of these people who abuse narcotics. Thus, the National Drug Law Enforcement Agency was created ^[30]. Today, it is cited as the National Drug Law Enforcement Agency Act ^[31]. In common parlance, the agency was saddled with the responsibilities of controlling, interdicting and intercepting the trafficking, peddling and usage of hard drugs in and out of Nigeria ^[32]. It was also to educate the public on the effects of hard drugs on the nation and on the people ^[33]. It was also the responsibility of the agency to arrest both barons and couriers and help to rehabilitate addicts ^[34]. Drug trafficking typically refers to the possession of an illegal drug in a predetermined quantity that constitutes the drug is going to be sold. The severity of the crime depends on the specific drug, the state and the quantity.

The establishment of the NDLEA was aimed at exterminating illicit drug trafficking and consumption in the Nigerian society. It is a well-known fact that any involvement in drugs, especially their importation, exportation, sale, transfer, purchase, cultivation, manufacture, extraction and possession is universally unacceptable. The establishment of the NDLEA was Nigeria's deliberate attempt at joining the rest of the world in getting rid of this cankerworm within her borders.

The National Drug Law Enforcement Agency has its scope defined in the National Drug Law Enforcement Agency Act ^[35] thus:

An act to establish the National Drug Law Enforcement Agency to enforce laws against the cultivation, processing, sale, trafficking and use of hard drugs and to empower the Agency to investigate persons suspected to have dealings in drugs and other related matters.

The NDLEA Act charges the agency in Section 3 with the following functions

1. The co-ordination of all drug laws and enforcement functions conferred on any person or authority, including ministers in the government of the federation, by any such laws ^[36].
2. Adoption of measures to eradicate illicit cultivation of narcotic plants and to eliminate illicit demand for narcotic drugs and psychotropic substances with a view to reducing human suffering and eliminate financial incentive for illicit traffic in narcotic drugs and psychotropic substances ^[37].
3. Adoption of measures which shall include co-ordinated preventive and repressive action; introduction and maintenance of investigation and control techniques ^[38].
4. Adoption of measures to increase the effect of eradication efforts; ^[39].
5. Enhancing the effectiveness of law enforcement to suppress illicit traffic in narcotic drugs and psychotropic substances; ^[40].
6. Taking such measures that may ensure the elimination and prevention of the root causes of the problems of narcotic drugs and psychotropic substances ^[41].
7. Taking charge, supervising, controlling, co-ordinating all the responsibilities, functions and activities relating to arrest, investigation, prosecution of all offences connected with or relating to illicit traffic in narcotic drugs and psychotropic substances, notwithstanding any law to the contrary, all drugs units under existing institutions dealing with offenders or offence connected or relating to illicit traffic in narcotic drugs ^[42].

2.6 Economic and Financial Crimes Commission Act

The Economic and Financial Crimes Commission has its scope defined in the Preamble to the Economic and Financial Crimes Commission Act ^[43], thus:

An Act to provide for the establishment of a Commission for Economic and Financial Crimes and for matters connected therewith ^[44].

Functions of the Economic and Financial Crime Commission

The functions of the Commission among others include ^[45].

1. The enforcement and the due administration of the provisions of this Act;
2. The investigation of all financial crimes including advance fee fraud and money laundering, counterfeiting, illegal charge transfers, future market card fraud, contract scam, etc.
3. The co-ordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on any other person or authority
4. The adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crime related offences or the properties the value of which corresponds to such proceeds;
5. The adoption of measure to eradicate the commission of economic and financial crimes
6. Collaborating with government bodies both within and outside Nigeria in carrying out functions wholly or in part analogous to those of the Commission concern.
7. The determination of the extent of the financial loss and

such other loses by government, private individuals or organizations.

Apart from the above stated functions, the Commission is also vested with special powers to cause investigation to be conducted as to whether any person, body corporate or organization has committed an offence under the Act or other law relating to economic and financial crimes and to cause investigations to be conducted into the properties of any person if it appears to the commission that the person's life style and extent of the properties are not justified by his source of income ^[46]. This is where it can be argued that the commission derived its powers from; it can investigate any person whether artificial or natural. Here the functions of the EFCC seem to be the same as that of the ICPC. Both have powers to investigate natural and artificial persons on issues of corruption.

