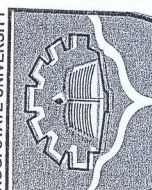


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EDITORIAL COMMENTS

The first volume of the Kogi State University Law Journal, a publication of the Faculty of Law, Kogi State University, Anyigba, Nigeria, was published in 2007, a period of more than four years ago. The publication of the second volume had long been overdue.

Although, my appointment as Acting Dean of the Faculty of Law on the 17th January, 2011, was the least expected, publication of subsequent volumes of the journal was one of the challenges which I promised to take by the horns.

Before my elevation from Head of Department, Public Law to Acting Dean of the Faculty, I was the Editor-in-Chief of the Kogi State University Bi-Annual Journal of Public Law. On my quality I received with glee many articles from scholars for the Volume 5, 2011. It is gratifyingly crucial to reveal that some of the articles sent to me for publication in that journal are published in this Faculty journal. But that is not to say that the journal is at the brink of collapse or has been sunk into oblivion. We cannot debunk the fact that the journal was built on strong-not shaky-foundation and will continue to stand on strong foundation, most especially that Benjamin Ogwo, a hard-working scholar, is the Editor-in-Chief of the journal. I have no doubt in my mind that he will achieve wonders over the crowning glory of my work.

The fifteen scholarly articles in this journal cover a wide spectrum of law. The journal, therefore, receives with warm arm, unsolicited manuscripts for editorial consideration for publication. Needless to say that views expressed by contributors in this journal are strictly those of the individual authors and do not in any respect represent those of the Board of Editors.

Have a joyous reading in this edition.

Timothy F. Yerima, Ph.D.
(Editor-in-Chief)

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fact remains that female sex abusers and male victims exist in substantial numbers and varieties, and as such the law should be made a viable instrument to protect both sexes from victimization; the law should ensure that everybody has a freedom to the dignity of his or her body, and be shielded from unwanted sexual assaults. In essence, Nigeria law should emulate the critical reforms that had taken place in other jurisdictions and in their statutory definitions and scopes of sexual offence of rape, and inscribe it in a gender neutral language so that equal protection can be accorded both male and female genders.

A PANORAMIC VIEW OF THE NIGERIAN POLICE FORCE AND CRIME PREVENTION METHODOLOGY

Mahmud K. Adebayo
Abubakar Bunu

1.0 INTRODUCTION

There is no precise and complete definition of crime in view of the many perspectives to the phenomenon. For instance, crime could be said to be a legal wrong, the remedy for which is the punishment of the offender at the instance of the state.⁵⁹⁶ Justice Fakayode (rtd) Chief Justice of Oyo-State, Nigeria dissect crime in its component parts by stating that crime is an act or omission proscribed by the state and has a punishment for its occurrence.⁵⁹⁷

Section 2 of the Criminal Code Act defines a crime or offences as: "An act or omission which renders the person doing the act or making the omission liable to punishment"⁵⁹⁸

A similar provision is the provision Section 3 of the Penal Code,⁵⁹⁹ and from a sociological perspective, crime is a form of deviance, and therefore a social problem in any society. Fuller and Myers categorized social problem as a condition which is defined by a considerable number of persons as a deviation from social norms/rules of conduct which they cherished.⁶⁰⁰

According to Rugbere, the designation of behaviour as crime, a special case of the more comprehensive category of deviance indicates that the behaviour is formally defined as illegal through the codification of laws which assumed to embody the societal

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⁵⁹⁶ Rughere, W.J 'Crime Prevention' *Journal of the Kuala Lumpur Royal Malaysia Police College*, No. 3, 2004

⁵⁹⁷ Fakayode, E.O The Nigerian criminal Code Companion (Benin- Nigeria;

Ethiopia Publishing Corporation, 1985) p.2

⁵⁹⁸ Criminal Code Act Cap77 LFN, 1990

⁵⁹⁹ Penal Code Cap 345 LFN 1990

⁶⁰⁰ Fuller, R.C, and Myers, R.R "The Natural History of a Social Problem" cited in Johnson, E.H, Illinois, The Dorsey Press, 1973) p.3

consensus.⁶⁰¹ Therefore, the concept of crime implies the existence of norms and rules of conduct established through societal consensus; codification of such rules in the form of criminal laws; a deviation from the rules or violent laws; a prescription of sanctions or punishment; and the establishment of agencies of formal controls like the police force to perform regulatory functions.

