An Appraisal of the Legal Framework for Combatting Insecurity in Nigeria

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Abstract

Insecurity is a significant challenge that Nigeria has been grappling with for many years, affecting the safety and well-being of citizens and hindering the nation's development and progress. This study adopts the doctrinal method of research to explore a legal approach to addressing insecurity in Nigeria, focusing on the constitutional provisions and legal frameworks that govern the government's responsibilities in maintaining security, protecting lives and property, and promoting the welfare of its citizens. The Nigerian Constitution establishes the government's duty to ensure national unity, protect the integrity of the nation, and promote the social welfare of its citizens. The Constitution also addresses the establishment and maintenance of the armed forces and the police. By analyzing constitutional provisions and other legal frameworks, this study offers insights into how Nigeria can tackle insecurity through effective governance and adherence to the rule of law. It highlights the need for coordinated efforts between the government, security agencies, and society at large to address the root causes of insecurity, including socio-economic and political inequalities. The findings of this study provide a comprehensive understanding of the constitutional principles and legal mechanisms that can be leveraged to enhance security and promote a peaceful and prosperous society. The study concludes with recommendations for policy and legislative reforms aimed at strengthening the legal framework and improving the government's ability to address insecurity effectively.

Keywords: Constitution, Human right, Legal framework, Insecurity, Nigeria

1. Introduction

Sociological jurists have the perspective that the law should be viewed as a tool for bringing about social change or transformation in its relationship with society. Without laws and a functioning system of law enforcement, society would devolve into chaos. There will be no rights and duties, and any alleged rights and duties will not be respected or protected. The situation will be as if there were no rights and duties at all. Both rights and responsibilities will be rendered meaningless. It would be impossible to live in an orderly and righteous manner.[1]

It was reaffirmed in the words of Thomas Hobbes that without law, life would be brutish, nasty, and short. If things continued as they are today in every corner and nook of Nigeria, there would be chaos and anarchy. This is, however, based on the premise that a society in which the rule of law is operational must have respect for the rule of law and human rights in order to have an orderly, stable, and prosperous society. This is stated in sections 34–36 and 42 of the 1999 Constitution of the Federal Republic of Nigeria[2].

The question: "is Nigeria at a crossroads in terms of the safety of its people and the continuation of the entity called Nigeria?" is one that can be asked with some degree of legitimacy. In the northern region of Nigeria, the jihadist group known in Arabic as Jama'atu Ahlus-Sunna

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[1]Doug McAdam, Toward a general theory of strategic action fields.29 No. 1, Sociological *Theory*, 2011.

[2] CFRN 1999 (As amended).

Lidda'Awati Wal Jihad (also known as Boko Haram), which loosely translates to "Western civilization is forbidden" in the Hausa language, has wreaked havoc and caused untold hardship over the past two decades, and more recently. The United Nations Security Council,[3] the European Union, the United States of America, and various other economic groupings have all formally designated Boko Haram as a terrorist organization.[4]

The increased risk to both people's lives and their property in recent years in Nigeria is one of the country's most troubling trends. The continued existence of Nigeria's security problems poses a risk to the country's ability to support its corporate sector. Although some of these challenges date back to before the modern nation of Nigeria was founded, many more of them have surfaced in the past few years, which has made the conflict environment in the country worse. There are a number of contemporary forms of insecurity, many of which are directly related to socio-economic and political inequalities. Some of these forms of insecurity can be traced back to ethno-religious crises, perceived marginalization, as well as actual and perceived injustice. As a result, the intractable nature of security concerns is due to the contribution of a number of different factors.[5]

Multiple types of instability exist throughout the six geopolitical zones, jeopardising the country's stability and widening its fault lines. Bandits continue to rule communities in the rural areas in parts of North-West and North-Central zones, which have the unflattering label "ungoverned spaces", owing to lack of government's presence. Separatist agitation is common in the South-East, manifesting itself in attacks on government institutions and the killing of citizens deemed to be not too sympathetic to the secessionist cause.[6]

The North-Central, also known as the Middle Belt, is home to an avalanche of ethno-religious confrontations, herder-farmer conflict, and growing terrorist acts because of expansionist agenda of some of the terrorist groups. The South-South is still a hotbed for militancy resulting in economic sabotage of the mainstay in Nigeria's economy — crude oil; while the South-West is witnessing a rise in ritual killings, cultism, and increased herder-farmer clashes.[7]

The purpose of this research work is to give a legal approach to insecurity in Nigeria, the many facets of the drivers and manifestations of insecurity in Nigeria and to recommend solutions to the multi-dimensional challenges.

2. Literature Review

Oluwole[8] explores the causes and consequences of insecurity in Nigeria. According to the author, one of the primary causes of insecurity is socio-economic inequality, which exacerbates tensions

[3] UNSC SC/11410 press release

[4] Y. Bodansky, The Boko Haram and Nigerian Jihadism, *ISPSW Strategy Series: Focus on Defense and International Security*. <https://www.files.ethz.ch/isn/187751/318_Bodansky.pdf> accessed 08 October, 2024.

[5] Gbolahan Samuel Moronfolu, Nigeria @61: Role of Security in the Face of Increasing Internal Threats, ThisDay (2021) <https://www.thisdaylive.com/index.php/2021/10/04/nigeria-61role-of-security-in-the-face-of-increasing-internal-threats> accessed 8th October, 2024.

[6] ChigozirimOdinkalu, Security and Governance in North-East Nigeria.pdf, *Academia 2021*<https://www.academia.edu/32164703/Security_and_Governance_in_North_East_Nigeria_pdf?auto=download> accessed 8th October, 2024.