Achievement of the Commission

In performing its duties, the Commission has entered into agreements with other foreign organizations performing similar functions ^[47]. This has yielded positive result for instances, as a result of this co-operation the Commission was able to present a cheque of USD 4, 481, 909.94million to one 86 years old *Juliana Ching*, an elderly woman in Hong Kong being money recovered from *Basil Nkwocha*; a Nigerian fraudster purporting to be the Group Managing Director of NNPC. In 2016, the EFCC made some ground breaking arrests involving the former National Secretary of the Peoples Democratic Party (PDP), *Chief Olisa Metu* and the former National Security Adviser, *Dasuki Sambo*. The arrests of these men sparked off a nationwide argument on the powers of the EFCC to arrest and detain suspects. Both men have been prosecuted by the agency and the cases are still ongoing especially that of *Dasuki*. The debate on the superiority of the powers of the EFCC over that of the Nigerian Police is one issue that has not been settled but the present authors believe that both authorities can achieve greater results if the effectively collaborate especially in areas of investigation and arrests.

2.7 Nigerian security and civil defence corps

The Nigerian Security and Civil Defence Corps (NSCDC) first came into existence in Nigeria 1967 during the Nigerian/Biafran Civil War and was to operate only in the then Federal Capital Territory of Lagos for the purpose of protecting and sensitizing the peaceful civil population. The corps was then known as the Lagos Civil Defence Committee ^[48]. The objective of the Civil Defence Committee then enlightenment and educational programmes geared towards the sensitization of the civilian population within the Federal territory of Lagos on the strategies of attacks from the Biafran army and how not to fall victims to such attacks since most Nigerians living within the Federal Capital Territory of Lagos had very little information about the dangers of war ^[49]. It was not until 1984 that the Corps was made a National security agency. In 1988 the corps was restructured and the consequence of that was the establishment of Commands throughout the Federation, including the Federal Capital Territory, Abuja. By this restructuring, the Federal Government also vested the agency with very special functions ^[50].

In June, 2003 a national legislation establishing the Corps was enacted by the National Assembly. This law was signed by the then Nigerian President, *Chief Olusegun Obasanjo*. The 2003 Law has been amended in 2007 by the Nigerian Security and

Civil Defence Corps (Amendment) Act. The purpose of the Act was to enhance the corps capacity to provide protection, crisis resolution and security to public infrastructures, and related matters ^[51].

Function of the NSCDC

The NSCDC amendment Act of 2007 ^[52] elaborately provides for the functions and powers of the Corps and it includes:

3 (1)

- a) Assist in the maintenance of peace and order and in the protection and rescuing of the Civil population during the period of emergency.
- b) Recommend to the Minister the registration of private guard companies,
- c) From time to time, inspect the premises of private guard companies, their training facilities and approve same if it is up to standard.
- d) Supervise and monitor the activities of all private guard companies and keep a register for that purpose.
 - (ii) Seal up any private guard company which operates without a valid licence.
- e) Maintain twenty-four hour surveillance over infrastructures, sites and projects for the Federal, State and Local Government.
 - i) Enter and search any premises and seize any material suspected to been used in vandalization or suspected proceed of vandalization.
 - ii) Enter and search premises of any suspected illegal dealer in petroleum products or material used by Power Holding Company of Nigeria, Postal Services, Nigeria Telecommunication or for any other public utility or infrastructure;
- f) Have power to arrest with or without a warrant, detain, investigate and institute legal proceedings by or in the name of the Attorney-General of the Federation in accordance with the provisions of the constitution of the Federal Republic of Nigeria against any person who is reasonably suspected to have committed an offence under this Act or is involved in any:
 - i) Criminal activity
 - ii) Chemical poison or oil spillage nuclear waste, poisoning
 - iii) Industry espionage or fraud;
 - iv) Activity aimed at frustrating any government program or policy;
 - v) Riot, civil disorder, revolt, strike, or religious unrest.
 - vi) Power transmission lines, oil pipelines, NIPOST cables, equipment, water board pipes or equipment vandalization
- g) Monitor the activities of religious bodies and trade associations.
- h) Monitor, investigate, and take every necessary step to forestall any planned Act of terrorism particularly.
 - i) Cult and Ethnic militia activities
 - ii) Criminal activities aimed at depriving citizens of their properties or lives; or
 - iii) Syndicate activity aimed at defrauding the Federal, State or Local Government;
- i) Monitor, investigate, and take every necessary step to forestall any act of terrorism and report same to appropriate Federal Security Agency.
- j) Provide necessary warning for the civilian population in times of danger

