



**INTERNATIONAL POLICE EXECUTIVE SYMPOSIUM
WORKING PAPER NO 7**

**LAW ENFORCEMENT IN POSTCOLONIAL AFRICA: INTERFACING
INDIGENOUS AND ENGLISH POLICING IN NIGERIA**

Nnso Okafo

MAY 2007

www.IPES.info

The IPES Working Paper Series is an open forum for the global community of police experts, researchers, and practitioners provided by the International Police Executive Symposium (IPES). It intends to contribute to worldwide dialogue and information exchange in policing issues by providing an access to publication and the global public sphere to the members of the interested community. In essence, the Working Paper Series is pluralist in outlook. It publishes contributions in all fields of policing and manuscripts are considered irrespective of their theoretical or methodological approach. The Series welcomes in particular contributions from countries of the South and those countries of the universe which have limited access to Western public sphere.

Members of the editorial board are Dominique Wisler (editor-in-chief, Khartoum, Sudan), Rick Sarre (professor of Law and Criminal Justice at the University of South Australia, Adelaide), Kam C. Wong (associate professor and chair of the Department of Criminal Justice of Xavier University, Ohio), and Onwudiwe Ihekwoaba (associate professor of Administration of Justice at Texas Southern University).

Manuscripts can be sent electronically to the editorial board (wisler@coginta.com) or National Focal Points (see www.IPES.info).

© 2007 by *Nonso Okafo*. All rights reserved. Short sections of this text, not to exceed two paragraphs, might be quoted without explicit permission provided full credit is given to the source.

The views and opinions expressed are those of the author(s) and do not necessarily reflect those of the International Police Executive Symposium.

Law Enforcement in Postcolonial Africa: Interfacing Indigenous and English Policing in Nigeria

Nnonso Okafo

IPES Working Paper No 7, May 2007

www.IPES.info

ABSTRACT

Most postcolonial African countries are faced with the challenge of reconciling different and often conflicting indigenous and foreign law enforcement systems. The lack of honest, genuine efforts by the postcolonial African State to manage and resolve the conflicts for the welfare of the generality of the citizens exacerbates the anomie engendered by the conflict situations. Nigeria, while not by any means the only postcolonial African State in this situation, typifies it. Successive Nigerian postcolonial governments have ignored, and often fought against, the country's generally effective, efficient, and widely used indigenous law enforcement and social control systems. The official governments' hostilities notwithstanding, the indigenous systems have persisted and are in general use throughout Nigeria. This article argues that law enforcement in postcolonial Nigeria should be redesigned to reflect the centrality of the indigenous systems in Nigerians' lives.

Nnonso Okafo, LL.B., Ph.D.

Professor

Criminal Justice Graduate Program

Coordinator S. E. Regional Seminar in African Studies

Norfolk State University

1881 University Drive, Suite 268

Virginia Beach, Virginia 23453, U. S. A.

Phone: 757 368 6368

Fax: 757 368 4381

nonso@nsu.edu

Law Enforcement in Postcolonial Africa: Interfacing Indigenous and English Policing in Nigeria

Nonso Okafo

Introduction

Social control in postcolonial Nigeria, and most of Africa, is largely divisible into indigenous and foreign types. In the Nigerian example, the indigenous variety is rooted in various Nigerian traditions, customs, and native laws, while the foreign type is English in origin and bears the hallmarks of European culture. It is true that over the years the English social control system in Nigeria has taken on some local Nigerian coloration. Nonetheless, it remains fundamentally English and European. Thus, it is mostly alien to Nigerians. In the present Nigerian setup, the foreign system is called upon to anticipate and regulate lives that are mainly alien to the system. The lifestyle of a Nigerian or other African seems fundamentally different from that of an English or other European. For this reason, the English social control system in Nigeria may be unsuitable to effectively regulate relationships in Nigeria.

The observation that the English-based law enforcement system may not sufficiently guarantee a stable postcolonial Nigeria appears to contradict the country's "modern" status. To many Nigerians and Africans, a postcolonial, modern nation should earnestly pursue social control consistently with the systems and techniques bequeathed to it by its ex-colonizer. Consistently with this mindset, Nigeria's modern social control has to fundamentally agree with the colonial era British system in Nigeria or its postcolonial version. In any case, this way of thinking argues further, social control in postcolonial Nigeria ought to be mostly, if not entirely, consistent with the imported British type. This is a rather curious and unfortunate line of reasoning. There is nothing universal about a European social control system. The English system, as an example, developed from the traditions, customs, and native practices (tribal laws) of England. Thus, the English system is perhaps best suited to regulate relationships among the English, not among Nigerians, all its ethnic nations

inclusive. The prevailing postcolonial setup establishes a dual system (foreign and indigenous). However, most African States, including Nigeria, invest a great deal of resources in promoting foreign social control systems over the indigenous systems. But, since the foreign systems reflect foreign (usually European) norms rather than African norms, the average African suffers from a confused (normless) condition in which the official governing rules of conduct differ from, and do not reflect, the indigenous practices. Such is the case in Nigeria (Okafo, 2005, September 23, Internet).