In the words of R.C Fuller and R.R. Myers, the police is a formal control agent, who has been assigned the duty of conscious enforcing deliberately formulated criminal laws; and that his enforcement activity involves clear cut events such as an arrest which stand out from the daily routine of life.⁶⁰²

The inefficiency of the Nigerian Police Force as a case study, therefore, is generally considered one of the major limitations of the Nigerian society and a core enabling factor for the spread of crimes in our land. The Nigeria police Force is the only body constitutionally empowered to ensure the security of lives and property in Nigeria. It derives its existence from Section 214 (1) of the 1999 Constitution which expressly provides that:

There shall be employed for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section, no other police force shall be established for the Federation or any part thereof.⁶⁰³

Section 4 of the Police Act, 2004 further outlines the general duties of the police as follows:

The Police Shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and properties, and the due enforcement of all laws and regulations with which they are directly charged and shall perform such military duties within or outside Nigeria as may be required of them, by or under the authority of this or any other Act.⁶⁰⁴

The fact that these duties of ensuring order, safety, and security are important to the making of a good society is not in doubt. Section 4 of the Police Act is particularly significant, and the extent to which it

⁶⁰¹ Rugbere, W.J. *op. cit* p.2.

⁶⁰² Fuller, R.C, and Myers, R.R *op. cit* p.4

⁶⁰³ Section 214 (1) of the 1999 CFRN

⁶⁰⁴ Section 4 of the Police Act Cap P19 LFN 2004

is so important is to be construed in the light of section 14(2)(b) of the 1999 Constitution, under the rubric of fundamental objectives and directive principles of state policy, wherein it is stated that the security and welfare of the people shall be the primary purpose of government.

2.0 THE ROLE OF THE NIGERIA POLICE FORCE

One may deduce that to the extent to which the constitution links security to the welfare of the people it is legally empowered to guarantee safety and security. Therefore, security, its efficiency or otherwise is to be construed in relation to its impact on the people it is expected to serve. Thus, in *Onagoruwa v. IGP*,⁶⁰⁵ Niki Tobi JCA (as he then was) had commented on Section 4 of the Police Act along these lines instructively as follows:

Section 4 which is generally worded should be interpreted with utmost care and circumspection; the section cannot be interpreted beyond its already onerous content. It is not my understanding that the section will act like a reservoir to accommodate with ease all police actions, legal or illegal. It is not my understanding that section 4 will act as a spare part to goad all police acts and inactions into legal functionality just by the press of the police button or the alarm of the police whistle. That is not the use that the draftsman has carved out for section 4. Because of its large and apparently volatile language which is generally inimical to the rights of the citizen, section 4 should be interpreted whenever possible liberally in favour of the rights of the citizens.

The Learned Justice later as Justice of the Supreme Court further amplified the functions of the police in relation to citizen's rights in *IBE V. STATE*⁶⁰⁶ thus:

It may be added correctly that the police inefficiency can only be inimical to the law makers objectives. The powers and functions granted in the police Act, and also in the Criminal Procedure Act are not absolute and arbitrary; they are to be exercised with utmost care and responsibility. The presupposition is also clear that the

⁶⁰⁵ (1993) 7 NWLR PT 303 p.49

⁶⁰⁶ (1993)7 NWLR PT 304 p.185.

police is meant to be a functional service institution to advance public interest and the common good. There are existing mechanisms, both within the police Act and other legislations and also existing in form of administrative structures, and international conventions and standards, which are designed to ensure that the police performs optimally and that the jurisprudential goal of creating a safe, orderly and secure society in which life is organized and not hobbesian (that is short, nasty and brutish) is achieved.⁶⁰⁷

Section 215 of the 1999 Constitution creates a command structure for the police force, and further spelled out in sections 6-12 of the Police Act. In Section 13 of the Police Act, the Police are required to take the police oath or the oath of allegiance. Part IV of the Act deals with the powers of the Police. In part VII of the Act, possible offences are outlined. Further offences, all of which are subject to internal disciplinary measures are also listed in the first schedule to the Police Regulations. Sections 339-340 of the Police Act further define the conduct and attributes of a police officer. In section 341, it is stated that every police officer shall be personally liable for any misuse of his powers or for any excesses of his authority. In this respect, the police Act, provides general regulations for police conduct and performances, and places an appropriate accent on accountability.⁶⁰⁸

It is the same accent that informs the establishment in the third schedule to the constitution of the Nigeria Police Council⁶⁰⁹ and the Police Service Commission. The Police Council of which the President is chairman is saddled with three basic functions: the organization and administration of the Nigeria Police Force and all other matters relating thereto (not being matters relating to the use and operational control and dismissal of members of the force); the general supervision of the Nigeria Police Force; and advising the President on the appointment of the Inspector General of Police.