- k) Evacuate the civilian population from danger areas.
- l) Provide and manage shelters for civilians during period of emergency.
- m) Assist in the decontamination and in the taking of precautionary measures during any period of emergency.
- n) Carry out rescue operations and control volatile situations.
- o) Assist in the provision of emergency medical services, including first aid, during any period of emergency.
- p) Detect and demarcate any danger area.
- q) Assist the Federal and State Fire Service in Fire-fighting operation.
- r) Assist in the distribution of emergency supplies.
- s) Provide assistance to restore and maintain order in distressed areas in any period of emergency.
- t) Assist in repairing indispensable public utilities during any period of emergency
- u) Provide intelligence information to the Ministry on any matter relating to
 - i) Crime control generally;
 - ii) Riot, disorder, revolt, strike or religious unrest;
 - iii) Subversive activity by members of the public aimed at frustrating any government programme or policy;
 - iv) Industrial action and strike aimed at paralyzing Government activities;
 - v) Any other matter as may be directed by the Minister; and
 - vi) Have power to arrange and mediate in the settlement of disputes among willing members of the public.

From the above, one would discover that the powers of the NSCDC is very wide and includes dispute settlement amongst others. The area of interest for this paper is on the power of the Agency to investigate; arrest and prosecute offenders in accordance with the Constitution and in the name of the Attorney General of the Federation ^[53]. By the provisions of the Constitution, the Police have a statutory and settled authority to arrest suspects that have committed crimes in Nigeria but in respect of the offences listed above, the powers of the Police to investigate, arrest and prosecute have been withdrawn and this has created some problems as we shall see later in the course of this paper.

3. Conflicts of Interest among Investigative Authorities and Institutions in Nigeria

There are obvious cases of conflicts of interest among the various agencies and institutions involved in anti-crime crusade. Major conflicts of interest can be observed in the relations between or among various law enforcement and security agencies; of particular importance are the conflicts that exist between the Attorney General of the Federation, EFCC and ICPC and the State Security Service and the Police. There are uncertainties and conflicts about the dividing line between the roles, functions and powers of EFCC, ICPC, SSS and the Police etc. on investigation, handling and documentation of crimes or corruption. A former Attorney-General of the Federation and Minister of Justice, *Chief Michael Kaase Aondoakaa*, noted many controversies in this regard. From the earliest days of his assumption of office as the nation's Chief Law Officer, the former Attorney-General engaged in a battle for superiority with the Chairman of the EFCC, over the limit of the independence of the EFCC, as provided in its establishment Act ^[54].

When the former Attorney-General attempted to take over the prosecution of certain cases from the EFCC which hitherto had enjoyed minimal supervision from the Attorney-General and Minister of Justice, a controversy arose as to who should be in control of the trial of the ex-governors. The Attorney-General in question had once served as a defence lawyer to one of the former governors being prosecuted by the EFCC^[55]. His former client was also said to have facilitated his appointment to his job as AGF. The Attorney-General and Minister of Justice's role in the matter was, therefore, understandably tilted in favour of the former governors. Indeed, in the course of his duties as Minister, he left no one in doubt about his determination to protect not only his benefactor, but also all the other accused former governors. One way he tried to do that was to take over the trial of the ex-governors, under the pretext that this was premised on the "administration's respect for rule of law" and "the need for government to obey all judicial orders.

