

Relevance of Informal Security Institutions in Nigeria and Human Right Implications

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Abstract

Government is primarily responsible for security of lives and property, which it performs through formal security entities. However, the wanton security challenges in Nigeria imply the need to reconsider the approach of sole reliance on formal security entities providing security for the state. This paper therefore examines the role of the informal security outfit in providing security for lives and property. The study finds that the security challenge in Nigeria has compelled the respective regions and communities to engage informal security outfits such as: socio-cultural groups, vigilante, community policing, private security firms, etc., rather than total dependence on the state controlled formal security outfits such as police and military. However, this informal security outfits are largely associated with unaccountable and involvement in human right breaches. This study, therefore, recognises the need for cooperation between the formal and informal security agencies, to ensure adequate security of lives and property.

Keywords: Security Institutions; Human Right; Community Policing; Non-state Security Actors.

1.0 Introduction

The collection of security challenges and the vulnerability of lives in the country has put Nigeria within the category of a weak state. A state is said to be weak its loss "its core functions of providing security to its citizens, providing basic services to its citizens, and having legitimacy problem among its people". This kind of state is characterised by failure in the guarantee of public goods delivery to citizens by formal state actors, as it becomes obvious that the state has lost its monopoly of the instrument of violence. Thus, the people have to undertake their personal security and protection by themselves since government cannot match up with state destabilising agents. By implication, the people's trust in the ability of government to guarantee security of lives and property has been eroded. Even the Nigerian state is aware of its ability to guarantee the personal protection of its citizens, hence it has now jettisoned the state-centered approach to security for a hybrid security approach

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J Tyagi, 'Weak states. The Wiley-Blackwell Encyclopedia of Globalization', in RI Rotberg (ed) *State Failure and State Weakness in a Time of Terror* (Brookings Institution Press, 2012).

DE Agbibo, 'Origins of Hybrid Governance and Armed Community Mobilization in Sub-Saharan Africa. (Resolve Network Community-Based Armed Groups Research Initiative, 2019) <https://resolvenet.org/system/files/2020-06/RSVE_CBAGs_Origins_Agbibo_Oct2019.pdf> accessed 28 April 2024.

that infuses government actors and community-based agencies in the security deliverables of the state.

Security function is not limited to government and its established agencies. It is a responsibility that involves all members of the community. Even in advanced states, government is not necessarily the sole provider of security deliverables within its territory. That is why policing is perceived as a duty which seeks to guarantee order, safety, security and peace in the community, through prevention, investigation, prosecution, punishment of convicted offenders and justice delivery to victims. Hence, the law imposes individual security duties on everyone. Hence, private individuals can effect arrest of persons suspected to have committed an offence in their presence and hand over such person to the police. Individuals are expected to assist a peace officer to effect arrest. In the case of *Nweke v. State*, the apex court affirmed the powers of a private individual to effect arrest without recourse to warrant of arrest for offences offelony.

Individuals are also duty bound to give information and security tip-off to the police whenever there are suspicious movements around their vicinity. The law enables private persons to lodge complaint against criminal suspects or persons who are on the verge of committing criminal offences. In the northern parts of Nigeria, private individuals can institute criminal action through the instrumentality of criminal complaint or information upon a reasonable suspicion of such person having committed an offence. Private individuals can even prosecute criminal offences upon receipt of the Attorneys-General's fiat. The President may by his exercise of executive powers or the National Assembly exercising legislative powers by an Act of the National Assembly, make provision to enable students of secondary schools and higher institutions to be given military training.

The foregoing goes to demonstrate the role of private entities and individuals in ensuring the security of lives and property in the society. In examining the security of lives and property in the state, the common approach is to examine the role of the formal security institutions of the state. However, this study will turn its attention to the informal security sector and their

ibid.

M Schwartz, 'Policing and (In)security in Fragile and Conflict-Affected Settings' (Global Center on Cooperative Security Knowledge Platform, 2015) <<https://www.globalcenter.org/wp-content/uploads/policing-and-in-security-in-fragile-and-conflict-affected-settings.pdf>>accessed 28 April 2024. Section 12 Criminal Procedure Act.

(1965) IAINLR114.

See Section 59 Criminal Procedure Act. Similar provision abounds in the Criminal Procedure Law of States where the law is yet to be repealed.

Section 143 (d) and (e) Criminal Procedure Code.

¹⁰ Sections 383 and 384 Administration of Criminal Justice Act 2015.

¹¹ Sections 220 (1) and (2) 1999 Constitution.

role in the security of lives and property in the society. The informal security entities to be examined in this study includes: regional security bodies, community policing and private security outfit. The enquires into the various implications of these informal security arrangement on human right in Nigeria.