Despite the African elites' and official governments' tendencies to advocate and promote European social control systems over their indigenous African counterparts, the African systems persist. In the Nigerian example, several factors account for this.

Factors Enabling Indigenous Social Control in a Modern African State

The prevalence and, many would argue, efficacy of indigenous social control in postcolonial African States is well established (see as examples: Nzimiro, 1972; Okereaføzeke, 2002; Elechi, 2006). With the Nigerian State example, this section of this article identifies and briefly examines the reasons grounding indigenous social control. Okafo (2005, March 1, Internet), referring to the August 2004 Okija incident (in which the Nigeria Police Force recovered dozens of human skulls and decaying bodies at the site of Ogwugwu Isiula, Okija, a traditional Igbo shrine in Okija town) as an example of traditional social control gone bad, asks:

“Why do the Okija’s ... exist and flourish among us?” The fact that Nigeria’s official *Criminal Code* criminalizes the type of traditional crime management that apparently occurred in the August 2004 Okija incident makes this question particularly relevant. The *Code* defines this form of native-based crime management as a “trial by ordeal” punishable under sections 207-213. In view of this strong, negative official attitude toward this traditional process, those Nigerians that persist in managing their civil and criminal cases through the deities must be doing so for compelling reasons.

Okafo (2005, March 1, Internet) goes on to identify several explanations for the continued existence and critical role of the Okija’s and other indigenous agencies of law and order in Nigeria (see also Okereaføzeke, 2006).

The following are five of the explanations (see Okafo, 2005, March 1, Internet; Okereaføzeke, 2006). One, (Perceived) Ineffectiveness and Inefficiency of English Law and Justice: In the face of rising crimes, particularly violent personal and property crimes, many, perhaps most, Nigerians view the English system of law and justice in Nigeria as ineffective and inefficient for social control in the country. Two, Alienation From the British-Imposed, English System: The imposed English-based common law system of social control in Nigeria lacks the foundation that it enjoys in its native England. The common law in Nigeria is bereft of the cultural foundation it enjoys in England. Three, Pride in Culture: The continuation and expansion of Nigeria's indigenous social control systems partly derives from many Nigerians' natural human impulse to resist British "substitutive interaction" (Okereaføzeke, 2002, pp. 18-20) policies toward Nigeria. By these policies, colonial Britain sought to destroy, emasculate, or substitute Nigeria's indigenous systems and practices with their British versions. Four, Mounting Evidence Against a "Developing, Modern Nigeria": In virtually every respect, the institutions and infrastructure of the Nigerian State (electricity, roads, medical care, educational institutions, elections organization and supervision, etc.) have degraded substantially. Today, these institutions and infrastructure are, in most cases, far worse than they were under imperial British rule, mainly because of entrenched official corruption. The 2007 Nigerian "elections" evince the immensity of official corruption in the country. In the "elections", the president Olusegun Obasanjo-led PDP political party (which by its actions and words is really a subversive criminal gang), like a slave master, visited widespread corruption, violence, theft, and intimidation on the citizens and allocated votes and victories to PDP candidates without regard to the voters. Witnessing the images of the failures of the Nigerian State, the citizens understandably focus on their ethnic nations and indigenous systems to regulate relationships. Five, Desire for Quick, Inexpensive Justice: Justice in Nigeria's English-based official system is too expensive, time consuming, and insensitive to the indigenous Nigerian culture. The country's indigenous social control mechanisms, on the other hand, appear to satisfy Nigerians' yearnings for quicker, less expensive, and culturally relevant justice and social order.

The five explanations offered in Okafo (2005, March 1, Internet) for the continued and growing uses of indigenous social control in modern Nigeria support the view that the tradition will not die anytime soon. There are compelling religious, cultural, philosophical, ethnic, and material reasons, as well as reasons of official government ineffectiveness, inefficiency, citizens' pride, belief, fear, apathy, and limited resources for Nigerians to use their indigenous social controls, rather than the English-based system. The practice will likely continue and probably expand as more people lose faith in the English-based system. As in other African countries, as long as the foregoing reasons persist in Nigeria, indigenous systems and practices of order maintenance and other social control will remain strong even in a "modern" Nigeria.

With particular focus on law enforcement and based on the Nigerian example, the following sections of this article examine the role of indigenous systems in policing and order maintenance as well as the nature of the relationship between the indigenous systems and the official, European-based law enforcement systems.