[7] Bello Muhammed, How to Solve the Fulani Herdsmen Versus Farmers Clashes in Nigeria by MIYETTI Allah', Premium Times Online Newspaper, (14 October 2015) <http://www.premium-times-ng.com.html> accessed 8th October, 2024.

[8] T. O. Oluwole, Understanding Insecurity in Nigeria: Causes, Consequences, and Solutions, 2020<https://nationalplanning.gov.ng/wp-content/uploads/2021/08/Insecurity-In-Nigeria-Causes-Consequences-And-Solutions.pptx> accessed 14 October, 2024.

and breeds resentment among different groups. The article suggests that addressing the root causes of insecurity, such as poverty and unemployment, is crucial for sustainable peace and stability in Nigeria. Furthermore, Agbiboa[9] delves into the concept of state failure and its relationship to insecurity in Nigeria. The author argues that the failure of governance institutions, weak leadership, and corruption contribute significantly to the prevailing insecurity. Additionally, the article emphasizes the importance of addressing governance deficits, improving public service delivery, and promoting accountability to effectively combat insecurity. Salawu[10] on the other hand examines the role of ethnic and religious factors in Nigeria's insecurity challenges. The author highlights how ethno-religious conflicts and tensions have fueled insecurity, leading to violence and displacement. The article emphasizes the need for inclusive governance, inter-ethnic and inter-religious dialogue, and the promotion of tolerance to mitigate these factors and foster national cohesion. Obi[11] explores the nexus between governance, insecurity, and radicalization. The author argues that poor governance, lack of social services, and marginalization contribute to the radicalization of individuals and the growth of extremist groups in Nigeria. The article emphasizes the importance of addressing governance deficits, promoting inclusive policies, and engaging in de-radicalization programs to address insecurity effectively. Stephen[12] examines the impact of insecurity on national development in Nigeria. The author highlights how insecurity disrupts economic activities, undermines social cohesion, and hampers infrastructure development. The article calls for comprehensive security sector reforms, investment in human capital, and the creation of economic opportunities to address insecurity and promote sustainable development.

Harmonizing conventional approaches to tackling insecurity with traditional methods may be the epiphany that the nation's security needs to experience in order to minimize security challenges.

3. Brief Highlight of some Forms of Insecurity plaguing Nigeria

The security challenges that Nigeria faces range from religious fundamentalism, herder-farmer clashes, and inter-communal clashes to terrorism and insurgency, armed banditry, militancy, cultism, and ethnic agitations. Other challenges include, militancy, and cultism. The following are examples of some of these concerns regarding security:

Terrorism

Terrorism is a non-conventional form of warfare that is carried out with the intention of destabilizing, disorganizing, or completely replacing the existing political order. An insurgency is characterized by its use of armed groups that are not authorized by the government and political organizations that are not recognized by the law.[13] Terrorist organizations such as Boko Haram, and their offshoot, Islamic States of West African Province (BH/ISWAP), have remained Nigeria's

[9] D. E. Agbiboa, Rethinking State Failure and the Causes of Insecurity in Nigeria, 2018<https://www.justice.gov/eoir/page/file/1405116/download> accessed 14 October, 2024.

[10]Blessing Salawu, Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies, 13 (3) 2010, *European Journal of Social Sciences*, <https://www.researchgate.net/publication/267564274_Ethno-Religious_Conflicts_in_Nigeria_Causal_Analysis_and_Proposals_for_New_Management_Strategies> accessed 15 October, 2024.

[11] C. Obi, Governance, Insecurity, and Radicalization in Nigeria, Vol 8 (2), 2015, *OIDA International Journal of Sustainable Development*,11 – 18 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2586395> accessed 15 October, 2024.

[12]Ajayi O Stephen, Insecurity and National Development in Nigeria, Academia (2021) <https://www.academia.edu/17658091/Insecurity_and_National_Development> accessed 16 October, 2024.

[13] M. C. Ünal, Terrorism versus insurgency: a conceptual analysis, 2016 <https://iusgentium.ufsc.br/wp-content/uploads/2017/03/1-3-Terrorism-versus-insurgency-a-conceptual-analysis.pdf> accessed 15 October, 2024

gravest security threats for more than a decade. In the beginning, the danger was concentrated mainly in the northeastern region of Nigeria, more specifically in the states of Borno, Yobe, and Adamawa. It manifested itself in varying degrees in several other states of the federation, and it has recently spread to parts of North-Central and North-West.[14]

After a recent attack in Owo, Ondo State, which has been attributed to ISWAP, there are indications that the groups are expanding into South-West Nigeria. According to the Armed Conflict Location and Event Data Project (ACLED), between July 2009 and August 2022, BH/ISWAP carried out 1,480 attacks, which resulted in an estimated death toll of 15,111 individuals and the displacement of more than 3.2 million Nigerians (UNHCR Africa)[15].

