

**THE ROLE OF LAW ENFORCEMENT AGENCIES IN THE PROMOTION AND SUSTAINABILITY OF PARTICIPATORY DEMOCRACY AND RULE OF LAW. A SPEECH DELIVERED BY MR. SUNDAY EHINDERO (IGP) ABLY REPRESENTED BY CP. BUKAR MAINA, COMMISSIONER OF POLICE, KWARA STATE COMMAND ON WEDNESDAY 13<sup>TH</sup> DECEMBER, 2006.**

**PROTOCOL:-**

INTRODUCTION:- Law enforcement agencies are agencies set up by law to maintain internal security of the state. For the purpose of this lectures, this paper shall limit its scope to the role of Nigeria Police Force in the promotion and sustainability of participatory democracy and the rule of law. The word Police is derived from Greek word "POLIS" meaning that part of non-eclesiastical administration having to do with safety, health and order of the state. Greek policing, meant the act of governing and regulating the welfare, security needs and order of the city-state in the interest of the public.

The Oxford English Dictionary sees Police as "The department of government which is concerned with the maintenance of public order and safety and the enforcement of law".

It further defines Police as the civil force which is entrusted with the duty of maintaining public order, enforcing regulations for the prevention and punishment of breaches of law and detection of crime.

From the foregoing, the origin of the Nigeria Police Force dated back to 1861. The Force was regarded as Hausa Constabulary, which its primary duty was to protect the trade interest of the Royal Company along the river Niger in the North. This special constabulary metamorphosed into Nigeria Police Force.

And by virtue of section 214 of 1999 constitution, Nigeria Police Force was established. It occupies a very important position in the maintenance of internal security in democratic society, hence they are given powers by an enabling statute to discharge their task and bring society to order to avoid anarchy and hardship. Section 4 of Police Act cap 359 law of the Federation 1990. State the primary duty of the Nigeria Police, this includes:

- i. Prevention and detection of crime
- ii. The Apprehension of offenders
- iii. Preservation of law and order
- iv. Protection of life and property
- v. The enforcement of all law
- vi. Regulation within which they are directly charged
- vii. Military duties within and outside Nigeria it may require by the Law.

**PARTICIPATORY DEMOCRACY:-** Democracy according to Oxford English Dictionary is defined as "Government in which all adult citizens share through their elected representatives government which encourages and allows the right of citizenship such as freedom of speech, religion, opinion and association, the assertion of the rule of law, majority rule, accompanied by respect for the rights of minorities, treatment of each other by citizens as equals and absence of class feeling".

Democracy as a system of government, rest on the assumption that sovereignty resides in the people who mainly delegate the right in that inherent sovereignty to their elected representative. Thus this presupposed that fundamental and human right of individual are important integral of democratic order. Therefore, the rule of law in a democratic States connote the following:-

- a. Equity before the law
- b. Supremacy of the law
- c. The position of the constitution as the source of the law.

According to Dicey, what the concept seek to address is that every person irrespective of his status life should be treated equal. This means that there should be no arbitrariness in legal dispensation as its relates to the citizen. This preposition is corroborated by article of African charter on human and peoples right, which provides that;

1. Every individual shall be equal before the law
2. Every individual shall be entitles to equal protection of the law.

This provision have been part of the underlying principle of our legal system.

#### THE ROLE OF POLICE AS LAW ENFORCEMENT AGENCY IN THE PROMOTION AND SUSTAINABILITY OF PARTICIPATORY DEMOCRACY AND THE RULE OF LAW, THE JOURNEY SO FAR.

The Nigeria Police is perceived by members of the society as instrument of oppression use by the government of the day as agency that has no regard to fundamental human right, civil order and people of low integrity. And ironically a friend of the public.

However since the assumption of office by the incumbent Inspector-General of Police (IGP) Mr. Sunday Ehindero, the Force has embarked on a genuine transformation with the dream of a new policing characterized with the followings:-

- i. Police that visible and accessible
- ii. Policing with community relation and cooperation with interdependency
- iii. Policing that is essentially proactive
- iv. Policing with accountability
- v. Policing by providing qualitative and quantitative service to the members of the public and the society.