2.0 Security Structures at the Regional Level

Although security institutions are generally within the control of the federal government, there had been instances where certain regions of the federation had thought it wise to establish security networks within their region to complement the efforts of the federal government to provide security for the masses. This had not gone without a challenge from the federal government interrogating the legality or constitutionality of the states or regions to delve into the establishment of security formations for the country or any part thereof. However, there has been instances where security bodies being created for a particular states or region. States and regions have often expressed dissatisfaction with the insecurity situations and the security vulnerabilities of their states and regions. This has left them with the impression that the conventional military, paramilitary security groups have failed in meeting up their expectation in providing security for the affected states or region. This could also be a function of apprehension about the sincerity and neutrality of the federal forces to give adequate security cover to their state and region.

In some instance, it has been a feeling that the federal security forces have not be able to meet the peculiar security needs of state due to methodological and ideological disparities between both systems. For instance, the adoption of sharia law in Zamfara, Kano and most other northern states implies the need for enforcement mechanism that is compatible with the sharia system. Officers of the Nigerian Police culled from various states, ethnic groups and religions may not be effective to enforce sharia law. More so, the Police is under the command of the federal government while the sharia law system is a state created and controlled institution. This portends a possible conflict in trying to subject the police to the authority of the state government. Hence, most states which created the sharia systems also thought it wise to also create an enforcement mechanism corp. This was how the Hisbah group was created solely for the enforcement of sharia law within those states. They operate as pseudo-state police, although these states cautiously avoid officially referred to them as such, in order to avoid the constitutional controversy that may arise as a result.

The disenchantment which vulnerable security situation has churned up has resulted in agitation for the creation of regional/ethnic security formations for specific regions in their effort to complement the operations of existing national security architecture in this regard.

The South-Western region has proposed and indeed created the Amotekun Corps for the South Western region. Apart from the disagreement which this created with the federal government, it also provoked the other regions to proposed establishment of their own regional security network. The South Eastern region proposed a group for their region, code named, "Ogbunigwe or Lion Walk". The North Eastern states adopted the "Operation ShegeKaa Fa Sa". The South Eastern governors have recently muted plans to establish their own version of Amotekun, known as the *EbubuAgu* group. The Association of Fulani cattle breeders known as Miyetti Allah, proposed to create their special Vigilante Group with a nation-wide operational coverage majorly to protect their cattle rearing trade and checkmate the offence of cattle rustling perpetrated against their members. However, states within the southern region stood against the operation of MiyettiAllah Vigilante Group within their states.

The idea behind the creation of the Amotekun Corps by the Governors of the south-western states is in view of the security vulnerability which was gradually engulfing the region. Certain expressway within the region became infamous danger zone for constant unabated perpetration of criminal activities by bandits, armed herdsmen, kidnappers and armed robbers. There were constant incidence of rape, kidnap, ritual murders and unprovoked attack of rural communities by suspected Fulani herdsmen. One of those instances occurred in July 2019 when Chief Fasoranti's daughter was killed. A retired Army chieftain, General Danjuma had urged Nigerians to take charge of their personal security. The Governors needed to take charge of the security of their state. However, since the police is hardly within their chain of command, there was hardly anything the Governors could do.

The foregoing informed the Ibadan June 2019 regional security summit decision by the South-West Governors to establish the Amotekun Corps for the region, which would be within the control of the governors of the states. In order to legitimate the process, the Houses of Assembly of the six south-western states therefore enacted the South-West

¹² The South-Western region comprises of six states which include: Lagos, Ogun, Oyo, Osun, Ondo, and Ekiti states.

¹³ RAAbati, 'New IGP, EbubeAgu and other Stories', *Proshare* 21 April, 2021
<<https://www.proshareng.com/news/Politics/New-IGP--Ebube-Agu-and-other-stories-OpEd-by-Dr.-Ruben-Abati/56763>> accessed 21 July, 2024.

¹⁴ EBJ Iheriohanma, O Oguchialu, and R Lasisi, 'The Nigeria Police Force and its Constitutional Responsibility in the Present Democratic Dispensation' *Issues in Business Management and Economics* [2020] 8 (4) 86.

¹⁵ AA Mashood, 'The Amotekun Question: Towards Achieving a Win-win Outcome through the ADR Instrumentality', *International Journal of Law* [2020] 6 (3) 257.

¹⁶ J Oluwole, 'Amotekun: Constitutional Implication of South-West Regional Security Initiative', *The Premium Times* 9 January, 2020. <<https://www.premiumtimesng.com/news/headlines/371853-amotekun-constitutional-implication-of-south-west-regional-security-initiative.html>> accessed 14 July, 2024.