Banditry

Banditry is one of the many forms of insecurity that Nigeria is currently facing, and it is a cause for serious concern. Banditry is defined as the actual use of, or the threat to use, arms, or any other instrument of force, coercion, or violence, with the intention of robbing people of their material possessions. Since its most recent beginning in Zamfara State in 2010, armed robbery and banditry have taken the spotlight in Nigeria's escalating conflict landscape in more recent years.[16]

There has been an increase in bandit activity in the states of Zamfara, Kaduna, Niger, Sokoto, Kebbi, and Katsina. In more recent times, the danger has spread to additional states, such as Kogi, Taraba, Plateau, and Nasarawa, in addition to the Federal Capital Territory (FCT). Cattle rustling, prolonged inter-tribal conflict, and illegal mining activities, particularly in the states of Zamfara and Niger, are some of the activities that have contributed to the rise and continuation of armed banditry across the country. Other factors that have played a role in the rise and continuation of armed banditry include ungoverned spaces, the proliferation of small arms and light weapons, dire socioeconomic conditions such as poverty and high youth unemployment, and the prevalence of small arms and light weapons.[17]

Militancy

The activities of militant groups are the root cause of the economic war that is taking place across Nigeria, most notably in the South-South (Niger Delta Region). There has been a near-militarization of the entire region by ethnic militia groups and government security forces due to perceived marginalization as well as competition for oil wealth. This has led to increased levels of violence between ethnic groups.[18] The agitation of young people in the Niger Delta, most of whom are jobless and dissatisfied, is another factor that contributes to the rise of militant groups in the region. Militancy is associated with a variety of activities, some of which include economic sabotage, such as the destruction of pipelines; piracy; illegal bunkering; oil theft; the kidnapping

[14]E.l B. Mamman, Public Policy Response to Violence: Case Study of Boko Haram Insurgency in Nigeria, 2020 <https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=10671&context=dissertations> accessed 15 November, 2024.

[15] Accord, Understanding the Herder-Farmer Conflict in Nigeria, <https://www.accord.org.za/conflict-trends/understanding-the-herder-farmer-conflict-in-nigeria/> accessed 15 November, 2024.

[16]J. S. Ojo, Forces of Terror: Armed Banditry and Insecurity in North-west Nigeria, <https://www.tandfonline.com/doi/full/10.1080/17419166.2023.2164924> accessed 16 November, 2024.

[17] Tambuwal: Defective Military Operations in Zamfara Made Sokoto Vulnerable to Attacks, ThisDay (2021) <https://www.thisdaylive.com/index.php/2021/12/12/tambuwal-defective-military-operations-in-zamfara-made-sokoto-vulnerable-to-attacks> accessed 20 October, 2024.

[18] Paul Okumagba, Oil Exploration and Ethnic Militia activities in the Niger Delta Region of Nigeria, Vol. 5 (5), Serial No. 22, *International Multidisciplinary Journal, Ethiopia* <file:///C:/Users/user/Downloads/72294-Article%20Text-157758-1-10-20111117.pdf> accessed 20 October, 2024.

of mostly expatriates for the purpose of extracting a ransom; targeted attacks; and killings; as well as communal clashes.[19] Militancy in the Niger Delta region discourages foreign investment in the construction of new power generation plants. This is in addition to the fact that militancy is largely responsible for the instability that exists in the region as well as Nigeria's current severe energy supply crisis.[20]

Oil Theft

Theft of oil is another form of criminal activity that has been plaguing the Niger Delta region, and it has far-reaching effects on the economy of the country as a whole[21]. According to a report that was compiled by the Nigeria Extractive Industries Transparency Initiative (NEITI), over the course of ten years, oil theft and sabotage resulted in the loss of approximately $42 billion. The extent of the theft of oil and the loss of potential revenue is undeniably an act of economic sabotage in Nigeria given the country's enormous reliance on the commodity.[22]

Secessionist Agitations

The Nigerian state is fragile, and secessionist agitations are a direct result of this fragility. These agitations are in response to what people perceive to be marginalization, injustice, exclusive policies of the government, and unequal distribution of national resources. The Indigenous People of Biafra (IPOB), the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB), the Niger Delta Liberation Front, and Oduduwa Republic agitators are some examples of recent secessionist agitation groups that have emerged.[23]

Some individuals affiliated with these groups have resorted to acts of violence against members of the security forces, as well as attacks on innocent civilians and the use of hate speech, in order to advance their separatist goals. For example, IPOB declared a "sit-at-home order" for individuals living in the South-East states and then began attacking and killing citizens who violated this order.[24] As a direct response to this threat, the Federal Government has criminalized IPOB and labeled it a terrorist organization. The prohibition has not made much of an impact so far in addressing the challenge. The defiant members of the group ramped up their attacks on innocent bystanders and started concealing their identities, which contributed to the proliferation of the phenomenon known as "Unknown Gunmen."[25]

Additionally, incidents of armed robbery, a variety of transnational crimes, gangsterism, inter-communal clashes, kidnappings, herders/farmers clashes, religious fundamentalism, cultism, and

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[19] *Ibid.*

[20] Ngozi Nwogwugwu, Militancy and Insecurity in the Niger Delta: impact on the inflow of foreign direct investment to Nigeria. Vol. 2, No.1; Sep 2012, *Kuwait Chapter of Arabian Journal of Business and Management Review.* <https://www.arabianjbmr.com/pdfs/KD_VOL_2_1/3.pdf> accessed 21st October, 2024.

[21] Titilayo Soremi, The Implications of Oil Theft On Social And Economic Development In The Niger Delta.<file:///C:/Users/user/Downloads/193907-Article%20Text-491117-1-10-20200327.pdf> accessed 24th October, 2024.

[22] Bunmi Aduloju, NEITI: Nigeria lost N16.25trn to oil theft, sabotage in 12 years, <https://www.thecable.ng/neiti-nigeria-lost-n16-25trn-to-oil-theft-sabotage-in-12-years> accessed 24th October, 2024.

[23] K. E. Ezemenaka, Biafra resurgence: State failure, insecurity and separatist agitations in Nigeria, ResearchGate 2016 <https://www.researchgate.net/publication/316559638_Biafra_resurgence_State_failure_insecurity_and_separatist_agitations_in_Nigeria> accessed 25th October, 2024.