In view of the above, Mr. Sunday Ehindero IGP believed that this dream cannot be achieved without partnership and collaboration of stake holders both serving and retired officers of the force. This he emphasized during his last address to the Retired Police Officers at the Sheraton Hotel, Abuja on the 24<sup>th</sup> November 2005. titled:- A PARADIGM SHIFT IN POLICING NIGERIA AND MY GOAL”. According to him there come a time in history of an organization that the organization has to make a balance sheet, and present it to the stakeholders just as it is presented to general meeting of a company. A balance sheet of Nigeria Police, which he likes to call a Paradigm in Police operation, need to be promulgated within certain fundamental principles. According to him, “A

Paradigm is a model, a theory, a proposition and an assumption of a representation of a territory". This means how efficient and inefficient, a police officer may be if that map is effective or ineffective.

Therefore, the IGP came out with his ten point programmes of actions which are statement of objectives, a statement of mission and barometers by which a policing standard could be adjudged. The mission has its motto: "To serve and protect with integrity". He believed that integrity is the corner stone of that motto because a man without integrity is not a living man. A philosopher said "Take everything that I have but keep my honour intact is preferable to take his honour and leaving him with his possession".

It is based on the principle of fair play, justice and in pursuit of the common goal and humanity he came out with ten point programmes, based on the following:-

- i. Effective crime prevention and control through intelligence-led policing
- ii. Combat of violent and economic crime
- iii. Conflict prevention and resolution
- iv. Community Policing and Police Public Relationship
- v. Zero tolerance for corruption and indiscipline within the force.
- vi. Improving Career development, salary and welfare packages to motivate police officers and thereby promote better service delivery and discipline.
- vii. Re-organization of the investigation outfit of the force to ensure prompt and timely investigation of cases.
- viii. Contributing positively to improving the quality of justice delivery in Nigeria.
- ix. Empowering field officers operationally by devolution of powers to improve standard reliability, consistency and responsiveness of service.
- x. Re-orientate the force Public relations department to focus on improving public perception and image of the force.

He also brought about fundamental changes not only in the organization, but also mode of operation that will provide sustainability, democracy and rule of law. These changes are:-

- i. Decentralization of Police Mobile Force
- ii. Re-Organization of CID
- iii. Encourage Promotion courses
- iv. Discourage corruption to Zero level
- v. Encourage joint border patrol
- vi. Improving on Police Military relation
- vii. Fight against extra-judicial killing

**CHALLENGES:-** This laudable programme in promoting and enhancing democracy in terms of implementations.

- a. Motivation of members of the force. The reputation of the Police has fallen because the society did not understand the dilemma. The dwindling

image of the Police before the public in recent time is cause not by unwillingness of the Police to discharge their duties but the facts that criminal now posses sophisticated weapons, fast moving vehicles and good communication equipments which the government has not provided the Police with. Also the remuneration is poor and with the level of poor remuneration the level of self-actualization is a dream and mirage. As a struggle of average Policeman is between food and shelter.

- b. Nature of training in the Nigeria Police, the need for training and arises as a result of uprising or complaint by civil society. But research has shown that civil society is disappointed in the performance of the Police despite huge amount expended on their training. The reason being that the training did not reflect the training content as a result, on the job performance is very low.

#### RECOMMENDATION AND THE WAY FORWARD

- i. Professionalisation of the Police is essential in a democratic society. The Police are most viable elements of the security sector.
- ii. Need by Federal Government to give quality support in provision of proper equipment and funding instead of unnecessary proliferation of law enforcement agency for instance EFCC, ICPC, NAFDAC, FRSC and host of others to handle matter that fall within the purview of the criminal law for which the Police is statutorily suppose to be responsible. Generally, the success of this agencies is not due to any form of magic training or professional superiority since their personnel are indeed drawn from the Police Force rather due to proper equipment, high level of operational autonomy and adequate funding.
- iii. Presently, Human Right has been introduced I our Police College curriculum. This is to enable every Police Officer to be familiar with the provision of Chapter 4 of the Constitution, which deals with Human right.
- iv. The IGP has began enlightenment campaign on the importance of rule of law to be upheld by the Police. Zonal Headquarters had organized seminars in this regards.
- v. Need for civility by the law enforcers. There is need to show respect and decorum in exercising of their statutory duties, this will promoted and enhance good governance.
- vi. Need to review Police Act and Public Order Act with a view to abrogating provisions in the Act that are in conflict with the Nigeria Constitution.

- vii. Need for civil society group to educate members of the Public about their Human Right and the need to cooperate with Law Enforcement Agencies in the lawful discharge of their duties in Nigeria and to refrain from resenting the Police when they are exercising their lawful power in the course of legally permissible law enforcement activities.

Thank you all for your patience.