Security Network (Amotekun) Law which established the Corps. The idea behind the creation of the corps was to provide reinforcement to assist the police to counter the state challenges building up in the region, so that citizens do not have to resort to self-help given the prevailing unsatisfactory security risk. Members of the Amotekun Corps were drafted from vigilante groups, erstwhile security veterans and socio-cultural groups which undertake local security duties.

Following the creation of the Amotekun Corp, the federal government gave immediate disapproval of its formation by the Attorney-General of Federation's declaration of the group, illegal, unconstitutional and therefore null and void for its inconsistency with the constitution. The Attorney General argued that the powers to establish security formations in Nigeria is within the exclusive preserve of the federal government. The actions of the State Governors have been described as an attempt to stylishly establish a State Police outfit in the guise of local security. It has been argued that State Governors only have powers to set up fact-finding panel to make inquiry and recommendations on security matters in the States to the respective Governors. On their part, the south-western states have argued that Section 176 of the Constitution of Federal Republic of Nigeria 1999 as amended recognises Governors as the chief executive of their state, which implies an inherent powers on the Governors to take reasonable security measures to protect the lives and property of residents of their states.

Beyond the legal rhetoric, some political undertones have been detected in the disagreement between both authorities. It has been pointed out that the federal government harbors the apprehension that the establishment of Amotekun has the potential of emboldening other states or regions to also create their own regional security formation, which possesses potential threat to the unity of the country. The open-ended description of the mandate of Amotekun to render support to police, was also a matter of concern to the federal

¹⁷ J Sowole, & Y Kolawole, 'South-West States Pass Amotekun Bill into Law', *Thisday* 4th March, 2020. <<https://www.google.com/amp/s/www.thisdaylive.com/index.php/2020/03/04/south-west-states-pass-amotekun-bill-into-law/amp/>> accessed 14 July, 2024.

¹⁸ PAAidonioje & P Egielewa, 'Criminality and the Media: Perception and Legality of the Amotekun Security Agency in Nigeria', *International Journal of Comparative Law and Legal Philosophy* [2019] 1 (3) 52.

¹⁹ OADavid & LK Oyedele, 'Regionalization of Non-State Security Agencies in Southwest Nigeria: Prospects and Challenges of "Amotekun"', *European Scientific Journal* [2020] 16 (20) 105.

²⁰ AA Mashood, 'The Amotekun Question: Towards Achieving a Win-Win Outcome through the ADR Instrumentality', *International Journal of Law* [2020] 6 (3) 255.

²¹ VO Chukwuma, 'The Legality/Constitutionality of the Amotekun Security Outfit: A Hint from the Caselaw Perspective',

<https://www.academia.edu/41694387/THE_LEGALITY_CONSTITUTIONALITY_OF_THE_AMOTEKUN_SECURITY_OUTFIT_A_HINT_FROM_THE_CASELAW_PERSPECTIVE> accessed 16 July, 2024.

²² David & Oyedele, *ibid.* - - - - -

government. This created a fear of possible operational stretch, abuse of power and endangerment of members of other ethnic groups resident within the region. Another issue of concern was the regional based operation of Amotekun with state backing, which is the first of its kind in the country. The south-western region had always championed the clamour for restructuring of the federation and devolution of powers in Nigeria against the wishes and aspirations of the federal government. Thus, the creation of Amotekun is regarded as a giant stride for the restructuring proponents.

Section 232 (1) of the 1999 Constitution of Federal Republic of Nigeria 1999 as amended confers on the Supreme Court the power to exercise exclusive original jurisdiction over disputes arising between the Federal and State Governments or State Governments inter se. As such, in a situation, such as this, where conflict exist between the federal government and the state governors on the legality or otherwise of the Amotekun operations and the laws establishing it thereof, the proper course of action would have been for the Attorney General of the Federation to commence an action by way of originating summons or any other ways for commencement of civil action against the Attorneys General of the six southern-western states in order for the Supreme Court to make a pronouncement on it. On the contrary, the Attorney General preferred to wrongly assume a judicial position by declaring the group unconstitutional. However, the parties in the dispute decided to adopt a political approach to the dispute by having a dialogue over their various concerns and conjectures. At the end the governors succumbed to giving recognition to the police under the law. This is also demonstrated by the inclusion of the Commissioner of Police in the membership of the Governing Board of Amotekun of each state.

3.0 Non-State Security Actors

The business of public security is essentially that of the state. Hence, it is a task primarily provided by state actors such as the military, police and paramilitary formations. However, the burden of security is a matter that should be of serious concern to everybody. This is because, insecurity issues affect every member of the society. To that end, members of the society other than the state security actors also perform security function to some extent,

²³ See Sections 4 and 5 Ogun State Security Network Agency Law. Similar provision abound in the same law established by the Houses of Assembly of the five other states in the south-western region.