[24] OkechukwuIbeanu, Biafra Separatism: Causes, Consequences and Remedies, ResearchGate (2016) <https://www.researchgate.net/publication/312129707_Biafra_Separatism_Causes_Consequences_and_Remedies> accessed 27th October, 2024.

[25] *Ibid.*

periodic electoral violence permeate the landscape of the country, which has negative effects on the cultural, economic, social, and political well-being of the people as well as the country.

4. Some of the Drivers of Insecurity in Nigeria

Ineffective Criminal Justice System

It is essential to have an effective administration of the criminal justice system in order to reduce the rate of crime in the population and guarantee long-term solutions to problems with security. However, due to inherent flaws in the system as well as human error, it is unable to meet the requirements of the challenge in its entirety. Criminals are emboldened and given a sense of impunity when law enforcement and the justice system are plagued with corruption because it makes it easier for them to evade the law. As a result, those who have been wronged are more likely to seek retribution by breaking the law themselves.[26] Many high-profile criminals have cited their participation in criminal activities or extreme displays of sadomasochism as being justified by the fact that they were subjected to extortion and torture at the hands of security agents.[27]

Proliferation of Small Arms and Light Weapons

The spread of weapons throughout Nigeria is one of the primary causes of the country's instability. The term "arms proliferation" refers to the "excessive accumulation and illegal spread of weapons that could have a destabilizing effect on national security."[28] This definition was developed by the United Nations. The various regions of the country are experiencing a significant increase in the flow of illegal firearms.[29] Proliferation of arms is a recipe for disaster, which further emphasizes the connecting line between the proliferation of arms and insecurity. The high level of insecurity that is currently manifesting across Nigeria as a result of this situation is the implication for Nigeria.[30]

High Incidence of Poverty and Unemployment

The World Poverty Clock, which is an online real time aggregator, has stated in the past that Nigeria was once described as the poverty capital of the world. It is estimated that 4 out of every 10 Nigerians are currently living in poverty, but only 17% of Nigerian workers are employed in jobs that provide wages high enough to pull people out of poverty.[31] The National Bureau of Statistics reported that the country's unemployment rate had increased to 33 percent as of the fourth quarter of 2020, placing it in the position of having the world's second highest rate after Venezuela (Bloomberg 2021). In the 2018/19 fiscal year, the National Bureau of Statistics reported that 39.1 percent of Nigerians were living below the international poverty line, which was set at $1.90 per person per day (2011 PPP). However, the consumption levels of an additional 31.9 percent of

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[26] UNDOC, General issues. Public prosecutors as the 'gate keepers' of criminal justice <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-14/key-issues/2--general-issues--public-prosecutors-as-the-gate-keepers-of-criminal-justice.html> accessed 27th October, 2024.

[27] *Ibid*

[28] S. O.Okeniyi and H. E.Ayamasaowei, Nigerian Defence and Security: Essays in Commemoration of Nigerian Defence Academy Golden Jubilee, (Kaduna: Nigerian Defence Academy, 2014) 354

[29] S. B. Morgan, Intelligence report on "Small arms, mass atrocities and migration in Nigeria" gives a detailed analysis of the scale of arms proliferation across Nigeria.

[30] Fidelis Mac-Leva, How Arms Proliferation Fuels Insecurity In Nigeria, DailyTrust<https://dailytrust.com/how-arms-proliferation-fuels-insecurity-in-nigeria/> accessed 30th October, 2024.

[31] World Bank Group, Poverty & Equity Brief, Africa Western & Central Nigeria, April 2021, < povertydata.worldbank.org> accessed 26th October, 2024.

Nigerians were between $1.90 and $3.20 per person per day, making them susceptible to falling into extreme poverty in the event that a shock occurred.[32]

In addition, a high population growth rate, limited job opportunities, and the low value of the naira on the exchange/capital market have further pushed many Nigerians below the international standard for poverty. When there is a high rate of poverty and unemployment, there is a greater chance that people will become involved in illegal activities.

Quest for Resource Control

Nigeria is rich in various natural solid and liquid mineral deposits. There is not a single region on earth that is devoid of a valuable resource. According to the provisions of Section 1(1) of the Nigerian Minerals and Mining Act of 2007, the Federal Government of Nigeria owns, controls, and has the legal right to mine all of the country's mineral resources.[33] In spite of this, insecurities have arisen in numerous regions of the country, including the oil-rich Niger Delta, which has been brought about by conflicts over the control of local resources.

The militants of the Niger Delta, for example, argued that their cause was a form of reaction to the government's neglect of oil spillage as well as the destructive activities of oil exploration in the Niger Delta.[34] They claimed that this neglect included both the spillage of oil and the activities of oil exploration.

In spite of their argument, the actions of militants constitute a form of economic sabotage, which poses a threat to the nation's security. Reports indicate that an estimated eighty percent of mining in the northern region, particularly gold mining in Zamfara, is carried out illegally with support from militia (bandits).[35]For instance, the suspension of all mining activities by the federal government and the subsequent ban on mining by the state of Zamfara had no deterrent effect on illegal mining activities or banditry in that state. Instead, it merely shifted the focus of attacks to more vulnerable civilian communities and commuters, in addition to movement to other state mines, most notably in the states of Katsina and Kano.[36]

Ineffective Security Architecture

There is a degree of overlap between the different statutory responsibilities of Nigeria's various security services and agencies. As a result, it is difficult for them to demarcate their constitutional responsibilities, which frequently culminates in clashes between different personnel on various

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[32] World Bank Group, Poverty & Equity Brief, Africa Western & Central Nigeria, <https://www.worldbank.org/en/topic/poverty> accessed 26th October, 2024.