More recently, the office of the Attorney-General interfered with the functions of the ICPC when it entered a *nolle prosequi* in respect of charges preferred against a Minister^[56]. Incidentally, the Chairman of ICPC was summarily removed as a result of this conflict^[57]. The Attorney-General has also made regulations under the EFCC Act which implies that the EFCC may only prosecute any person without recourse to the Attorney-General of the Federation if the amount of money involved is less than N50 million^[58]. Also, while the office of the AGF is keen to merge the anti-corruption agencies, the anti-corruption agencies insist that they have different functions under the enabling laws creating them^[59].

The Executive and the National Assembly; the executive and the legislative arms of government in Nigeria are often embroiled in controversy over many issues^[60] including the exercise of oversight functions and anti-corruption efforts of the latter. This can be seen in some conflicts in recent times^[61]. These conflicts have led to decreased efficiency in the investigation and prosecution of corruption cases in Nigeria^[62]. Another conflict is the one that happened between the Nigerian Police and the SSS in Edo state over the arrest and detention of persons suspected of killing the senior staff assistant to the governor of Edo state. While the Police detained some people for the said crime, the SSS detained a different group of persons over the same crime. Again, an issue arose between the Police and the NSCDC over the investigation; arrest and prosecution of suspects of oil pipeline vandals. The Federal High Court sitting in *Lokoja* declared in its judgment that the police lack the power to do so as the powers have been conferred on the NSCDC^[63].

Justice Ekwo, I. E., said Section 3 (1) (f) (vi) of the NSCDC (Amendment) Act 2007 has expressly conferred the authority to investigate offence of oil pipeline vandalization and the power to initiate proceedings thereto on behalf of the Attorney General of the Federation to the NSCDC. The judge said, "This means that even if it is the Nigeria Police that apprehended any person suspected to have committed such offence, it is the duty of the police to hand over such suspect to the NSCDC for prosecution." The case that resulted in the judgment was a one-count charge filed by the police against one *Abuh Daniel* who was said to have loaded one big storage tank with crude oil without licence, an offence contrary to and punishable under Section 17 (a) and (b) Miscellaneous Offences Act, Cap M17 LFN 2004. Upon perusing the charge, the judge raised the issue

whether the Nigeria Police is the appropriate organ of government authorised by law to prosecute the offence. He consequently asked the prosecutor and the defence to address him on the issue. The judge noted that Section 1 (1) (f) of the NSCDC (Amendment) Act which gave the NSCDC power to arrest with or without warrant, detain, investigate and institute legal proceedings by or in the name of the AGF against any person reasonably suspected to have committed any offence particularly involving power transmission lines, or oil pipelines, NIPOST cables, equipment and water board pipes, has taken away the authority of the police to prosecute those who commit such offences^[64].

The judge reiterated thus

What is in contention here is not whether the Nigeria Police has authority to institute criminal proceedings in the name of the AGF as the learned prosecuting counsel has argued. I hold the opinion that the issue of the power of the Nigeria Police to institute criminal proceedings in courts has been settled. Police authority can by virtue of Section 23 of the Police Act, Cap. 359 LFN; Section 56 of the Federal High Court Act, and Section 174 of the Constitution institute and continue proceedings. What confronts the court in this matter is whether the Nigeria Police in view of Section 3 (1) (f) (iv) of the NSCDC Act (as amended) which expressly gives authority to prosecute cases of oil pipeline vandalization to the NSCDC can exercise the power to institute criminal proceedings on the same subject matter.

The judge held that the provisions of the NSCDC Act were lucid and unambiguous. He further held that the legislature had taken the authority to prosecute pipeline vandals from the police and conferred same on the NSCDC^[65].