Relationship between Indigenous and Foreign Law Enforcement in Postcolonial Africa

Similar to other aspects of social control, justice, and law in indigenous Africa, there is strong evidence that the traditional mechanisms for security maintenance, crime prevention, and general law enforcement remain strikingly relevant in modern Africa. In pre-colonial Africa, the details of the mechanisms varied from one community to another. Nevertheless, the general theme was the furtherance of control, justice, and law in the African societies by using the applicable indigenous strategies and techniques. The indigenous strategies of control, justice, and law in each pre-colonial African society had grown out of the society's traditions, customs, and native laws. Some aspects of social control in contemporary Africa are similar to the pre-colonial practices.

In traditional Africa, security maintenance, crime prevention, and general law enforcement are based on each society's historical circumstances and desires. Thus, most members of each society willfully partake in programs and activities to prevent and control crimes and deviances. Community members, individually and

collectively, play roles in each society's law enforcement efforts. Community members generally accept the group's methods and procedures for security maintenance, crime prevention, and general law enforcement. One of the main reasons for the wide acceptance and celebration of the indigenous methods and procedures is that the citizens tend to know their society's control, justice, and law personnel well. The citizens have a reasonable knowledge of each office holder's morals, values, and ethics. Since the citizens of an indigenous society have direct and indirect influences on their control, justice, and law personnel, persons whose morals, values, and/or ethics are at variance with the general societal standards are unlikely to occupy or remain in their assigned positions.

The security maintenance, crime prevention, and general law enforcement duties in a traditional African community devolve on various community institutions, groups, and members. The obligations fall on such community structural levels of government as the Family, the Extended Family, the Village, the Village Group, the Town, and the Community of Towns based on well understood geographical and subject matter jurisdictional considerations. At each government and administration level, there are provisions for security maintenance, crime prevention, and general law enforcement by the entire community acting together or, as is more often the case, through their elected or appointed representatives as well as by specialized agencies, such as the Age Grades. For instance, a Young Men's Age Grade among the Igbos of Nigeria may be charged with the responsibility of security maintenance and general law enforcement. Community members may mandate and expect the Young Men's Age Grade to use commonly sanctioned vigilantism to prevent crimes by identifying, apprehending, and processing persons suspected of committing crimes. The Age Grade's other responsibilities may include enforcement of judicial decisions, such as by means of *oriri iwu* (retrieving judgment fine) or *igba ekpe* (publicly shaming and humiliating a criminal) (Okereafọezeke, 1996; 2002). Also, as in the pre-colonial era, the *mmanwu* (masquerade) in postcolonial Igbo has, among other things, the task of law and order maintenance in some cases:

You also have the masquerade cult *mmanwu* as a [traditional] government functionary. Much of the function of these masquerades is

to effect obedience to the sanctions of the town on a culprit. These masquerades could invade a culprit's home, and seize all his belongings until the owner paid the stipulated fine for his crime, and again reclaimed his property by a further fine. This police action of the masquerades is generally referred to as *iri iwu*. Some masquerades, the clever one of the young boys, called *Iga*, also kept surveillance over the village streams during the dry season, to see that water wasn't misused (oral historical account by a witness, Noo Udala, aged c. 102 years, native of Umuga, Agbaja, Igbo, quoted in Isichei, 1978, 74).¹

Security maintenance, crime prevention, and general law enforcement in postcolonial Africa involve contests and struggles between indigenous and foreign (colonially imposed European) ideals (Okereafọzeke, 2002; 2006). The official governments of modern African countries have either adopted the colonially imposed European models or created such foreign ideals in the respective postcolonial countries. Whatever its form, the prevailing situation gives rise to many systemic conflicts between indigenous and foreign models of social control, justice, and law in Africa. For instance, the Nigeria Police Force (NPF),² which the British colonialists patterned for Nigeria after the alien British security and law enforcement models, lacks indigenous Nigerian foundation and is structurally and procedurally a stranger to Nigerians. Regardless, successive Nigerian governments since the country's independence have favored the imposed foreign model over the indigenous law enforcement systems. Thus, in Nigeria – as in most other contemporary African States – the NPF has officially assumed the security maintenance, crime prevention, and general law enforcement functions that the indigenous security systems

¹ Italics are in the original source.

² Early in its tenure, the president Olusegun Obasanjo regime (1999-2007) stated that it wanted the “Nigeria Police Force” changed to “Nigeria Police” to de-emphasize the police use of force in its dealings with the citizens and promote cooperation between the police and the citizens. These would make the police more effective and efficient. It was an open question whether the name change would increase the effectiveness or efficiency of the country's official policing. In the years since the change, insecurity of lives and properties in Nigeria, and general lawlessness, has deteriorated beyond their pre-1999 levels.

performed in the pre-colonial era. As a result of African governments' official emphasis on the foreign models, these governments use a lot of human and material resources pursuing and applying to African conditions strategies that are designed for other (usually, European and American) conditions, mostly without making honest efforts to respond to the African circumstances that differ substantially from those of the West (see Onyechi, 1975).