⁶⁰⁷ *Ibid*.

⁶⁰⁸ Abati, R., "The Role of The Mass Media in Enhancing Police Efficiency" Paper Presented at the *Police Service Commission Retreat on Understanding the Mandate and Operations of the Police Service Commission in the Context of the Rule of Law*, MicCom Golf Resort, Ada, Osun State Tuesday, August 19 2008

⁶⁰⁹ Section 9 of the Police Act and Section 153 of the 1999 Constitution.

The Police Service Commission which shall comprise of not less than seven, but not more than nine members is granted powers to appoint persons to offices other than the office of the Inspector General of Police and dismiss and exercise disciplinary control. The Police Service Commission⁶¹⁰ defines the roles, responsibilities of the Commission in greater details. Drawing its membership largely from civil society, the Commission is essentially an oversight body empowered to monitor and evaluate the performance of the police force and to ensure its efficiency and accountability. In terms of their performance, the police are further duty bound to respect the provisions of the Constitution, particularly, Chapter IV dealing with the Fundamental Human Rights of the Nigerian Citizens. The police uniform does not make a police man a special being or creation who may trample on the rights of others.⁶¹¹

The oath of allegiance earlier referred to as in the seventh schedule of the Constitution states that the person taking the oath will be faithful and bear true allegiance to the Federal Republic of Nigeria and that he or she will preserve, protect and defend the Constitution of the Federal Republic of Nigeria. Where a police officer acts *ultra-vires* or violates the Constitution in any way, he can be taken to court and held accountable through judicial process. Acting under express orders from a superior officer, to commit a criminal or illegal act provides no immunity or justification whatsoever.

Nigeria is a signatory to many international conventions including the United Nations trilogy of documents the African Charter on Human and People's Rights, even more immediately relevant are the United Nations Code of Conduct for Law Enforcement Officials 1979, and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These provisions are important not merely because Nigeria is a signatory to them but also because they are reflected in the spirit of our domestic laws and perhaps noteworthy is the reference in Section 4 of the Police Act to the performance by the Nigerian Police Force of duties outside Nigeria by which fact, they would have logically be bound by international standards and regulations.⁶¹²

⁶¹⁰ Police Service Commission (Establishment) Act No.15 of 2001.

⁶¹¹ Abati, R *op. cit* p.6.

⁶¹² *Ibid*.

In addition to the foregoing, the Nigerian Police Force over the years has sought to create internal administrative mechanisms for engaging the public and for gaining feedback on its performance. These include the establishment of a Public Complaints Bureau, Police Community Relations Associations, the Pilot test introduction of a concept of community policing, the creation of police Public Relation Departments, the establishment of an X-squad which monitors police performance on duty, the radio and television, and advertorials in the newspaper on why and how the police are the friends of Nigerians.

It seems clear enough on the basis of the foregoing that the police internally and within the framework of its legal commitments are in principle designed for efficiency in all aspects of its operations, but the paradox is its lack of fidelity to many of these commitments.

3.0 CAUSES OF CRIME AND CRIMINAL BEHAVIOUR

There are several studies and, correspondingly, many schools of thought on the causes of crime and criminal behaviours in the society. Some of these causative factors, which are referred to as foundations of crime, are summarized as follows:

i) Biological foundation;

Prominent advocates of this school are Cesare Lombroso and Enrico Ferri, and have argued that criminals are biologically inferior individuals (salvage and apes), insensitive to pain, excessively idle, lovers of orgies, with an irresistible craving for evil for its own sake. Criminality to them is characteristic of people at primitive stages of biological evolution, who are overly indulgent of their animal instincts, while subordinating their productive energies to the immediate gratification of these instincts.⁶¹³