This is a clear indication that there is lack of collaboration among these agencies. A clear cut mandate for any agency simply means that the said agency would have the primary responsibility to act when the acts or conduct within their powers is committed but that does not stop the other agencies with similar functions from assisting where the need arises. The situation between the Police and the NSCDC shows that some agencies lack the requisite knowledge of the functions and powers of other investigative authorities either because they pretend not to know or that the relevant laws creating other institutions or agencies have not been made accessible to them. When the Police arrest any person for vandalizing oil pipeline or any of the other crimes listed under the NSCDC Act, the usual thing to do would be to hand over the suspect to the NSCDC who will in turn prosecute the suspect on behalf of the Attorney General of the Federation. This is how collaboration works. Where clashes occur amongst the investigating agencies, it would lead to insufficient investigation and where they cannot produce reasonable evidence, the accused person will be discharged by the judge for want of evidence or lack of diligent prosecution and this greatly affects the justice system.

4. Challenges to Collaboration between Investigative Authorities

As earlier noted in this paper, every citizen of Nigeria wants to be sure that he/she is protected and that his civil rights and liberties are not encroached upon or that when such happens, justice will be done or that there will be a proper redress in the event of such. Justice or redress will be a mirage where the

authorities' in charge fail in their responsibilities to investigate, prosecute and punish offenders. No singular agency can be effective in all areas; therefore there is need for collaboration among these agencies.

Hoover Edgar, a onetime director of the Federal Bureau of Investigation (FBI) noted that:

The most effective weapon against crime is cooperationThe efforts of all law enforcement agencies with the support and understanding of the American people ^[66].

The above reiterates the essence of collaboration in combating crimes. Challenges of collaboration can be in the following areas:

1. Information gathering and intelligence: Information and intelligence is very crucial to the success of any crime combating agency/agencies. This is due to the fact that no one agency can have all the information and intelligence needed for a particular crime. Crime related intelligence is derived by collecting, blending, analysing and evaluating relevant information from a broad array of sources on a continual basis ^[67]. This shows that there are various sources of crime related information which could involve government and non governmental agencies and the communities. So there is need for collaboration. Effective information gathering and sharing can go a long way in supporting prevention, response and consequence management efforts by the agencies. Most times, in Nigeria, these agencies do not share information. This is based on the fact that information needed for the prevention crime and national security must be protected from widespread access and in this instance, there is need for trust and mutual respect between the agencies involved. No success can be achieved where this is lacking.

Absence of collaboration among investigative agencies has led to the death of many civilians, military and paramilitary personnel ^[68].

2. Institutional fragmentation and Policy Coordination: This is another area of tension among the investigative agencies. Agencies in Nigeria compete with each other instead of collaborating to achieve greater success. This tension presents a picture of overlap of functions even where none exists especially when Nigeria is facing major crises such as in the effort to combat corruption or terrorism. The lack or absence of collaboration among the agencies was revealed during the crises in the North East of the country. Every agency created has laws guiding its operations, budget, functions, and powers and there should be no need for tension but it is also trite to note that this type of strife and unhealthy rivalry among these agencies is not peculiar to Nigeria, therefore the issue of organisational differences needs to be urgently addressed in order to secure the lives and property of citizens.
3. Jurisdiction Question: This is one area that has impeded the cooperation of investigative agencies in Nigeria. Where a crime occurs, the agencies instead of collaborating to gather information and intelligence spend quality time and energy asserting their rights over the territory where the crime has occurred. Sometimes, we have cases of different agencies holding different group of suspects for the same crime ^[69]. At other times, we see heads of these agencies trading blames and accusations that are capable of discrediting other agencies just to score a cheap point. This trend is dangerous and must be addressed urgently.

4. Lack of knowledge: Lack of knowledge of the processes of these agencies also hinders collaboration. Where one agency is required to collaborate with others, efforts must be made to ensure that these agencies understand the functions and internal workings of their collaborators. This will help reduce strife and create a conducive atmosphere for hitch free operation. In 2017, the Inspector General of Police has organised a workshop/seminar for all the investigative agencies in Nigeria. This is a welcome development as it would afford the participants of the opportunity to receive instruction on areas of collaboration and be able to form a synergy.
5. Inadequate Funding/Budget: Where an investigative agency is not adequately funded, it can hinder collaboration. Adequate funding is necessary to ensure the procurement of necessary equipment and staff training. Staff training is a very important aspect in collaboration. As noted earlier, a person can only apply what he knows. When the staffs are trained, it gives room for expertise and excellence in output.