²⁴ J Obado-Joel 'The Challenge of State-backed Internal Security in Nigeria: Considerations for Amotekun', (Resolve Network Policy Note, 2020) <https://www.resolvenet.org_RSVE_Policy_Note_Obado-Joel_December_2020.pdf> accessed 16 July 2024.

²⁵ JU Yahaya & MM Bello, 'An analysis of the constitutional implication of South-West regional security initiative: Amotekun', *African Scholar Journal of Humanities and Social Sciences* [2019] 17 (6) 163.

²⁶ See Section 6 (2) (b.) Ogun State Security Network Agency Law. Similar provision abound in the same law established by the Houses of Assembly of the five other states in the south-western region.

particularly when the state security actors seems not to adequately address the security needs of every member of the society and/or the state.

In Nigeria, there are many non-state security actors which have acted or currently undertaking security duties, even though, this has been done in low scale at community level. It is a common practice for communities to procure the services of private individuals to function as neighbourhood watch, vigilante group, estate guards or private security, etc. These groups are mostly constituted by young able-bodied men of the affected communities. In Kano State, for instance, the Hisbah group have continued to function as enforcement agents of the sharia law system. The Bakassi boys once operated within Abia and Anambra States, particularly with guarding the markets and getting rid of criminal activities. The Boko Haram scourge in Borno State compelled the government of Modu Sheriff to establish the ECOMOG group. The Odua People's Congress was a vigilante group that operated within communities in the south western states. The Civilian Joint Task Force is another community youth group security formed in Borno State. Armed with simple weapons, they have been drafted into the battle against Boko Haram insurgency in Borno State. The group has recorded tremendous successes in dealing with Boko Haram. The Nigerian Army has benefitted from their support operations due to the group's vast knowledge of the local terrain of operation. There are reports about the operation of local security groups in about 23 states of the country. Some of these vigilante groups had operated under the unofficial support of their State Governors.

The Vigilante Group of Nigeria is a broad umbrella security which operations stretched the breath of the country. It was officially registered in year 1999 in the Corporate Affairs Commission as an incorporated trustee. This depicts them more as a social welfare organization, instead of a supplementary security agency of the state. Its status as a registered not-for-profit organisation has sought to legitimise their activities and compensated for their lack of recognition from the state. Their wide network of membership is distributed across the federal, state and local government levels of the country. Given their vast membership, it can conveniently assume role of acting as complement the formal security body of the state.

Alemika places informal vigilantism into the four categories of: religious vigilantism, ethnic vigilantism and state sponsored vigilantism and neighborhood or community vigilantism. Religious vigilantism is the category of vigilantism that is linked to a specific religious group or set out to implement religious objectives. This category gained prominence in Nigeria

²⁷ E Ogbozor, 'Understanding the Informal Security Sector in Nigeria', (United States Institute of Peace Report, 2016) 4.

upon the institutionalization of Sharia law in most parts of Northern Nigeria. The Hisbah group was, thus, created to enforce the dictates of Sharia law. Ethnic vigilantism is established by a specific ethnic group to protect the cultural and traditional interest of the ethnic group. They operate within the settlements where these groups are settled or resident. They also perform crime control functions. A typical example is the Odua'a People's Congress of South Western Nigeria and Egbesu Boys of the Ijaw speaking area of South-South Nigeria. State sponsored vigilantism: this category is either established by the state or receive some form of support from state institutions. The Bakassi Boys that operated in some states of the South Eastern Nigeria received heavy financial and material support from the state governors of those state to tame the spate of criminality within market places. Neighborhood or community vigilantism are usually of smaller units in different localities. They are mostly formation of youth groups or residents of a particular street or communities which usually carry out night patrols within their residential areas.

4.0 Community Policing

Community policing is another form of non-state security actor performing security duties. It also entails private citizens taking responsibility for their personal security. In Nigeria this could take the forms of Community Development Associations, peace and security committees, association of landlords and tenants from which agile men take turns in groups to secure the community, civilian joint task force, neighbourhood watch, etc. The United Nations Development Programme identified the central role of community policing as one of the seven aspects of human security. According to its 1994 Human Development Report, people derive security from the close knitted groups they associate with, which offers them cultural identity and assurance on set values. Herein, personal security is associated with group security which ensures that communities and its individual members are collectively free from fear. The state of being secured is far from actual crisis or tumultuous environment, but extends to freedom from fear, as a person living in fear cannot be regarded as being secured.

Police public relations with private citizens has a positive impact on community policing. Community policing tends to thrive when the people have good rapport with the police, who do not perceive the private security effort as rivalry but as partnership in progress to help

²⁸ EEO Alemika, and IC Chukwuma, *The Poor and Informal Policing in Nigeria* (Center for Law Enforcement Education, 2003) 12-13.