The biological school believes that genetic traits underlie human behaviour, and that a substantial fraction of human behavioural variation is based on genetics differences. A predisposition towards crime is seen as a genetic inheritance. Each individual is genetically unique, and distinguished by brain code and biochemical impulses. Brain code, biochemical abnormalities of the brain or neurological

disorders may explain why it is difficult for some individuals to learn the right values and norms of the society and their predisposition to crime, aggressive or aberrant behaviour.⁶¹⁴

ii) Social Disorganization Foundation:

The thrust of this school is that there is a nexus between increasing urbanization and social dislocation or disorganization of individuals, leading to aberrant behavior like crime. The school observes that the societies of the world are witnessing increasing urbanization arising from constant migration of people from small towns and rural settings to large scale urban industrialized areas. The resultant effect that social institution are having difficulty of absorbing mass movement to the cities resulting in the breakdown of social order and various forms of crime.⁶¹⁵

iii) Social Inequality Foundation:

One of the commonly shared values in a society is the idea that individuals have equal access to the available resources and opportunities. The main rule of conduct in this context is meritocracy, whereby whatever the individual achieves is seen to have been merited. Failure to achieve is considered not to be the result of denial of opportunity, but due perhaps to the individual's incapacity or inadequacy to succeed in the competitive environment. But modern society is much more marked by the social stratification. Class distinction is becoming more pronounced due principally to unequal access to the resources of states. The ensuing frustration may be expressed in the form of crime as characterized by the inability of individuals to attain internalized values with accepted or available opportunities in the state which may well trigger off deviant conduct.⁶¹⁶

iv) Economic Foundation

Mismanagement of a national economy lowers the standard of living of the people, causes general poverty, creates mass unemployment, brings about social dislocation, and accentuates local rivalry and competition for the few available resources and opportunities. Those

⁶¹⁴ *Ibid.*

⁶¹⁵ Cooley, C.H Social Organization (New York, Shoken Books, 1962) p.5.

⁶¹⁶ Rugbere, W.J *op cit* p.4.

who feel deprived of the economy fortunes of the country and definitely going to display non-conformity with the situation and non-compliance with the rules of conduct. The deprivation will, therefore, instigate the disadvantaged group to take to crime against perceived perpetrators of the economic injustices. This explains why jobless youths are either of idleness or hopelessness often takes to armed robbery or other violent crime.⁶¹⁷

v.) Political Foundation:

The political foundation of crime could have derived from the activities of political actors and unpopular political decisions. For instance, where elections are rigged, the outcome will be seriously contested usually ending up in violence. The political party that is crookedly cheated out of power game will never accept the legitimacy of the party that rigged itself into power. As a consequence the aggrieved party will embark on violent protests and plots to undermine the political opponent. The unpalatable result has always been massive destruction of property and assassination of opponents.

Political decisions and actions considered irrational and insensitive to local situations have also been potential sources of discord and crisis in the society.

4.0 POLICE AND CRIME PREVENTION METHODOLOGY

The primary task of the police as earlier discussed is to ensure that crime is maintained at tolerable level. This is the pass mark that every police organization fights to attain; it is usually an assessment that comes through public opinion. There are two principal ways of achieving this tolerable crime control in the society. One is conventional police control, which is proactive/preventive and detective methods; while the second method is policy initiative strategizing.⁶¹⁸

Preventive measures are often adopted by the police to forestall the opportunity or avenue for committing crime. This is in appreciation of the fact that it is cheaper to prevent crime than to detect it. The cost

⁶¹⁷ *Ibid.*

⁶¹⁸ Anderson, J. *policing Freedom* (Plymouth: McDonald and Evans Ltd, 1979) p.18.

in human and property that may be lost on an un-prevented crime could in most cases be irreparable, and may well affect the reputation of the police Force as an effective instrument of law enforcement. So the police has over time adopted pro-active measures to curtail crime nationwide.

