



An examination of international instruments, the constitution, and other statutes governing the Nigeria police force

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Abstract

The paper titled “An Examination of International Instruments, the Constitution, and Other Statutes Governing the Nigeria Police Force” offers a comprehensive analysis of the Nigeria Police Force (NPF). The paper explores the evolution of the NPF, its functions and responsibilities, as well as the legal frameworks that shape its operations. It also examines the challenges the NPF faces in fulfilling its mandate, alongside recommendations for reforming and improving policing in Nigeria.

Keywords: Police, organised crime, convention, trafficking in persons, corruption, functions, powers, duties

Introduction

The historical background of the NPF is intricately tied to the British colonial era. The Nigerian police force, as an institution, began with the establishment of consular guards in 1861, primarily to protect British interests after the colonization of Lagos. By the 1900s, several police forces were formed, including the Hausa Police for the Lagos Colony, the Niger Coast Constabulary for the Oil Rivers Protectorate, and the Royal Niger Constabulary in the North^[1].

In 1930, these separate bodies were unified under a single entity, creating the Nigeria Police Force, with headquarters established in Lagos^[2]. This unified structure remained largely intact post-independence, despite facing significant structural and operational challenges^[3]. The NPF, over time, became the principal law enforcement body in the country, responsible for maintaining law and order, enforcing laws, and ensuring public safety across the nation. The Nigerian 1999 Constitution as amended and other statutes such as the Police Act of 2020 serve as the foundational legal frameworks for the NPF. These documents lay out the duties, rights, and limitations of the police force in Nigeria.

Constitutional and statutory frameworks governing the NPF

1. The Nigerian 1999 constitution

The Nigerian Constitution, particularly Section 214, provides for the establishment of a national police force^[4]. The Constitution makes clear that no other police force, apart from the NPF, can be established by any region or state within the federation, making the NPF the sole body responsible for law enforcement nationwide. Section 214(2)(a) stipulates that the police force shall be structured in accordance with the laws prescribed by the National Assembly, while Section 215(1) places the command of the police force under the Inspector General of Police (IGP), an appointee of the president^[5].

In practice, the NPF's duties, as outlined in the Constitution, include the maintenance of public safety and order, the prevention of crime, and the apprehension of offenders. The NPF's jurisdiction covers the entire nation, making it

responsible for law enforcement in all 36 states and the Federal Capital Territory (FCT).

2. The police Act

The Police Act further defines the functions and duties of the NPF, which include maintaining public order, preventing crime, apprehending criminals, and ensuring traffic regulation. It empowers officers to conduct searches, make arrests with or without a warrant, and detain suspects under specified conditions. Additionally, it outlines the procedural rules for prosecuting suspects and conducting investigations.

The Act provides officers with wide-ranging powers, but the paper notes that such powers need to be exercised reasonably to prevent abuse. For example, Section 10 of the Criminal Procedure Act grants police officers the power to arrest individuals without a warrant under specific circumstances, such as when an individual is caught in the act of committing a crime or when a police officer has reasonable grounds for suspicion.

International instruments and treaties governing the NPF

The paper highlights the significance of international conventions and treaties in shaping the practices of the NPF, especially in combating organized crime and corruption. The NPF, as part of Nigeria's law enforcement apparatus, is expected to operate in compliance with these international instruments, which Nigeria has signed and ratified.

1. The United Nations Convention Against Transnational Organized Crime (UNTOC)

This convention, also known as the Palermo Convention, aims to strengthen international cooperation in fighting organized crime. Adopted by the United Nations General Assembly in 2000, it came into force in 2003. It focuses on several key areas:

Criminalizing organized crime activities: This includes offenses such as money laundering, trafficking, and obstruction of justice. The convention emphasizes the importance of having a unified legal framework to criminalize and prosecute organized crime.

Law enforcement cooperation: UNTOC promotes cross-border collaboration among law enforcement agencies. The convention encourages the sharing of intelligence and the establishment of joint investigative bodies.