[33] Maurice Ogbonnaya, Illegal Minning and Rural banditry in North West Nigeria: Response, Successes and Challenges, Policy Brief: Enhancing African Response to Transnational Organised Crime (ENACT), A Funded Project of the European Union, 2. <https://enactafrica.s3.amazonaws.com/site/uploads/2020-11-19-illegal-miningpolicy-brief.pdf> accessed 26th October, 2024.

[34]laosun O. Elijah and J. NtaAbasiama, The Amnesty Programme and the Empowerment of Warlords in the Niger Delta, (A Paper Presented at the Conference on Security, Development and Economic Development in Nigeria, Nigerian Defence Academy, Kaduna, 2017)<https://www.researchgate.net/publication/282501339_Nigeria's_Amnesty_Program_The_Role_of_Empowerment_in_Achieving_Peace_and_Development_in_Post-Conflict_Niger_Delta> accessed 2nd November, 2024.

[35]Ogbonnaya Maurice, How illegal mining is driving local conflicts in Nigeria, ISS Africa, 16 June 2020, <https://issafrica.org/iss-today/how-illegal-mining-is-driving-local-conflicts-in-nigeria>accessed 2nd November, 2024.

[36]NwannahIfeanyi, Bandits relocating from Zamfara, Katsina to Kano gold mining camps, Daily Post Nigeria, 1 November 2021, <https://dailypost.ng/2021/11/01/bandits-relocating-from-zamfara-katsina-to-kano-gold-mining-camps/> accessed 2nd November, 2024.

security matters rather than a joined-up approach to combating crime in an environment with joint security responsibilities.[37]

Cooperation and coordinated efforts are required between or among these agencies in order to achieve an adequate level of overall national security. It is not an exaggeration to say that the fight against insurgency and banditry in the country is unsuccessful, and part of the reason for this is due to the disharmonious disposition of the various security agencies.[38]

Therefore, the government of Nigeria should develop a mechanism that is capable of harmonizing the various agencies, and it should also educate those agencies on the necessity of placing an emphasis on national security above all other concerns.[39] Inadequacies in the production of credible intelligence, including a lack of synergy and poor usage of intelligence products, which have allowed the threat elements to persist and fester, are another factor that has contributed to the worsening of security in the country.[40]

5. Legal Framework for Security in Nigeria

The relevant provisions of some pieces of legislation which regulate the security sector in Nigeria are discussed below.

The Constitution of the Federal Republic of Nigeria 1999 (as Amended)

The Constitution of the Federal Republic of Nigeria 1999 (as amended) encompasses several provisions that pertain to the government's responsibility for ensuring security within the country. These provisions prioritize the security and welfare of the people as the primary objective of the government. Section 14(2)(b) explicitly emphasizes the government's duty to protect the lives and property of its citizens, recognizing that a stable and secure environment is crucial for national development. It serves as a guiding principle for the government's actions in various domains, including law enforcement, public safety, disaster management, and social welfare.[41]

Section 14(2)(c) further solidifies the government's obligation to promote the security and welfare of the people by safeguarding their lives, property, and pursuit of happiness. This provision acknowledges the value of human life and places a paramount duty on the government to take necessary measures to prevent loss of life and create an environment free from fear. It entails establishing effective law enforcement agencies, implementing crime prevention strategies, and ensuring fair administration of justice.[42] The government is mandated to enact and enforce laws

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[37] Abubakar Sulaiman, Why Security Agencies' Duties Overlap – DG Legislative Institute, DailyTrust<https://dailytrust.com/why-security-agencies-duties-overlap-dg-legislative-institute/> accessed 2nd November, 2024.

[38]Mbumega Ayo, Inter-Agency Cooperation: An Approach to Conflict Management and Security Provisioning in Nigeria, (Mbumega Ayo, PhDLecturer II Department of Public Administration, Salem University, Lokoja, Nigeria). <https://www.academia.edu/37118388/Inter_Agency_Cooperation_An_Approach_to_Conflict_Management_and_Security_Provisioning_in_Nigeria> accessed 12th November, 2024.

[39] U. Y.Dangara, Educational Resources: An Integral Component for Effective School Administration in Nigeria, Vol.6, No.13, 2016, *Federal Road Safety Commission (FRSC) RS*<https://files.eric.ed.gov/fulltext/ED578024.pdf> accessed 12th November, 2024.

[40]Lami Sadiq, Experts Want Tinubu To Focus On Synergy Among Security Forces, DailyTrust, <https://dailytrust.com/experts-want-tinubu-to-focus-on-synergy-among-security-forces/> accessed 12th November, 2024.

[41]A. O. Akinola, Nigerian State and the Crisis of Governance: A Critical Exposition, *Sage Journals*<https://journals.sagepub.com/doi/full/10.1177/2158244019865810> accessed 12th November, 2024.