The strategies adopted by the police are as follows; 1) patrol; this could either be motorized, by foot, aerial, sea and border patrols; 2) surveillance of building and suspected criminals; 3) cultivation of informants; and intelligence gathering on criminal individuals, associates, including receiver of loots, operational hideouts, targets, activities, mode of operations and disposal of loots, 4) decoy methods, 5) incognito operations, 6) raiding of criminal hideouts, 7) arrest and quizzing of suspected criminals, 8) timely checks on pieces of information on suspects and likelihood of commission of a crime, 9) police public cooperation, 10) inter service cooperation, 11) stimulation of crime situations.⁶¹⁹

The detective methods involve crimes that will always escape police prevention strategies. When such crimes occur they are usually subjected to investigations by the police who are usually guided by the following principles 1) ensuring that investigation are thoroughly and exhaustively carried out, 2) ensuring that the facts about crime are carefully assembled and closely examined, 3) ensuring that suspects are rigorously questioned and their statements taken, 4) ensuring that witnesses statements are also recorded, 5) ensuring that exhibits are collected, labeled, and safely kept, 6) ensuring neat compilation of case file, 7) ensuring diligent execution.

However, over the years, the public reactions to the Nigerian Police Force on the question of efficiency are mixed. And it was observed by a commentator: "There seems to be a general consensus that Nigeria Police officers seem to perform so well, they are so efficient and so exemplary when they take part in international assignments, and there have been many international commendations of the Nigeria Police Force to confirm this, but when the same policemen are required to serve the Nigerian people, they behave more like an army of occupation which terrorizes the people, acts outside the province of the law. It is only natural that this raise prompts question

⁶¹⁹ Rugbere, W.J *op. cit* p.8.

of efficiency".⁶²⁰ The verdict is that the Nigeria Police Force is an inefficient public institution. The pervasive opinion is that it is more of an enemy of the people and that, and that, substantially, it has, through the attitude of its men and its processes, compromised its constitutional obligations. The failures of the Nigeria police Force have been fairly well documented in magazines and daily newspapers. For instance, "Rest in Pieces:" Police Torture and Deaths in Custody in Nigeria,⁶²¹ *Remaking the Nigerian Police Force: A Kaleidoscopic Investigation*,⁶²² *Police Community Violence in Nigeria*,⁶²³ and also *Human Rights Practices in the Nigerian Police*.⁶²⁴

In all these studies and others, including media reports, the Nigerian Police Force has been accused and found guilty of brutality, torture, extra-judicial killings, gross indiscipline, human rights abuses, corruption, assault, and rape, abuse of uniform, deception, cruelty, sadism, lawlessness, and extreme inefficiency. The questions are consequently often posed, more out of frustration is? *Who will police the police? Or who will guard the guardian?*

The internal control mechanisms of the Police would seem to have broken down at the feet of the politicization of the police by both the military before now, and currently by politicians, for different reasons, but with same devastating effect of making the police ineffectual. The Nigeria Police Council or Police Service Commission is used by whoever is the president to serve his own purpose.⁶²⁵

The Police Service Commission is under-funded and over the years it has developed a reputation for being somewhat epileptic, and even where it seeks to assert itself, its intervention is immediately politicized. Policemen have no regard either for their oath of office or constitutional provisions, thus indeed the Nigerian Police Officer, who collects bribe in the discharge of his duties, turns his gun on innocent Nigerians and fails woefully in discharging his functions under the Constitution and the Police Act become a bigger threat to

⁶²⁰ Abati, R *op.cit* p. 6.

⁶²¹ Published by Human Rights Watch, 2005.

⁶²² *Ibid* by Taiwo Kupolati.

⁶²³ *Ibid* Etanibi Alamika and Innocent Chukwuma,

⁶²⁴ *Ibid* by Nwankwo *et-al*.

⁶²⁵ Abati, R *op.cit* p. 7.

the Nigerian society.

Our Police stations have become a Nazi camp and the people have learnt to avoid a police force whose men are famous for their accidental discharge of murderous bullets. Very few Nigerians are willing to take the police to court even when their rights have been violated. The inefficiency of the Nigeria Police Force is perhaps most borne out by the wave of insecurity in the country. Nigeria is considered one of the insecure countries in the world due to what was called 'resource curse'.⁶²⁶ Support of this claim was shown during an interactive session with the National Chairman of the Ruling People's Democratic Party, (Vincent Ogbualafor) in May, 2008, foreign diplomats in Nigeria moaned publicly about the insecurity in the country.