²⁹ Olusegun, O. J.. **Community policing in South-West Nigeria: Finding a nexus between the police and the people.** *Journal of Education and Practice* [2016] 7 (23) 29.

³⁰ N Nwogwugwu, & AM Odedina 'Policy Framework for Community and State Policing in Combating Rising Security Challenges in Nigeria', *International Relations and Diplomacy* [2018] 6 (6) 337.

secure the community and state. Here, the citizens are more eager to help the police fight crime. They engage in neighborhood meetings and partake in neighborhood watch. They serve as informants of criminal activities to the police and help identify criminal suspects. The people will be more willing to serve as witnesses in criminal prosecution. These make the task of securing lives become easy for the police. The police merely serve or act as agency that displays protective cover for the community. Citizens would hardly interact with the police when they do not get that sense of belonging and partnership with the police. The police must be truly perceived as the friend of the members of the public before they can relate with them on the level of partnership. Whereas the police do not take their security concern very seriously, people will seldom refer their security challenges with the police. Community policing help build trust between the police and the public, which gives residents security assurance and freedom from fear to engage their communities in activities such as business operations, social works, leisure, political participation and neighborhood watch.

Most criminal activities are local in nature. Even grievous crimes like terrorism, drug and human trafficking, money laundering, which have national and international character, they still have local manifestation. This obviates the need to establish the local presence of police formations enhanced by local policing in Nigeria. The residents of individual localities can effortlessly pinpoint perpetrators of crime within their localities. For instance, the case Civilian Joint Task Force (CJTF) and Vigilante Service Group which operate within the environs of North Eastern Nigeria, serve as local guide for government security personnel in addressing the terrorist scourge within the region. The local find it easy to relate with the vigilante group, hence will oblige them the required assistance to carry out their roles given the closeness of these militias group to the people than the police or army could ever be. The CJTF emerged as a response to insurgency threats and the brute approach of the Nigerian military. According to the Chairman of the body "Nigerian army did not know who is really Boko Haram, they just come and cordon off any area and take everybody away for

³¹ TR Tyler, 'Methodology in Legal Research', *Utrecht Law Review* [2017]13 (3) 138.

³² *ibid.*

³³ AM Odeh, & U Nanji, 'State Policing and National Security in Nigeria', *Mediterranean Journal of Social Sciences* [2015] 6 (1) 420.

³⁴ OJ Olusegun, 'Community Policing in South-West Nigeria: Finding a Nexus between the Police and the People', *Journal of Education and Practice* [2016] 7 (23) 30.
VFelbab-Brown, 'Militias (and Militancy) in Nigeria's North-East: Not Going Away', in A Day (Ed) *Hybrid Conflict, Hybrid Peace: How Militias and Paramilitary Groups Shape Post-conflict Transitions*, (United Nations University, 2020) 66, 67.

screening... That's why we agreed to cooperate with the security agencies that we are going to fish those people out of our society".

The Nigerian government had embarked on community policing programme with the objective of projecting the values of the Nigeria police to the public by way of community-based approach to policing through social partnership. The project emphasizes the need to imbibe a culture of fineness in service delivery, a profound sense of responsibility by police personnel in the performance of their duty. Involvement of the community in the security architecture of the state is justified on the account of the growing wave of customer-oriented approach in service delivery not just in the private sector but also in the aspect of public service delivery. This is exemplified by the use of SERVICOM as a mechanism for getting feedback from members of the public regarding public service received from public institutions.

In an attempt to booster the image of the police in the mind of the public and get the local community to be more involved as security stakeholders, the Nigeria Police had established the Police-Community Relations Committees (PCRCs) in 1985. The PCRCs were created by the Inspector General of Police in each police division and state commands across the federation. They are to function as liaison agencies between Nigeria Police and the respective communities they attend to. The essence was to establish a civil society that will repose confidence and collaborate with the police. However, the PCRCs have hardly succeeded in effectively performing the objective of their creation. This is as a result of their lopsided configuration in the localities of their operation. Since their formation is an initiative of the police, they, therefore, lack accountability to civil authorities.

The police also created the Community Policing in 2004, as one of the informal policing structures, in a pilot test launched in six States, including Benue, Ondo, Enugu, Ogun, Kano and Jigawa. The partnership was extended to include twelve States in 2007. The policy initiative was targeted at ensuring quality service delivery, encourage partnerships between the police and local communities, ensure accountability among police personnel towards dealing with the rising rate of crime in the society. The Community policing partnerships,

³⁶ Agbibo, *ibid.* (n. 2).