[42]*Ibid*

that protect private property rights, prevent illegal seizure or destruction of property, and foster an environment conducive to investment and economic growth.[43]

Moreover, this provision acknowledges the fundamental human right to pursue happiness. The government is tasked with creating conditions that enable individuals to fulfill their aspirations, pursue their chosen livelihoods, and engage in activities that contribute to personal and collective well-being. This may involve promoting social welfare programs, ensuring access to quality education and healthcare, and cultivating an inclusive and supportive society.[44]

Overall, these provisions in the Nigerian Constitution establish the government's commitment to providing security and protecting the welfare of its citizens. They outline the responsibilities of the government in maintaining law and order, protecting lives and property, and facilitating an environment where individuals can pursue happiness and thrive. By adhering to these principles, the government strives to foster a secure and prosperous nation for its people.[45]

Section 14(2)(d) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) imposes a duty on the government to promote national unity and protect the integrity of the nation. This provision emphasizes the government's crucial role in maintaining the cohesion and security of the country. It recognizes that a united and secure nation is vital for sustainable development, peace, and progress.[46]

Section 217 of the Constitution addresses the establishment and maintenance of the armed forces. It grants the President, as the Commander-in-Chief of the Armed Forces, the authority to determine the operational deployment of the armed forces. This includes their use in defending Nigeria and protecting its territorial integrity. This provision ensures that the President has the power to mobilize and utilize the armed forces when necessary to safeguard the nation's security interests.

Section 218 outlines the powers of the National Assembly concerning the armed forces. It grants the National Assembly the authority to make laws that regulate various aspects of the armed forces, including their organization, discipline, and control. This provision underscores the role of the legislature in providing oversight and enacting legislation that governs the operations and conduct of the armed forces.[47]

Section 219 prohibits the participation of the armed forces in any political activities, except as permitted by the Constitution. This provision aims to maintain the apolitical nature of the armed forces and ensures their focus remains on their core mandate of national defense and security. By prohibiting their involvement in political affairs, this section helps preserve the integrity and impartiality of the armed forces as institutions responsible for protecting the country.[48]

Section 220 establishes the Nigerian Police Force as the primary law enforcement agency in Nigeria. It empowers the Police Force with the responsibility to maintain law and order, protect

[43]*Ibid*
[44] J. D. Smith, Constitutional Provisions on Security and Welfare in Nigeria: A Critical Analysis., 15(2) 2022, *Nigerian Journal of Constitutional Law*, 45-62.
[45] C. O. Okonkwo & O. Adesina, The Government's Responsibility for National Unity and Security: A Comparative Study of Constitutional Provisions. 28(1) 2023, *Journal of Governance and Public Administration*, 78-94.
[46]*Ibid*
[47]M. A. Ahmed, The Role of the Armed Forces in Safeguarding National Security: A Legal Perspective. 10(3) 2011, *Nigerian Journal of Military Law*,120-138.
[48]R. O. Johnson &T. Adebayo, Legislative Oversight of the Armed Forces in Nigeria: Challenges and Prospects. 17(4), 2022, *Journal of Legislative Studies*, 210-229.

lives and property, and enforce laws throughout the country. This provision recognizes the crucial role of the police in upholding public safety, maintaining order, and ensuring compliance with the laws of the land.[49]

These provisions collectively establish the legal framework for the government's responsibilities in promoting national unity, protecting the integrity of the nation, maintaining the armed forces, regulating their activities, preserving their apolitical nature, and entrusting the Nigerian Police Force with law enforcement duties. By enshrining these provisions in the Constitution, the government is provided with the necessary authority and guidelines to fulfil its obligations in these critical areas of national security and governance.

The Police Act 2020

The Police Act 2020 is a comprehensive legislation that governs the operations and functions of the Nigeria Police Force. It was signed into law by the President of Nigeria on September 16, 2020, and it repeals the Police Act Cap. P19, Laws of the Federation of Nigeria 2004. The Act provides a legal framework for the organization, administration, and accountability of the Nigeria Police Force.[50] Here is an overview of the key provisions of the Police Act 2020:

Establishment and Organization[51]: The Act establishes the Nigeria Police Force as a law enforcement agency responsible for the maintenance of public order, protection of life and property, prevention, detection, and investigation of crimes. The Force is organized into various departments, units, and formations, each with specific responsibilities and functions.[52]

Appointment and Tenure of the Inspector General of Police (IGP)[53]: The Act provides for the appointment of an Inspector General of Police by the President, subject to confirmation by the Senate. The IGP is appointed for a single term of four years, and upon attaining the retirement age of 60, the IGP shall cease to hold office.[54]

Community Policing[55]: The Act recognizes the concept of community policing as a strategy for crime prevention and control. It provides for the establishment of Community Police Forums at the state, local government, and ward levels, to enhance cooperation between the police and the community.[56]

Police Service Commission (PSC)[57]: The Act establishes the Police Service Commission as an independent body responsible for the appointment, promotion, and discipline of police officers, except the IGP. The PSC also has the power to receive and investigate complaints against police officers and ensure compliance with disciplinary procedures.[58]

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[49] *Ibid*
[50] IfeoluwaAdediran, Police Power: New Police Act, Same Officers, Premium Times (December 19, 2020) <https://www.premiumtimesng.com/news/more-news/432118-police-power-new-police-act-same-officers.html?tztc=1> accessed 01 December, 2024.
[51] **Sections 1-5**
[52] *Ibid*
[53] Sections 6-7
[54] *Ibid*
[55] Sections 49-55
[56] *Ibid*
[57] Sections 29-38
[58] Buhari signs new police law, *Premium Times* (September 17, 2020) <https://www.premiumtimesng.com/news/more-news/415277-buhari-signs-new-police-law.html?tztc=1> accessed 01 December, 2024.