On July, 24, 2007, *The Daily Champion* lamented in its editorial column "insecurity in the land" Equally, on October 22, 2007 *the Nigerian Tribune* published an editorial titled "Nigeria's insecurity" confronted with an inefficient and overwhelmed police force, the Nigerian people have been tempted to resort to self help in the form of summary justice, or the creation of alternatives other than the police. Families now live in hostages and neighborhoods that have been turned into prisons with tall fences and barbed wires and streets that are placed under lock and key. For their security, they subscribed to neighbourhood watch arrangements also known as vigilante, ethnic based security units such as the Oodua People's Congress or MASSOB, or private security outfits while hoping that the police, now considered by many as necessary evil would soon become effective and efficient.⁶²⁷

Furthermore, the general impression is that the police as organization is highly inefficient. The arguments made to justify this assertions range from the fact that the police remain essentially a colonial police force designed to keep the citizens in check; in addition, years of military rule has over-militarized the Nigerian police force, making it to be more interested not in service, but wielding and using power and force.

Secondly, it is argued that the Nigerian Police Force is also victim of

⁶²⁶ The 2008 Ranking of People Under Threat by Human Rights Group International.

⁶²⁷ Abati, R *op.cit* p. 10.

the general trend of economic dispossession in the country. Put blindly, it is suggested that the nation gets a police force that it desires. Equally, the Nigerian police Force is poorly funded, it lacks equipment and the capacity to carry out its duties, it's men are perpetually complaining of lack of welfare and on two vivid occasions between 1999 and 2007, the disillusioned rank and file declared a dispute against the Nigerian government and threatened to go on strike.⁶²⁸

The economic dispossession of the majority has resulted in a corresponding explosion of the population of the unemployed and the criminally minded, thus overstretching the police force beyond the capacity. And to a large extent the growth in the population, internal crisis, and crime index has not been fashioned into the development of law enforcement infrastructure.

Thirdly, the top hierarchy of the Nigerian Police Force, there exist the bad eggs. Recently, the Inspector General of the Police lamented the infiltration of the Force by person without the requisite qualifications. Without, a doubt, attempts have been made within the Police to enforce the discipline as represented for example by a report in the Guardian Newspaper of October 13, 2007 titled "*Police Probe 10 officers over alleged torture*" the Police hierarchy is always too quick to promise that it will flush out the bad eggs, but today there are many bad eggs, and sadly they are influential too, and the mechanism for internal discipline is slow and heavily compromised.⁶²⁹

In the writer's observation, these inefficiency and many more of the Nigerian Police Force, may have led to the clamour by some state Governors as well as some stakeholders since 1999, to have argued for the creation of a state police Force and apparent amendment to Section 215 of the 1999 Constitution which vest the control of the Police Force on the President; as it has been argued that this provision is an imperialist which grants the President the power to do as it wishes, as it also renders the state Governors described as chief security officers in their states impotent.

⁶²⁸ Ibid.

⁶²⁹ The Guardian Newspaper of October 13, 2007.

Policy is a course or principle of action often enunciated to achieve stated objective of an organization. It is an alternative strategy adopted after a careful evaluation of current decisions, programmes, and action in pursuing set goals. Policy alternatives reflect prevailing conditions, challenges, and demands of operational environment, and are quite often holistic in nature, as they tend in reshape existing but intellectual policies, taking due cognizance of their weakness and shortcomings.

A policy alternative, therefore, is a tool for empowering an organization with regards to its assigned authority, power and resources in achieving target tasks.⁶³⁰ The Nigeria Police Force has been confronted with a high wave of crime particularly armed robbery, cross-border banditry were all on the increase beyond the level of tolerance of average Nigerian. There were rampant crises ranging from ethnic clashes to religious disturbances, labour and students unrest, ethnic militia were thus visible (the Niger-Delta militancy),⁶³¹ all these overstretching the capacity of the Nigeria to cope, resulting in dwindling of public confidence in the delivery capability of the Force.

The immediate task before the management team under Mr Ogbunaya Onovo (CFR, NPM, fwc), Inspector General of Police was, therefore, to revitalize the Force through policy substitution and substantiation, aimed at repositioning and refocusing the force towards attaining higher achievement rate. Much more disturbing was the fact that the management inherited a Force where the personnel had become so disgruntled about conditions of service that the junior ranks had to on strike.⁶³²

As it were, the operational environment of the Police which the management team met on ground was not an enabling one; as it was adversarial both externally and internally, it was the desire to reverse this trend and win back the confidence and support of the public and more importantly the loyalty and dedication of policemen that the Force came up with the 8-points agenda of a holistic nature

⁶³⁰ Abati *op cit* at p.9.