³⁷ AM Audu, *Community Policing: Exploring the Police/Community Relationship for Crime Control in Nigeria*. (PhD Thesis University of Liverpool, 2016) 279, 60.

³⁸ This is acronym which means: 'Service Compact with all Nigerian'.

³⁹ SERVICOM, 'About Servicom' <<https://servicom.gov.ng/>> accessed 22 July, 2024.

⁴⁰ I Chukwuma, 'Police Transformation in Nigeria: Problems and Prospects', *Crime and Policing in Transitional Societies*. Conference Proceedings held at the South African Institute of International Affairs from 30 August to 1 September 2000, 131.

⁴¹ Audu, *ibid.* (n. 36) 70.

amongst other things, encourages information sharing between the police and local communities. While the community keeps the police informed about criminal activities within their vicinity, the police exchanges information tactical formations put in place to address community security fears and advice on community security consciousness in order to guarantee their safety.

The Nigerian Police continues to have a battered image in the eyes of the Nigerian public. Although the Nigerian Police has always run along the deceptive maxim of "police is your friend", this is far from the truth in reality as the Nigerian public is convinced otherwise. The incessant cases of police brutality of innocent citizens, extortion of members of the public, unprovoked police raid and unlawful arrest has made it impossible for the member of the public to perceive the police as their friend. With a perception such as this, there is no way the public will find the police to be endearing or open up in information sharing with the police. Whereas the police become more citizens friendly, they are likely to derive information from the people's wealth of knowledge of their respective communities.

5.0 Private Security and Investigation

Security entities established by the State are supposed to offer security services to the general public. They are not supposed to be attached to private individuals as personal security except such individuals are government officials or facilities that are of interest to the state and general public such as banks. However, the practice in Nigeria are quite different from the expected, it is common to see police and other state security officers attached to wealthy and influential 'very important persons' (VIPs) who are not government officials. The state decries the lack of sufficient number of security officers yet a good number of them are assigned to serve as personal security for individuals who are not lawfully entitled to such privileges. Each time a new Inspector General of Police is appointed into office, one of the first announcements made is to the effect of recalling police officers earlier assigned to these VIPs. After sometimes these security officers are reassigned by the same Inspector General of Police who had earlier recalled them. Hence, the circle continues.

⁴² MA Kasali, & RG Odetola, 'Alternative Approach to Policing in Nigeria: Analyzing the Need to Redefine Community Policing in Tackling the Nation's Security Challenges', *African Journal of Criminology and Justice Studies* [2006] 9 (1) 100.

⁴³ AAdepegba, 'IGP Orders Withdrawal of Police Officers Attached to VIPS', *Punch* 22 October, 2020. <<https://www.google.com/amp/s/punchng.com/igp-orders-withdrawal-of-police-officers-attached-to-vips/%3famp>> accessed 23 July, 2024.

⁴⁴ O Richards, 'CSOs Doubt Compliance to Withdrawal of Police Attaches from VIPs', *Guardian* 23 October, 2020. 2021 from <https://m.guardian.ng/news/csos-doubt-compliance-to-withdrawal-of-police-attaches-from-vips/> accessed 23 July, 2024.

This practice of deploying state security to provide personal security for private individuals is a practice that has taken deep root in Nigeria. This ought not to be so, as any individual who wishes to have security personally attached to themselves ought to procure the services of private security guards. Companies can be registered with the Corporate Affairs Commission as an incorporated entity with the objective of providing private security services for persons who can afford their services. It can either be incorporated as a private or public limited company. It is on this basis private security companies have emerged in the form of ASE, Bemil, Diamond Cardinal and so on, have emerged as security companies in Nigeria. The Private Guard Companies Act 1986 provides the legal impetus for the operation of private security guards in Nigeria, in order to supplement the security business of the state. Apart from being incorporated as a security company, private security guards are required to obtain license for their operations from the minister in charge of internal security. They must also get animal health certification if they are to use guard dogs for their operations. Personnel of private security guards are prohibited from wielding firearms and ammunition in performing their duties.

The NSCDC features prominently in the establishment and operations of private security guards. Part of the statutory function of NSCDC is to make recommendations to the Minister regarding whether registration license should be issued out to applicant private security guard companies; get involved in the periodic training of the personnel of private security companies and inspecting their facilities to ascertain its fitness for rendering standard security services and give approval thereto; perform regulatory function of supervising, monitoring and evaluation of the undertakings of private security guard companies and maintain a register thereto. NSCDC also statutory duties to carry out periodic seminars and training programmes for private security guard companies. In the event where any private security company is found to operate without obtaining a valid licence or below the required standard NSCDC also has power to seal up their premises.