Police Complaints Response Unit[59]: The Act establishes the Police Complaints Response Unit, which is responsible for receiving and resolving complaints against police officers. The unit is tasked with ensuring transparency and accountability in police operations and improving public confidence in the police.[60]

Human Rights and Professional Standards[61]: The Act emphasizes respect for human rights in police operations and mandates the training of police officers on human rights, ethics, and professional standards. It prohibits torture, cruel, inhuman, or degrading treatment and sets out disciplinary measures for police officers who violate human rights.[62]

Funding and Budgetary Provisions[63]: The Act provides for the funding of the Nigeria Police Force through the annual appropriation by the National Assembly. It mandates the submission of budget estimates by the IGP to the President, who will transmit it to the National Assembly for approval.[64]

Oversight and Accountability[65]: The Act establishes the Police Council, which is responsible for the general supervision, control, and direction of the Nigeria Police Force. The Police Service Commission and other oversight bodies have the authority to ensure accountability and adherence to professional standards.[66]

These provisions of the Police Act 2020 highlight specific aspects related to the Police Complaints Response Unit, human rights and professional standards, funding and budgetary provisions, and oversight and accountability. The establishment of the Police Complaints Response Unit aims to address complaints against police officers and improve transparency and accountability. Emphasizing human rights and professional standards ensures that police operations are conducted with respect for individual rights and sets disciplinary measures for violations.[67]

The Armed Forces Act 2004

The legal framework for the Armed Forces Act in Nigeria is primarily based on the Armed Forces Act of 2004.[68] This Act serves as the foundation for the administration, discipline, and regulation of the Nigerian Armed Forces, which includes the Nigerian Army, Nigerian Navy, and Nigerian Air Force.[69] Here are the key aspects of the legal framework outlined in the Act:

Composition and Command Structure[70]: The Armed Forces Act establishes the composition and organization of the Nigerian Armed Forces, including the hierarchy and command structure.

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[59] Sections 79-82
[60] *Ibid*
[61] Sections 83-91
[62] *Ibid*
[63] Sections 125-127
[64] *Ibid*
[65] Sections 8, 9, 30-33
[66] I*bid*
[67] B. M. Olusegun, A Critical Appraisal of the Nigerian Police Act, Harlem Solicitors <https://www.harlemsolicitors.com/2021/01/05/a-critical-appraisal-of-nigeria-police-force-act-2020/> accessed 04 December, 2024.
[68] Sections 1-146
[69] F. U. Okafor &B. N. Eze, Preserving the Apolitical Nature of the Armed Forces: A Comparative Analysis of Constitutional Provisions. 38(2) 2023, *International Journal of Comparative Law*, 345-365.
[70] Sections 3-7

It designates the Chief of Defence Staff as the overall head of the armed forces (Section 3) and delineates the roles and responsibilities of various military ranks.[71]

Discipline and Offenses[72]: Within the Armed Forces Act, provisions are outlined to maintain discipline among military personnel. It specifies the powers and responsibilities of commanding officers in upholding discipline within the military.[73]The Act defines military offenses, ranging from disobedience of orders to more severe offenses like mutiny,[74] and prescribes the corresponding penalties for each offense.[75]

Courts-Martial and Judicial Process[76]: The Act provides for the establishment of courts-martial to try military personnel accused of offenses. It outlines the composition, powers, and procedures of these military courts.[77] The Act bestows the court-martial with the authority to conduct trials, impose sentences, and handle appeals.[78]

Service Law and Regulations[79]: The Armed Forces Act grants authority for the creation of service laws, regulations, and orders to support the effective functioning of the armed forces. These regulations may encompass various aspects of military life, including recruitment, training, service conditions, promotions, and discharge from service.

The Armed Forces Act of Nigeria provides a comprehensive legal framework for the administration, discipline, and regulation of the Nigerian Armed Forces. It encompasses provisions from Sections 1 to 146 that establish the composition and command structure, define military offenses and penalties, outline the judicial process through courts-martial, govern arrest and trial procedures, establish mechanisms for addressing complaints and grievances, and authorize the creation of service laws and regulations. Through this Act, the Nigerian Armed Forces operate under a structured legal framework that ensures discipline, accountability, and the proper functioning of the military establishment.

Terrorism (Prevention and Prohibition) Act, 2022

The Terrorism (Prevention and Prohibition) Act 2022 repealed the Terrorism Act 2011, the Terrorism (Amendment) Act 2013 and provides an enhanced framework to prevent, prosecute and punish acts of terrorism. However, some of its provisions raise concerns. Section 64 of the Act provides for investigation and search of premises by the officer of a relevant agency without warrant, in a case of verifiable urgency, threat to life, or in order to prevent the commission of an offence under the Act. Under this provision, a search may commence while a warrant is being sought. While the rationale for this course of action may be valid, enforcement may still be subject to abuse. It is important to objectively define situations that fall under the purview of this provision for clarity.[80]

[71]Section 4-7.
[72] Sections 8-33
[73]Section 8-10
[74]Section 12-21
[75]Section 22-33
[76] Sections 34-78
[77]Section 34-48.
[78]Section 49-78
[79] Sections 118-146
[80] Terrorism Act, Proceeds of Crime Act 2022 Raise Concerns<https://placng.org/Legist/terrorism-act-proceeds-of-crime-act-2022-raise-concerns/> accessed 04 December, 2024.