Victim and witness protection: To combat organized crime effectively, the convention calls for protecting individuals who cooperate with law enforcement agencies.

Prevention strategies: UNTOC also advocates for preventive measures such as enhancing financial transparency to prevent money laundering and fostering public awareness through education.

2. The United Nations Convention Against Corruption (UNCAC)

The UNCAC adopted in 2003, focuses on the prevention and prosecution of corruption. Like UNTOC, it promotes international cooperation in investigating and prosecuting corrupt practices. The convention emphasizes the role of legal frameworks in combatting corruption and mandates that member states, including Nigeria, develop mechanisms to prosecute individuals involved in corruption.

3. Southeast European convention for police cooperation

This regional convention focuses on cooperation between neighboring countries to fight transnational crimes such as human trafficking, arms smuggling, and terrorism. Though more regionally focused, it serves as a model for Nigeria's police in terms of international collaboration and information sharing.

Challenges facing the Nigeria police force

Despite the existence of strong legal frameworks and international commitments, the paper identifies several persistent challenges that hinder the effective functioning of the NPF:

1. Political interference

Political interference is a significant challenge to the NPF's independence. The appointment of the Inspector General of Police by the president often results in the politicization of the police force. As a result, police officers may be pressured to act in ways that align with political agendas, compromising their ability to enforce laws impartially.

2. Resource constraints

The NPF is severely underfunded, with inadequate resources to support its operations. The lack of sufficient manpower, outdated equipment, and poor working conditions undermine the ability of the police to carry out their duties effectively. Many police stations are poorly equipped, and officers often lack basic tools needed for law enforcement, such as vehicles, communication devices, and forensic equipment.

3. Corruption and misconduct

Corruption within the police force is widespread, further eroding public trust. Bribery and extortion are common practices among police officers, and the lack of accountability exacerbates the problem. The paper notes that corruption is a reflection of both systemic failures and poor training, which affect the overall professionalism of the force.

4. Public perception and trust deficit

Due to cases of abuse, corruption, and inefficiency, the public's trust in the NPF remains low. This lack of trust results in underreporting of crimes and a reluctance by the public to cooperate with law enforcement officers. The "End SARS" protests of 2020 exemplified the public's frustration with police misconduct, particularly involving the Special Anti-Robbery Squad (SARS).

Recommendations for reform

The paper makes several recommendations to address the challenges facing the NPF and to ensure that it functions within the boundaries of the law while providing adequate security for Nigerian citizens.

1. Legal reforms

The paper advocates for aligning Nigeria's policing laws with international best practices. It calls for a comprehensive overhaul of the Police Act and related statutes to ensure that they meet the demands of modern-day law enforcement.

2. Training and retraining

Continuous legal and professional education for police officers is critical to improving their performance. The paper recommends enhancing the training of officers, with a focus on human rights, conflict resolution, and community policing. Regular retraining would help officers stay updated on evolving legal standards and law enforcement techniques.

3. State and community policing

One of the most significant recommendations is the introduction of state and local police forces. Given the size of Nigeria and its diverse security challenges, the paper suggests that state and community police forces would allow for more localized and effective policing. This model would also help address the problem of inadequate personnel at the federal level.

4. Addressing corruption

Tackling corruption within the NPF is essential for restoring public trust. The paper recommends implementing stronger internal oversight mechanisms, such as independent police complaint commissions, to hold officers accountable for misconduct.

5. Improved welfare and resources

Enhancing the working conditions of police officers is also vital. The paper suggests that improving salaries, benefits, and providing officers with the necessary equipment and facilities would reduce instances of corruption and improve overall performance.

Conclusion

The paper concludes that while the legal frameworks governing the NPF are comprehensive, their implementation is hindered by various systemic challenges, particularly political interference and inadequate resources. For Nigeria to achieve effective policing, it must reform the NPF, reduce political interference, and focus on enhancing the welfare and training of officers. By adopting a more decentralized policing model, and enforcing accountability measures, the NPF can better serve the Nigerian public and regain its credibility.

References

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