⁶³¹ Ibid.

⁶³² Ibid.

carefully designed to revamp all the ailing parts of the Force.⁶³³

The 8-points agenda are as follows:- i) massive onslaught against armed robbery, gruesome murder/assassination, and other crime of violence, the methodology for this was the defunct 'operation fire for fire' ii) fast and decisive crisis/conflict management; iii) comprehensive training programme conducive for qualitative policing; iv) serious anti-corruption campaign; v) robust public relations, necessary for our vision of people's police; vi) community partnership in policing; vii) inter service/agency cooperation at all levels down the line; viii) improved conditions of service and enhanced welfare package for all officers, inspectors, and rank and file.

One may discerned from this agenda, therefore that the Force realizes that its reputation and continued relevance lies squarely in its ability to combat crime, especially violent crime in the country. In putting together the policy agenda, therefore, due cognizance was taken of the fact that the contributions of other sectors of the country especially major stakeholders in internal security, help energize and facilitate the stability of the Force to cope with rising wave of crime across the country.⁶³⁴

The policy thrust is to give prime place to the welfare of the personnel who like in any other organization are the active agents that makes things work. Public support for the police operations is also considered very imperative with part of the policy agenda focusing on robust public relations intentioned to advance police – public understanding and cooperation to a higher level of mutual benefit.

The Nigeria police is presently executing this agenda with utmost scrupulousness and seriousness so that its values as a better alternative to strengthening internal security of the country could be validated through concrete and verifiable evidence of achievement and resultant failing crime rates.⁶³⁵

Manifest decline in crime rate coupled with numerous successes recorded by the Police since the inception of the present police leadership are eloquent testimonies to justify the 8-points agenda as

⁶³³ *Ibid.*

⁶³⁴ *Ibid* p.10.

⁶³⁵ *Ibid.*

6.0 OPERATIONAL CONSTRAINTS OF THE NIGERIA POLICE FORCE

The Nigerian government has been doing a lot to improve the delivery capability of her Police Force, yet there are still more that needs to be done, especially some areas are demanding serious attention. These areas constitute what we refer to as the constraint of the Force; and are militating against the effective and efficient crime prevention and control by the Force. These areas, among others, are:

- I) Inadequate arms and ammunitions and riot control equipment for distribution to its formations and commands nationwide;
- II) Inadequate communication gadgets; like telephones, walkie-talkies, radio handset, special signal equipment to be used in remote areas or in tracking criminals;
- III) Manpower shortage as some of the officers in the rank and file category are illiterate, lack of skill and techniques in modern day combatant;
- IV) Lack of serviceable boats, launches and standard jetties in the riverine areas of the country;
- V) Inadequate workshop equipment and tools at the transport and communication departments; and
- VI) Inadequate logistic support and infrastructure such as vehicles, motor-cycles, and office equipments like computers accessories, stationery, and office accommodation as it had been alleged that are even some Commissioners of Police roaming without an office.⁶³⁶

However, over the years the police have continued to increase on its performance standards through gradual and lukewarm attitude. For

⁶³⁶ *Ibid* at p.10.

instance, the police has intensified intra-city/highway patrol by foot, motorcycles and vehicles, surveillance on key and vulnerable points including PHCN, NNPC, and NITEL installations, increased intelligence gathering on ethnic militias, notorious flashpoints across the country like the Niger-Delta region, and states prone to religious crisis, armed robbery and trans-border banditry and criminal hideouts.

The police has equally acquired communication facilities like the telephones, radio communication equipments that are either being upgraded or expanded at some Police formations nationwide. Also the Force has commenced phased implementation of a long term programme of computerization of its operations, especially its crime control activities, to enhance information storage and facilitate retrieval of data for both routine administrative, planning and operational purposes. Training in computer appreciation is currently going on in our Police Colleges, and through seminars and workshops. The idea is to make every police officer computer literate in the next few years, to enhance efficiency in the discharge of duties.⁶³⁷

In addition to operational equipment like patrol vehicles, arms and ammunitions, anti-riot facilities are grossly inadequate. The government is, however, increasing the police logistics by donations of operation vehicles for instance the ones donated by some State Governors particularly in the Eastern part of the country to forestall the activities of kidnappers. Also, ALGON (Association of Local Government in Nigeria) is not left out in this regard.