Private security guards are available to render private security services to private individuals who can afford their services. They can either serve as personal security guards, private investigators, bouncers in event centers, security in gated private homes and business premises, etc. Even though their security services are offered to private individuals, it

⁴⁵ JD Inyang & UE Abraham, 'Policing Nigeria: A Case for Partnership between Formal and Informal Police Institutions', *Merit Research Journal of Art, Social Science and Humanities* (2013) 1.4: 053-058, 054.

⁴⁶ Section 2 The Private Guard Companies Act 1986.

⁴⁷ *Ibid.*

⁴⁸ Section 17 The Private Guard Companies Act 1986.

⁴⁸ Section 3 (b) NSCDC Act 2003.

collectively contributes to the general security given the link that has been established between private and public security. They have the capacity to draw from the wide range of experienced security expert that are within their disposal to address the specific personal security need of individuals.

Private security guards alone cannot guarantee the personal security of citizens. This is in view of the plethora of factors that limit their operations. The non-wielding arms restrictions on private security guards, implies that there is little or nothing they could do when faced with armed wielding criminal perpetrators. This limitation is one of the major reasons why some private individuals which have the financial means and socio-political clout would exert their influence to having state security personnel attached to them, as allowed to carry arms are more fortified than private security guards.

6.0 Implications for Human Right

The major complaint about the vigilante groups has been the issue of self-help, acting devoid of legal authority and carrying out extrajudicial execution. The Yan Sakai vigilante group, which operate in Zamfara State with a mission to tackle banditry within the state, is allegedly noted for aggravating inter-ethnic clashes between Hausas and Fulanis. Apart from bearing locally forged weapons, they also exact stiff penalties such as physical assaults, torture, violation of human right, arson of communities and jungle justice on suspected offenders and bandits. There are reported case of vigilante personnel renting out weapons in their possession to persons to carry out criminal activities. Specifically, in 2008, the leader of a vigilante group in the KonoBoue Community was arrested by the joint security. There is hardly any authority which monitor and regulate the activities of these groups, hence they act like law unto themselves. The lack of legal backing for their existence and operations implies that they are committing crimes in the course of trying to prevent crimes.

As much as vigilante groups have assisted in the security of their communities, they have often constituted severe threat to the safety of members of the community for which they ought to offer protection. These local vigilante groups were fond of embarking on extrajudicial and uncivilised practices such as using diabolic amulets, trial by ordeal, wanton

⁵⁰ A Martin & P Wilson, 'The Role of the Private Sector in Security Sector Reform', in M Sedra, (Ed.) *The Future of Security Sector Reform* (The Centre for International Governance Innovation, 2013) 314,322.

⁵¹ MA Kasali, 'Analyzing the Evolution of Private Security Guards and their Limitations to Security Management in Nigeria', *African Journal of Criminology and Justice Studies* [2013] 5 (I &2) 42.

⁵² European Asylum Support Office, 'Nigeria Security Situation: Country of Origin Information Report', (European Union Agency for Asylum, 2021) <<https://euaa.europa.eu/publications/coi-report-nigeria-security-situation-v11-june-2021>> accessed 16 July, 2024.

⁵³ K Nyiayaana, 'Anning Community Vigilantes in the Niger Delta: Implications for Peacebuilding', in JI Lahai, & T Lyons (Eds.) *African Frontiers: Insurgency, Governance and Peacebuilding in Postcolonial States*. Ashgate Publishing, 2015) 131,138.

imposition of curfew, exposing suspects to inhuman treatment, use of torture to extract confessional statements, burning suspects alive. These were culture of impunity that reigned supreme amongst local vigilante practitioners who, in the pretext of protecting community security interest, operate without due regard to the rule of law.

Their lack of accountability, human rights violation and disregard for the rule of law does not depict them as solution to security challenges or alternative to traditional state security operatives as one would expect or anticipate. These issues place non-state security operatives a potential source of security and insecurity at the same time. Thus, they have their own equal share of contradictions and doubts identified with state security paraphernalia. Non-state policing actors often criticised for not being accountable. The enactment of legislative framework, internal institutional discipline, auditing instrumentality and external oversight measures are means of ensuring and enhanced the accountability of these groups. However, the implementation of these lofty standards is a question that needs to be answered even in respect of controlling and regulating personnel of state security operatives.

The operations of vigilante groups received the disapproval of the Supreme Court in the case of *Ndubuisi v. State*. The appellant, in company of three other members of the Bakassi Boys group, were involved in the extra-judicial killing and incineration of two persons reported to be armed robbers. They were charged, pronounced guilty and accordingly sentenced for the offence of murder. Upon appeals, the Court of Appeal confirmed the sentence of the trial court. A further appeal to the Supreme Court was dismissed. The appellant argued that they have lawful authority from the Abia State Government which licensed them to operate and were actually informed them about the location of the suspects thereby provoking them into murder the suspects. In rejecting this argument, the Supreme Court noted that "the appellant admitted that the Bakassi Vigilante Group to which he belonged was an unlawful association that dealt with criminals with extreme measures... the Bakassi boys were nothing but outlaws; lawless persons operating outside the laws of the land..."