For several reasons, the security maintenance, crime prevention, and general law enforcement systems in postcolonial Africa, exemplified here by the Nigeria Police Force (NPF), are incapable of satisfying the security and law enforcement needs of the citizens. The present official NPF can be traced directly to the colonial era British West African Frontier Force (BWAFF), which the British created for their colonized populations in West Africa. Therefore, it is not surprising that both the BWAFF and the NPF follow largely the same structure, philosophy, and model as the British idea of public security and policing. As a result, the NPF can be identified as little more than a throw back to the period of Nigerians' subjugation to colonial Britain. The NPF is largely foreign to Nigeria's indigenous law enforcement systems and practices. Its foreign structure and largely unquestionable powers over the citizens, among other factors, demonstrate the NPF's inconsistency with Nigerians' traditional models and forms of law enforcement and social control.

Several other factors compound the divide between Africa's official security and law enforcement systems, on the one hand, and the indigenous systems, on the other hand. These factors include unjustified official unitary policing, official police corruption, and insufficient number of official police officers and personnel. Corruption in African police organizations appears to be widespread. Apart from incidents of the police demanding and receiving bribes or "settlements" from sometimes equally corrupt citizens, many police officers and personnel actively participate in criminal activities. Often in Nigeria, police officers plan and commit serious crimes, such as robbery and murder, against the citizens that the police are supposed to protect. Police officers alone may commit the crimes or the officers may commit the crimes in conspiracy with civilian criminals. A Nigerian case in which three policemen are tried and sentenced to death for the murders of defenseless

traders is illustrative. The policemen, while on official duty, burned the commuting traders alive in the victims' motor vehicle and stole over one million Naira belonging to the victims. The victims were traveling to a wholesale market to purchase goods for resale (see "Three policemen to die for setting traders ablaze", in *The Guardian*, April 3, 2001).

A case such as that of the three murderous police officers contributes a lot to the citizens' lack of trust in the official police. Hammer (1993) reports that in one case in Kenya a woman is robbed of jewelry worth fifty thousand dollars. She reports the crime at the local police station. To her consternation, she recognizes that the police officer recording her report is wearing one of her stolen diamond rings! Can a crime victim in such a situation have faith in the police? In the Nigerian example, the negative images of the country's official police lead directly to the intended or unintended exclusion of decent citizens from official policing. And so less honest and less effective people generally staff Nigeria's official law enforcement system. I suspect that this is similar to the situation in many other African countries. The fact that many of these official police organizations employ far less than the number of officers and personnel needed to adequately police their countries worsens the situation.

Also of critical importance is the fact that most of the official governments in Africa run their police organizations as unitary agencies often to be manipulated to serve the shortsighted interests of the prevailing regime, rather than as broad-based democratic institutions to be used to maintain public security, prevent crime, and generally enforce laws for the greater public good. While professing constitutional federalism, many African governments, such as Nigeria's, insist on rigidly unified official police. Such an organization, no matter how large, answers to one person. As in the colonial era, the unitary model makes it easier for the rulers to dominate and control their population.

If any objective Nigerian had any illusion about the quality of law enforcement by the NPF, that illusion should have disappeared after the so-called 2007 Elections in the country. In the April 14 and 21, 2007 election exercises, Nigerian president,

Olusegun Obasanjo, leader of the ruling political party and two other primary actors of the elections, professor Maurice Iwu, who headed the Independent National Electoral Commission (INEC), and Sunday Ehindero, the Inspector General of the Nigerian Police Force (NPF), together manipulated the outcomes of the just concluded general elections in Nigeria. Local (Nigerian) and international elections observers have expressed shock and unanimous condemnation of the exercise, with the European Union calling it a “charade”. Weeks before the exercise, president Obasanjo had described the coming elections as “a do or die affair” for him and his party. A couple of days after his comment, the media pressed him for clarification of his earlier statement. He barefacedly repeated his assertions without apologies. True to his political beliefs, the president lived up to his prophecy of “winning” the elections for the majority of his selected candidates at all costs.

The NPF and INEC roles in actualizing the criminal Obasanjo script are shameful and damning. The NPF helped the PDP thugs to steal ballot boxes and papers to be thumb-printed for the preferred PDP candidates. Where the thumb printing could not be completed quickly, INEC wrote fictitious election results declaring PDP candidates as the winners, regardless of the votes. The extent of the official corruption among the PDP, INEC, and the NPF was so brazen that the INEC felt comfortable in declaring the PDP governorship candidate in Anambra State, Emmanuel Andrew Uba, as the winner, twice. The first time, the number of votes allocated to him was so high that the alleged votes exceeded the number of registered voters in the state; so that even if there had been 100% voting by the registered voters in the state (an impossibility) the allocated votes would have been higher. INEC Chairman Maurice Iwu and his hatchet men, realizing their stupidity in not being able to count and total figures, revised the figures to suit the PDP. Even in the circumstances of the official corruption called Nigeria, the impunity of the NPF, PDP, and INEC actions in the 2007 Elections is beyond the pale. In particular, the IGP Sunday Ehindero’s NPF’s willingness to myopically and slavishly serve the narrow, criminal Obasanjo monstrous shadow and his vehicle (PDP) is stunning.