5. Suggestions for Effectiveness/Paradigm Shift

Collaboration of investigative authorities and agencies in Nigeria is very important to the success and survival of our nation. This paper has articulated the challenges to collaboration and would go ahead to make suggestions that would enhance collaborative efforts of the agencies.

1. Investigative agency reforms must be targeted towards collaboration. Laws establishing these agencies must be crafted in such a way to enhance collaboration. Where this is lacking, the law making institutions must undertake the reviews of these laws and the reviews must take into account the existing structures of the agencies, their operational processes and funding and changes must target and enhance collaboration.
2. There must be clearly defined policies and objectives to achieve national security among the agencies. A clearly defined policy framework for all organisations will help curb the problem of individual agencies creating their own strategies which may not be in line with the national goal. Where there is a defined policy and strategy, all agencies will collaborate to achieve the goals that have been established.
3. Defined Responsibilities for each Agency: where there are clearly defined roles for each agency, it will help reduce the bureaucratic bottlenecks experienced in the areas of information and intelligence sharing and jurisdiction questions. In cases of conflicts on crimes investigation, the agencies will readily know which agency would lead the team and the other agencies that will be partnering with them in their function. This will enhance individual and joint efforts and decision making processes. When this happens, unhealthy rivalry and strife will greatly be reduced among the agencies and there will be mutual trust and respect between the agencies.
4. Staff Training: This is a very crucial aspect for investigative authorities and agencies. Continuing education helps members of staff to be equipped with the relevant knowledge and skill. Members of these agencies must be trained and retrained. Government must make efforts at organising seminars and workshops. Formal education and training in specialised areas must be pursued. There is also the need for joint training of members of various agencies.

This will help provide insight into the functions of various agencies and elucidate areas of collaboration among the agencies. There is also the need to have legislative and administrative changes that will enhance staff capacity and promote collaboration.

5. **Effective Leadership:** Competitions among the agencies are quite unhealthy and cannot enhance collaboration. To achieve effective collaboration, the leadership question must be addressed. Government must stop recognising individual efforts but pay more attention on what the team has achieved. There must be a clear mandate and instruction on individual functions and roles and a reporting structure identifying the leader must be established. The leaders must also be encouraged to improve themselves if they must remain relevant. Individuals that have distinguished themselves in their assigned functions and duties or have obtained specialised qualifications should be made to head agencies or parastatals in their areas of competence. Nigeria must eschew the mediocrity and pursue excellence in the appointment of heads of very sensitive agencies and organisations. Most times the failures experienced with these agencies are borne out of the fact that the leadership lacks the requisite knowledge and capacity to cope with the challenges of the agency he pilots.

6. Desirability or otherwise of Fusion of Investigative Agencies in Nigeria

The discussion on the desirability or otherwise of fusing investigative agencies will focus only on the two agencies which are perceived to share the most similarities, the EFCC and the ICPC. Since the EFCC was established in 2004, under the administration of former Nigerian President, *Olusegun Obasanjo*, the Commission has gained wide public acknowledgement as an effective tool for combating corruption. The efficacy of the EFCC did not wane even when it was perceived as a tool used specifically for hounding the opposition. Before the coming into being of the EFCC, there had been in existence an Independent Corrupt Practices (and Related Offences) Commission which was created to combat official corruption in Nigeria. The perception of a part of the Nigerian public that the operations of the two agencies are indeed overlapping has led to calls for a fusion of both agencies. There have been calls for the fusion of the agencies due to some tensions that have arisen between them. The former ICPC chairman, *Justice Ayoola Emmanuel* ^[70] had noted that there are duplication of the functions of ICPC and EFCC, especially regarding the overlap between the ICPC anti corruption and Transparency Monitoring units and the EFCC Anti-Corruption and Transparency Committees ^[71].