To guarantee effective security in the state, there is need for corporation between the informal security entities and the formal security institution, particularly the Police. Despite the efforts

⁵⁴ Audu, *ibid.* (n. 36) 79.

⁵⁵ S Merz, 'Security by Militia, but for Whom? Non-State Actors and Security Governance in Nigeria' (Simons Papers in Security and Development 9, 2010) <<https://www.semanticscholar.org/paper/Security-by-Militia%2C-but-for-Whom-Non-State-Actors-Mertz/0f39012cd7729de973f9e07ca15ec4d71158f387>> accessed 17 April 2024.

⁵⁶ B Baker, 'The Future is Non-state', in M Sedra, (Ed.) *The Future of Security Sector Reform*. (The Centre for International Governance Innovation, 2010) 208,215.

⁵⁷ (2018)LPELR-44908(SC) 17.

⁵⁸ *ibid.*

to create a cordial relationship between the police and local communities, such relationship is virtually still non-existent. Most Nigerians still express contempt for the Nigerian police. This makes effective policing to become an unrealistic attainment due to the meagre trust which the people have for law enforcement agents. Local residents actually know the identity of criminal actors within their vicinity but will not be willing to make report to the police for fear of being falsely roped in for the crimes by the police. There are several instances where criminal complainants have been charged and prosecuted as criminal suspects by the Nigerian Police. *Baruwa v. State* is a case in point where a complainant was surreptitiously converted to a criminal suspect.

In the *Baruwa* case, the appellant noticed a stranger within his vicinity who was vomiting, reek of alcoholic and whittling in excruciating pains. He quickly dashed out and report the incident to the police. Some police officers returned with him to the scene, only to discover that the man had died. Baruwa and one other man named Lamidi was arrested and charged for the murder of the stranger. Both persons were convicted and accordingly sentenced to death for the murder of the stranger. Unlike Lamidi, Baruwa was lucky not to have died in detention before his appeal was determined by the Supreme Court 11 years after he was convicted at the trial court. Luckily for the appellant, the Supreme Court upturned Court of Appeal decision which upheld the judgement of the trial court.

In a landmark decision discharging and acquitting the appellant of the murder conviction, Uwaifo, JSC captured the plight of citizens who seek to assist the police in security duties when he stated that: "all he [Baruwa] seems to have done was to report to the police, as any good citizen is expected to do, that an unknown man was lying dead or dying unattended to in a public place near the water side... that earned the appellant his long incarceration and agony." The learned jurist noted with regret that instead of getting compensation for the hurt obtained from the maladministration of justice, the appellant "goes home broken, maybe thankful to Almighty God, with no hope of redress but with regret that he played the good citizen to his undoing". It is observed that incidence as these tend to be a reference point that warns and refrains other citizens from making crime reports to the police for public interest. This is because, it would not be in their person's interest to do so, due to the attitude of the

⁵⁹ (1996)4 NWLR(Pt.390)467.

⁶⁰ *ibid.*

police roping them in for crime which they did not commit. Regrettably these are issues that could have been demystified by proper investigation.

7.0 Conclusion

Over the years, there have been several instances of unabated violence arising from insurgency, banditry, secession, religious conflicts and general insecurity. The shortcoming of the centralised security system in dealing with this situation, tantamount to national security breach, has given rise to clamour for a decentralised security system across the country. Thus, various states, region and communities, in a bid to fill up the security gap in the centralised system, clamoured for state police, creation of regional security outfits, such as AmotekunCorps, Operation Shege ka fasa, Ogbunigwe, and other community vigilante outfit. These steps are sharp contrast with the centralised system created by the constitution, thereby interrogating the constitutionality of these bodies. Another legal challenge to these self-help security outfits is the Firearms Act which limits their ability to bear arms.

This study finds that these informal security entities provide viable option for guarantee of security of lives and property in Nigeria. Their operations are, however, limited by their inability to bear arms or adequate arms to match the aggression of security dissidents. The informal security outfits are also associated with breach of human rights. These bodies should be made accountable to constituent authorities in their operations. To ensure that they function effectively, it is essential that they work hand in hand with the formal security entities of state in this regard.

⁶¹ AOlatunbosun, 'Compensation to Victims of Crime in Nigeria: A Critical Assessment of Criminal- Victim Relationship', *Journal of the Indian Law Institute* [2002] 44 (2) 223.