Patterns of Indigenous Security Maintenance, Crime Prevention, and Other Law Enforcement

The following hypothesis guides the discussion in this section of this paper: “An unsatisfactory system of official security maintenance, crime prevention, and law enforcement in a modern African community will lead to an increase in a demand for alternative (unofficial, sometimes extra-legal) security and law enforcement systems and organizations aimed at addressing the citizens’ desire for secure and ordered lives.” Instances of African countries in which the citizens generally yearn for alternatives to the official security and law enforcement systems abound. But suffice it to cite Cameroon, Kenya, Nigeria, and South Africa as some of the countries that are popularly regarded as having ineffective official police forces and other official crime prevention structures. See Okereaføzeke (1996; 2002; 2003; 2006) for Nigerian examples. Some other examples are discussed below. Considering the utility of the indigenous systems in the prevailing circumstances, there is an incontrovertible need in many African countries for each official State Government to recognize and promote the relevant indigenous systems of security maintenance, crime prevention, and general law enforcement.

Instances of unofficial, indigenous security and law enforcement systems and organizations abound in Africa. It seems that the generally held view that the official, Western-style systems and organizations are incapable of providing needed security and law enforcement has strengthened the indigenous systems. The other related reason for the re-emergence of the unofficial security and law enforcement organizations is that most citizens regard the official organizations as imposed, irrelevant, and different in forms and procedures from the citizens’ traditional outlooks, convictions, practices, and beliefs. In Nigeria, for example, there are the more prominent *Bakasi Boys* of the Igbo, the *Hisha* of the Hausa/Fulani, and the *Odu’a Peoples Congress (OPC)* of the Yoruba, among many other indigenous law enforcement and social control organizations. The *Hisha*, an Islam-based law enforcement organization, is officially charged (by each of the relevant state

governments in Nigeria) with the responsibility of enforcing the state's *shari'a*³ system. Note that until about the middle of year 2000, the *Hisha* had no official legal backing in Nigeria. In fact the form of the *shari'a* that the *Hisha* is now asked in many northern Nigerian states to enforce came into being in 2000/2001. The *Bakasi Boys* and the *OPC* are not as religious-based as the *Hisha*. Nonetheless, the *Bakasi Boys* and the *OPC* often use indigenous African religious beliefs and practices to insure the supernatural powers with which the organizations operate.

In the southeastern states of Nigeria where the *Bakasi Boys* operate, the organization is widely regarded as an effective public security and law enforcement group. The organization is, over and above the NPF (the official police), the *de facto* guarantor of public security particularly in the Igbo area of the country. The *Bakasi Boys* are reputed to be so good that they are capable of identifying a criminal despite attempts to conceal his or her identity. The *Bakasi Boys* move from one community to another fishing out suspected criminals (mainly perennial thieves, armed robbers, and murderers), arresting, and quickly judging and punishing the criminals. The punishment is typically death, which is applied swiftly by decapitating and burning the adjudged criminal. In my summer 2000-2006 field trips to Nigeria, most of the locals with whom I discussed the *Bakasi Boys*' operations expressed satisfaction with, and enthusiastic support for, the *Bakasi Boys*' crime-fighting activities. Most of the locals expressed confidence that the *Bakasi Boys* are able to accurately identify a criminal even among a large group of people, thus avoiding misidentification or punishment of an innocent person.

The *Bakasi Boys*, the *Hisha*, and the *OPC* illustrate the large, coordinated, and well-organized indigenous organizations for security, crime prevention, and law enforcement in African societies. As indicated, these organizations, which were initially conceived as purely *unofficial, indigenous groups* for law enforcement, have since 1999 assumed positions as *official, indigenous-based (or in the case of the Hisha, religious-based) groups*. Their new positions stem from the fact that the

³ The *shari'a* is a legal and justice system based on Islam.

various official governments have, by official laws, formally recognized the different organizations, even though the organizations continue to operate based largely on indigenous ideals of social control, justice, and law. However, president Obasanjo's government strongly opposes the adoption of the *Bakasi Boys* and other indigenous law enforcement groups by various state governments in the country. The government has gone so far as to use the official NPF to intimidate, stifle, and break up the *Bakasi Boys*.

Apart from the large, coordinated, and well-organized indigenous organizations found in many African countries, there are numerous other groups, such as neighborhood watch organizations or vigilante groups, found in most African communities. Again, these groups result from the ineffectiveness and inefficiency of the official law enforcement organizations.