The Force is also pursuing vigorously Intern-Service/Agency Cooperation on better flow of information and exchange of intelligence between the police and other services, particularly in areas of joint operation planning, review and execution and minimize unnecessary rivalry and antagonism, conflicts and misunderstanding among junior ranks. Recently too, is the emergence of the Community Policing concept. Meaning that the Police will work in partnership with the communities they serve to enhance performance and quality services.

The idea is to institutionalize a people oriented police that will work with the people and for the people. This will foster better social

⁶³⁷ *Ibid* at p.11.

relations between the police and the community members, increase knowledge of the policing needs of the communities, and through collaborative efforts. It is envisaged that by the year ending 2010, the concept will have gained wide practice, popularity and public support.

7.0 CONCLUSION

Crime is a dynamic phenomenon and a persistent social problem worldwide. It is tied to the stability, survival, growth, and development of any country. Real and potential threat to internal security in Nigeria makes crime prevention an issue of constant review and discussion. This is better understood when one takes into cognizance the escalating wave of violent crimes, and its consequences of fear, tensions, frustration, stress and feelings of hopelessness in our various communities.

It is a known fact that no Police organization the world over can claim total perfection in her activities and methods, review and fine tuning, when and where necessary. This will always ensure that criminal activities are under check

Much ado about the hard work to sustain internal security, and peace locally, the Force had been up and doing notwithstanding pressures from neighbouring states. In order to control cross border violence, even international crimes generally. This is because the measure of international peace enjoyed by any nation is also a factor of the external grace that country can boast of from Nigeria's foreign policy.

The Force too in regional cooperation through the International Crime (ICPO/INTERPOL) is achieving success in solving cases of unresolved investigations, the disappearance of thousands of stolen vehicles and properties.

Though Nigeria is faced with a monumental problem in social Politics and economic sphere, there is a national and workable model to take Nigeria out of the quagmire of underdevelopment and poverty. Nigeria is a plural society of nationalities and culture, a potential economic power house with diverse human and capital resources and strategic location in the International arena.

Nigeria has been playing and will continue to that vital role of making our nation safe and secure for genuine business, more so in our present democratic dispensation. Successive Inspectors General of

Police since the return to democratic rule in 1999, have announced one form of reform agenda or the other, mostly targeting the critical issue of welfare, competence, capacity and community relation of the Police Force. What appears to be missing is the political will on the part of the Government and the privileged police elite to turn the police force to an efficient, modern and professional and machinery for service delivery organization.

THE USE OF LITIGATION IN RESOLVING DISPUTES IN THE FOOTBALL INDUSTRY: PROSPECTS AND CHALLENGES

Emmanuel Oluwafemi Olowononi*

1.0. INTRODUCTION

Football is a big business accounting for more than five percent of world trade. In the European Union, some over five million jobs directly and indirectly related to football have been created.⁶³⁸ Football is an integral part of sport and entertainment industry. Football industry is governed by a combination of sports law, law of contract, torts, labour law, commercial law, entertainment law, intellectual property law, and others. Football industry in Nigeria comprises of millions of fans, Nigerian Football Federation, Nigerian Premier League, endorsing and sponsoring multinational companies.

Football as it is today has grown from activities for mere pleasure, enjoyment and fun to complex and commercialized activities. Nigeria and most countries have experienced litigation explosions in what is supposed to be a game and instrument of societal integration. The impact of the law on the sporting field has become increasingly significant and this marks a distinct change from attitudes of the past. In the past, the saying "what happen on the field stays on the field" was sportsmanly and religiously followed. Courts and sports apparently had little connection then.

There are disputes relating to doping, corruption,⁶³⁹ team coach and

*LL.B, LL.M, BL. Principal Counsel, Elim Legal Consult, Abuja, Nigeria. Emmanuel Oluwafemi Olowononi is a Doctoral Researcher, Faculty of Law, University of Ilorin, Ilorin, Nigeria. He may be reached at emmafemi@yahoo.com, +2348036396978.

⁶³⁸I. Blackshaw, "The Court of Arbitration for Sport: An International Forum for Settling Disputes Effectively within the Family of Sport" available at <http://www.tab-cas.org> accessed 2nd August, 2010. In Africa, there seems to be no accurate data but it is however not doubtful that a good proportion of the youth are gainfully employed in trade relating to football both in the continent of Africa and outside the continent.

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