In the first week of July, 2011, the Attorney-General and Minister of Justice of the Federation called for the merger of the two agencies ^[72]. His argument was that most of Nigeria's investigative agencies lacked the capacity to conduct thorough investigations and that a reform was necessary to correct this perceived anomaly. The call by the Attorney-General lent credence to the argument for the fusion of both agencies. An inquiry will be conducted as to the statutory functions of both agencies in order to determine if the call for fusion due to similarities or duplication of roles is justifiable. The enabling law for the ICPC spells out its duties in section 10 and also specifically under other sections of the Act ^[73].

A critical perusal of the provisions of the relevant sections of both Acts will reveal that duplication of roles do not exactly exist from the provisions of the enabling laws. Also the role of each agency is clearly defined and can only conflict if the enabling laws are not followed. The EFCC was established as a law enforcement agency to investigate financial crimes such as money laundering and advanced fee fraud while the ICPC targets corruption in the public sector such as bribery, gratification, graft and abuse or misuse of office. In fact, going by the provisions of the enabling law, it may be difficult for the ICPC to effectively prosecute any act of corruption because its powers of investigation and prosecution are not unlimited, and it appears to be mainly designed to review and advise public officers on the adoption of procedures to minimise corruption ^[74] Fortunately, the EFCC does not enjoy such a mandate as the EFCC is empowered under the act to investigate, prevent, determine and identify financial crimes and in addition to those duties, coordinate and enforce "all ^[75] economic and financial crimes laws while adopting preventive measures and also performing intricate scientific and technical functions ^[76].

The powers of the EFCC under the Act are clearly broader and provide more bite to the anticorruption drive. Indeed, most of the financial crimes covered by the EFCC are not *stricto sensu* corrupt practices but are purely criminal offences emanating from financial transactions, it also includes terrorism. The EFCC is empowered with a novel mandate to deal also with the proceeds derived from terrorist activities, economic and financial crimes related offences or property of corresponding value to such proceeds ^[77]. It is also important to note that the function of the EFCC with respect to terrorist activities is also limited as there is now an anti terrorist legislation which empowers the police to investigate; arrest and prosecute terrorists. Under this law, the police have very wide powers but no matter how wide the functions of an agency may be, they need to collaborate with other agencies for optimal results.

7. Conclusion

There is no doubt that Nigeria has demonstrated concern for curbing crimes through diverse legislations. These laws also established many institutions and agencies for the implementation and enforcement of measures necessary to assure the citizens that their taxes are being effectively utilized. But there are varied conflicts surrounding these laws, agencies and the institutions for the enforcement of laws which directly affects the output or the level of productivity desired by the citizens of these agencies. It is the argument of some quarters that the issue of streamlining the operations of the agencies must be addressed. It is suggested that the number of the agencies should not be reduced to make supervision and control easier since Nigeria is a densely populated nation, accounting for almost two hundred million people. To ensure a proper eagle eye monitoring, the government should initiate a long-term process of repairing the battered judiciary and reforming federal criminal procedure and evidence rules. With specific reference to the ICPC and the EFCC, NSCDC and the Police, it is recommended that no fusion is necessary; rather, the abilities of these agencies should be strengthened through appointment of a rugged leadership and improved funding and support from the government to enable optimal performance. The same should apply to all the investigative agencies. Among the numerous anti-corruption agencies in Nigeria, the ones that need to collaborate more as part of the pillars of

integrity include the offices of the Auditor-General of the Federation and the states, the Economic and Financial Crime Commission, the Independent Corrupt Practices and other Related Offences, as effective collaboration of the EFCC and ICPC with the Auditor-General's office would ensure their access to audit report so that persons who have been found by such report to have mismanaged, diverted, misappropriated or stolen public funds against the provision of the extant laws should be prosecuted. It is believed that the effective implementation of the recommendations will give the paradigm shift required for the agencies optimal performance.

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