In Nigeria, for example, the watch organizations or vigilante groups exist to help guarantee security, law, order, and stability to the citizens of each community. Generally, the groups are more active in the night than during the day. Usually, able-bodied young men of each community, supported financially and materially by the other community members, are charged with the task of securing the community and enforcing the law, often with the aids of small weapons, such as machetes, bows and arrows, spears, and some guns. The watchers often seek to limit access to parts of the community by erecting temporary, movable obstacles on the roads that would slow vehicular and human traffic. Whatever their limitations, the neighborhood watch groups (vigilante groups) are deliberate, coordinated efforts at control, justice, and law, even if these groups operate outside the official laws. Moreover, it seems that most citizens are satisfied with the groups' activities.

Other, less organized local attempts at social control, justice, and law enforcement are plainly based on *mob action*. These are neither deliberate nor coordinated. Thus, they are typically *ad hoc* and often thoughtless. The persons who seek to enforce the law by this method may take some rash action before thinking through the issues involved. Example, if a person (innocent or guilty) is alleged at a public place in Nigeria, such as an open marketplace, to have stolen another's property, a mob may

immediately take brutal action against the accused person, which action may result in death. It may later become apparent that the accused person was, in fact, innocent. By then, it would be too late for the accused. In addition to the obvious undesirability of this result, there are other legitimate concerns regarding indigenous (unofficial) law enforcement.

While recognizing that traditional policing, vigilantism, and mob action may be necessary and beneficial responses to official law enforcement failures, the potential for abuses of traditional policing, vigilantism, and mob action should be highlighted. One of the key features of indigenous law enforcement is its wide acceptance by the citizens. Members of a society to which traditional policing, etc. apply generally accept and participate in their indigenous system. In short, the community members own the indigenous system. Being part owners of the system, it is very unlikely that any significant part of the population will be excluded from the system or its mode of operation. Generally, decisions are made and enforced with members' knowledge and consent. However, as in every human system, there is a danger of abuse of a traditional law enforcement system. This is so particularly where the indigenous (unofficial) and the State (official) policing systems, rather than complement each other positively, collude to abuse the citizens. Anyanwu (2007, Online) reports an example of this.

According to Anyanwu (2007), in a late night and early morning of early February 2007 gun- and machete-brandishing men of a local vigilante group terrorized the inhabitants of Okpoko community in Ogbaru Local Government Area of Anambra State, Nigeria. Community members interviewed for the report informed the reporter that the problem began when a group of people organized themselves, with the assistance of the official Nigeria Police Force (NPF) in the area, and imposed the group as a vigilante force. The group imposed levies of 3,000 Naira each on the locals and forced them to pay against their will. Apparently, the levies were intended for funding the vigilante group to secure the community, except that, as the report shows, most community members opposed the arrangement. The vigilante group ignored the wishes of the community members as well as an official court judgment allegedly against the group. In fact, the vigilante group increased the levy amount

and, with the active connivance of the official NPF, used every (illegal) force at their disposal to force compliance. The spokesman of the community members who went to the Anambra State capital, Awka, and reported the matter to Governor Peter Obi, expressed the community's experiences and pleas to the governor, as follows:

We have an ugly situation, people forced themselves on us as our vigilance group, while the majority of Okpoko said 'no.' They started extorting money from us and killing us in order to enforce the payment. They started brutalizing people, macheting us, gunning us down and even the people they shot were taken in a bus to the Government House and the governor saw them. We want the group to be dissolved, we don't want them. We've even gone to court and court even ordered them to stop, still upon the injunction they continued, now the court gave judgment, they continued. The High Court in Onitsha had in its judgment on the matter ruled: "It is never the part of the functions of police to enforce contract, collect rates debts including levies imposed by individuals or group of individuals".

Responding to the complaints, Governor Obi assured the delegation that the Anambra State Government would immediately look into the issue and hold the suspects accountable. I speculate that the Okpoko community members rejected the vigilante group in Anyanwu (2007) for reasons other than a general community rejection of all forms of vigilantism. More likely, the community rejected *this* vigilante group for reasons such as honesty or character of its leaders/members or for the group's deviant/illegal activities. However, it bears repeating that the errant vigilante group is able to defy the community members and continue with its illegal and unpopular activities because the official NPF supports the group.

In view of the NPF support for, and collusion with, the errant vigilante group and the governor's assurance (Anyanwu, 2007), what realistically can the governor do? The governor of each of Nigeria's thirty-six states is often referred to as the "chief law enforcement officer" of the state. But a governor is helpless regarding official police control and actions. The governor does not control the police and the police can, and do, ignore the governor's expressed wishes to secure his/her state. As long as the police comply with the Nigerian president's and Inspector-General of Police (IGP)'s orders and wishes, the police can carry on as they wish. This is so particularly where the governor and the president are political enemies. There are numerous examples in

the Olusegun Obasanjo presidency (1999-2007) where Obasanjo, directly by action or indirectly by inaction, has used the NPF as an instrument of oppression and opposition to governors perceived as enemies of the president, which in well developed constitutional democracies, such as the United States, will constitute an executive abuse of power. Such was the case in July 2003 when Ralph Ige, Assistant Inspector-General of the NPF in charge of Anambra State, led the police and kidnapped Governor Chris Ngige of the state. The police, without legal authority to do so, informed Ngige that he was no longer the governor of the state. For hours, the police detained and prevented him from performing his duties. The police and their civilian co-conspirators purported to swear into office the deputy governor as governor of Anambra. There is no doubt that the police action was a *coup d'Etat*, being a forceful, unconstitutional take-over of government. However, Ige, the other participating police personnel, and their civilian collaborators got away with their crimes because president Obasanjo approved of their actions: years after their illegal actions, the criminal suspects have not been charged with any crime. Thus is the overwhelming power of the president over the governor of a Nigerian State.