Section 66 provides for the detention of a suspect for a terrorism-related offence for a period of 60 days using an order obtained through an ex-parte application to the Court. Such detention is intended to last until the conclusion of investigation and prosecution of the matter. It further provides for a renewal of the detention period but requires the involvement of the Attorney-General of the Federation by the relevant enforcement agency for renewal. This provision appears to be in contravention of section 35(4) and (5) of the 1999 Nigerian Constitution, which provide that a person arrested and detained for a criminal offence be charged to court within a reasonable time (1 to 2 days). It also raises the issue of the possibility of arbitrariness by enforcement agencies.[81]

Section 56 of the Act empowers the Registrar General of the Corporate Affairs Commission or the Director of the Special Control Unit against Money Laundering (SCUML) to sign a certificate refusing or revoking the registration of a non-profit organisation based on criminal intelligence reports, grounds of national security or reasonable suspicion of terrorist links. Although the affected organisation may apply to the Court for a review of this decision, the provision still raises concern about the possibility of abuse by the government.[82]

The Proceeds of Crime (Recovery and Management) Act 2022 generally provides the legal and institutional framework for the government to recover and manage proceeds derived from unlawful activities, as well as unclaimed properties reasonably suspected of being proceeded of crime. A provision of concern in the Act is section 74, which places the burden of proof on a defendant in proceedings under the Act, to prove that he or she is the legitimate owner of goods suspected to be proceeded of crime or derived from unlawful activity, or to prove that the assets are of legitimate origin. This provision appears to contradict section 36(5) of the 1999 Constitution which provides that a person who is charged with a criminal offence shall be presumed innocent until proven guilty. The position of Nigerian law on burden of proof is that a person who makes an allegation has the responsibility to prove it. This principle is embedded in section 131 of the Evidence Act 2011.[83]

The rationale of placing the burden of proof on the defendant in section 74 of the Terrorism Act 2022, appears to be the Nigerian government expanding the scope of liability and basing it on the need to conform to Article 12(7) of the United Nations Convention against Transnational Organised Crime (UNTOC) which provides that:

> *States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law and with the nature of the judicial and other proceedings.*

However, it is clear that this provision is merely advisory and cannot override the principles of natural justice and rule of law recognised in the Nigerian Constitution.

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[81] UNODC, User's Guide to the Terrorism (Prevention) Act, 2011 (TPA)as amended bythe Terrorism (Prevention)(Amendment) Act, 2013 (TPAA)<https://www.unodc.org/documents/nigeria/UNODC_Users_Guide_to_Terrorism.pdf> Accessed 04 December, 2024.

[82]Terrorism Act, Proceeds of Crime Act 2022 Raise Concerns <https://placng.org/Legist/terrorism-act-proceeds-of-crime-act-2022-raise-concerns/> accessed 04 December, 2024.

[83]Dayo Adu, Proceeds Of Crime (Recovery And Management) Act, 2022, Mondaq (15 August 2022) <https://www.mondaq.com/nigeria/crime/1221592/proceeds-of-crime-recovery-and-management-act-2022> accessed 05 December, 2024.

6. Conclusion

Nigeria is currently grappling with a range of security challenges that pose significant threats to the country. These challenges include terrorism and insurgency, militancy, banditry, separatist agitations, and kidnappings for ransom, among others. The consequences of these security challenges are deeply felt, particularly in rural areas where the impact is most severe. The Nigerian society as a whole is greatly affected, with a pervasive sense of insecurity and a lack of safety among the population. Addressing the issue of insecurity in Nigeria requires a comprehensive and multi-faceted approach. It is crucial to identify and address the structural gaps that serve as underlying drivers of insecurity. This approach entails tackling the root causes of these challenges, implementing measures to enhance security forces' capabilities, and engaging in community-based initiatives to foster trust and cooperation between security agencies and the population. By employing the necessary measures in a timely and appropriate manner, it is possible to effectively address insecurity and work towards its drastic reduction.

7. Recommendations

To effectively address insecurity in Nigeria, the following recommendations are proposed:

1. **Prioritize Dialogue and Soft-Approach to Conflict Resolution:** Constructive engagement of all stakeholders is crucial in resolving conflicts and addressing underlying issues. Establish community-level conflict mediation and resolution structures that involve traditional rulers, women and youth representatives, vigilantes, and security agencies. Incorporate these structures into the local government infrastructure and make them part of the community governance system.
2. **Enhance the Role of Traditional Justice Mechanisms:** Traditional rulers possess immense social influence and command respect within their communities. Reinforce their roles as custodians of tradition and culture by empowering them to mediate disputes and promote peace. Recognize their capacity to preserve peace, reconcile conflicting parties, and build social cohesion. Traditional platforms for truth-telling and reconciliation can foster forgiveness and unity within affected communities.
3. **Promote local mechanisms for Alternative Dispute Resolution (ADR):** Promoting local mechanisms for ADR is another essential step towards addressing emerging conflict indicators and enhancing trust among communities. By engaging all stakeholders in constructive dialogue and mediation, conflicts can be resolved at the community level, contributing to lasting peace and social cohesion.
4. **Give Constitutional Recognition to the Role of the Traditional Institutions to Maintain Security:** Asides the continued advocacy for state police and strengthening of community police which is highly recommended, constitutional provisions which empowers state recognized traditional rulers to maintain and oversee local security organisations are also advocated. It is the belief of the authors that people who are local to particular villages will be more committed to defending their villages from attack because of their emotional attachments to their homes as a man will do anything to secure his household. With proper training and relevant ammunition, these local security organisations will effectively police villages which are not well policed, and they will in turn be constitutionally answerable to their traditional rulers who in turn should submit periodic reports of their operations to the state.

5. **Constructive Engagement of Unemployed and Unskilled Youths through Education and Vocational Training:** To combat youth unemployment and provide opportunities for skills development, targeted employment and vocational training programs should be established. These initiatives should prioritize the needs of unemployed and out-of-school youths. State-funded vocational training centers should be established nationwide, offering training in areas such as technology, agriculture, mining, entertainment, and sports.
6. **Increase Security Sector Manpower:** Addressing the shortage of personnel in the Nigerian security forces is crucial for enhancing national security. Increasing the number of security personnel to align with the United Nations recommendation of one police officer per 400 citizens is necessary.