However, traditional policing and mob action efforts at security and law enforcement in postcolonial African societies illustrate the ineffectiveness and inefficiency of the official security and law enforcement apparatuses. The unofficial, indigenous alternative systems and models of control, justice, law, security, and enforcement are established and maintained principally because the citizens of the communities where the models operate recognize and accept them as preferred alternatives to the official, Western-based models. The wide acceptance that the indigenous models enjoy over their Western-based counterparts strongly attests to the relevance and currency of the indigenous African systems of control, justice, and law even in the modern State. What is missing is the official State adoption of, and support for, the ongoing unofficial efforts to indigenize law enforcement and social control in postcolonial African societies.

Conclusion: Effective Policing of a Postcolony

This article identifies forms of law enforcement in postcolonial Africa. The two main varieties are official governmental and unofficial indigenous law enforcement. Further, the paper uses Nigeria to illustrate the nature of the interactions and relationships between official governmental and unofficial indigenous law enforcement. Overall, there is lack of coordination between the two principal avenues for law enforcement; they tend to operate with little or no effort to strengthen each other. The official governmental system – with the huge financial and other State resources at its disposal – shows little regard for the unofficial indigenous law enforcement. This is so despite the fact that the unofficial indigenous system plays an invaluable role in social control. It seems that the greatest law enforcement challenge facing most postcolonial African States is over-reliance on Western standards in attempts to address Africa's postcolonial social control needs.

The African writer, Ali Mazrui, once advised African countries to re-conceptualize “development” for their use. According to him, these countries should redefine development to suit their individual indigenous needs. A new definition would likely, and I submit should, differ from the European and North American (Western) meaning. The characteristics of Western “development” reflect Western history, belief, culture, and ideals. An African-based definition of development should be grounded in African history, tradition, lifestyle, and future. Even though there are likely to be common features of development between Africa and the West, the need to conceptualize and operationalize “development” for Africa's specific needs necessitates a divide between its African and Western meanings. Mazrui's counsel leads to the logical view that effective law enforcement in an African postcolony, such as Nigeria, requires the following. One, an official State understanding and acknowledgment of the current anomic (confused) social control condition in which the process of socializing the average Nigerian differs starkly from the behavior standard imposed by the official English-style legal system. Two, honest efforts by State social control agencies to synthesize and blend the imported English-style law enforcement system to Nigeria's indigenous law enforcement systems widely

available and applied in all parts of the country, while borrowing useful and relevant ideas from other African and world societies.

Okafo (2005, September 23) argues that the social control process in Nigeria is in a condition of normlessness. This means that the governing rules of the Nigerian society are conflicting, confusing, and/or differ from the cultures and expectations of many, if not most, Nigerians. The average Nigerian is socialized from birth in his/her cultural expectations and standards of behavior. These expectations and standards are typically rooted in the Nigerian's traditions, customs, and native laws. At a later stage in his/her life, the Nigerian is confronted with English-style rules and regulations that diverge from the previously learned indigenous norms. The resulting conflict situation creates an anomic condition with legitimate questions about the proper standard of behavior in the society. Okafo (2005, September 23) recommends the following as ways out of this anomie:

For a more effective and efficient social control in Nigeria, the official Local, State, and Federal governments, through their respective legislatures, should pass legislations adopting the country's native customs and traditions (customary law) as the *Grundnorm* (basic law), that is, the fundamental sources of Nigerian law. Formal adoptions (by legislations) of the native customs and traditions will strengthen the customs and traditions. Thereafter, other sources of laws, such as English law, will be used to supplement the basic Nigerian law. While urging the proper Nigerian authorities to reinforce the country's native customs and traditions over the English law, it is equally important to point out that unreasonable, unpopular, and outdated customs and traditions should be discarded and replaced with more progressive principles. Like every postcolonial society, Nigeria should strive to achieve a modern society that maintains a reasonable balance between the welfare and freedom of its citizens and the progress and orderliness of the State. Of course, the Nigerian Bar and Bench will be invaluable partners in these efforts to reengineer law and justice in the country and deemphasize English law.

The present article strongly reasserts the above recommendations. Effective policing of Nigeria, an African postcolony, should be based primarily on the enforcement of laws and standards indigenous to Nigeria, through enforcement means indigenous to Nigeria. Foreign laws, standards, and means of enforcement, where and to the extent

appropriate, should serve as opportunities to make the indigenous-based system better.

References

Afigbo, Adiele E. (1972). *The Warrant Chiefs, Indirect Rule in Southeastern Nigeria 1891 – 1929*. London, England: Longman.

Anyanwu, Geoffrey (2007). “Tyranny of vigilance group: They brutalise residents over illegal levies”, *Daily Sun* (February 28, 2007), available at <http://www.sunnewsonline.com/webpages/news/national/2007/feb/28/national-28-02-2007>

Criminal Code (Laws of the Federation of Nigeria).

Elechi, Oko O. (2006). *Doing Justice Without the State: The Afikpo (Ehugbo) Nigeria Model*. New York & London: Routledge.

Hammer, Joshua (1993). “Nairobbery”, in *The New Republic*, November 29, 11-14.

Isichei, Elizabeth (1976). *A History of the Igbo People*. New York, USA: St. Martin’s Press.

Isichei, Elizabeth (1978). *Igbo Worlds: An Anthology of Oral Histories and Historical Descriptions*. Philadelphia, USA: Institute for the Study of Human Issues.

Johnson, Samuel (1921/1970). *The History of the Yorubas: From the Earliest Times to the Beginning of the British Protectorate*, Westport, Connecticut, USA: Negro Universities Press.

Nzimiro, Ikenna (1972). *Studies in Ibo Political Systems: Chieftaincy and Politics in Four Niger States*, Berkeley, California, USA: University of California Press.

Obi, S.N.C. (1963). *The Ibo Law of Property*, London: Butterworths.

Okafo, Nonso (2005 March 1). “Foundations of *Okija* Justice”, in *NigeriaWorld*. See <http://nigeriaworld.com/articles/2005/mar/033.html>

Okafo, Nonso (2005-9-23). "Customs and Traditions as Answer to a Normless Nigeria", in *NigeriaWorld*. <http://nigeriaworld.com/articles/2005/sep/232.html>

Okereafọzeke, Nonso (1996). *The Relationship Between Informal and Formal Strategies of Social Control: An Analysis of the Contemporary Methods of Dispute Processing Among the Igbos of Nigeria*, UMI Number 9638581, Ann Arbor, Michigan, USA: University Microfilms.

Okereafọzeke, Nonso (2002). *Law and Justice in Post-British Nigeria: Conflicts and Interactions Between Native and Foreign Systems of Social Control in Igbo*. Westport, Connecticut, USA: Greenwood Press.

Okereafọzeke, Nonso (2003). "Traditional Social Control in an Ethnic Society: Law Enforcement in a Nigerian Community". *Police Practice & Research: An International Journal*, Volume 4, Number 1 (March), pp. 21-33.

Okereafọzeke, Nonso (2006). "Legalism, Tradition, and Terrorism in Nigeria". *The International Journal of African Studies*, Volume 5.2, Winter 2006, pp. 27-61.

Onyechi, N.M.. (1975). "A Problem of Assimilation or Dominance", in Elias, T. O., et al., eds., *African Indigenous Laws: Proceedings of Workshop (7-9 August, 1974)*. Enugu, Nigeria: The Government Printer, pp. 265-280.

Ottenberg, Simon (1971). *Leadership and Authority in an African Society: The Afikpo Village-Group*. Seattle, Washington, USA: University of Washington Press.

Proclamation No. 6 of 1900 (Laws of the Federation of Nigeria).

Thompson, R. Bankole (1996). "Due Process and Legal Pluralism in Sierra Leone: The Challenge of Reconciling Contradictions in the Laws and Cultures of a Developing Nation", in *Comparative Criminal Justice: Traditional and Nontraditional Systems of Law and Control*, C. B. Fields and R. H. Moore, Jr., eds., Prospect Hills, Illinois, USA: Waveland Press, pp. 344-361.

"Three policemen to die for setting traders ablaze", in *The Guardian* (April 3, 2001),

available at <http://www.ngrguardiannews.com/news2/nn817302.html>; Internet.



The International Police Executive Symposium (IPES) brings police researchers and practitioners together to facilitate cross-cultural, international and interdisciplinary exchanges for the enrichment of the policing profession. It encourages discussions and writing on challenging topics of contemporary importance through an array of initiatives including conferences and publications.

Founded in 1994 by Dilip K. Das, Ph.D., the IPES is a registered Not-For-Profit educational corporation. It is funded by the benefaction of institutional supporters and sponsors that host IPES events around the world.

The International Police Executive Symposium's major annual initiative is a four-day meeting on specific issues relevant to the policing profession. Past meeting themes have covered a broad range of topics from police education to corruption. Meetings are organized by the IPES in conjunction with sponsoring organizations in a host country. To date, meetings have been held in North America, Europe, and Asia. The immediate past meeting took place in Dubai in 2007.

Detailed information on IPES can be found at: www.IPES.info