

PUBLIC ORDER¹, STATE SECURITY AND DEMOCRACY: NIGERIA'S CURRENT MISERY INDEX.

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Abstract

The issue of maintenance of security is one of the most herculean tasks facing government all over the world today. The problem is more pronounced in nations where diversities of religious belief, ethnicity and class distinction fan the embers of insecurity. It seems from recent events all over the world that security problems go beyond good legislations meant to put it in place and maintain it. In the case of Nigeria, the Public Order Act, CAP P42, LFN, 2004 though controversial, seems to be aligned towards the quest to secure peace and order in our society. However, the Public Order Act, seems to be fast losing its relevance not so much because it is alleged to fly in the face of the freedom of movement as well as association and assembly enshrined in the 1999 Constitution (as amended), but because it has failed in affording the nation the needed pedestal to order society properly as well as protect society from social deviants. In this work, the author examines the extent to which the application of laws has helped the country to overcome insecurity and disorder. The work has also suggested what should be done to make society more secure than it presently is.

Prefatory Statement

Nature abhors vacuum. This made for more than one person on earth. It is also for this that God provided that man shall increase and multiply. Based on this, the need for order (public order)¹ then arose and necessitated leadership by one person in human kingdom. So whenever there is a gathering of human beings there must be leader and followers. In the whole animal kingdom it is noticed that certain qualities make a particular animal the leader. This is not different in aquatic life. There are traits that propel leadership. These qualities may be courage, patience, intelligence, sensitivity, alertness, accuracy in decision making, foresightedness, incisiveness in an unknown and numerous combinations. The traits required in any situation will depend on what is needed.

When a group of people accepts a person as the leader, it is expected that he should lead them to the right point of collective desire. If this is done, the members of the group will submit their services and goods with minimum grudge. However, when the leader fails, there will be resentment which leads to change. In Nigeria, the leaders

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¹ Section 11 of 1999 Constitution of the Federal Republic of Nigeria (as amended); Public Order Act Cap. P42 LFN, 2004

from independence have not shown or led the way. This failure has resulted in a prolonged ancien regime of the military. The civilians themselves have not done better. Nigerians are thus left rudderless and have in vain been tinkering with one kind of leadership after another. Some long for educated leaders. By accident of history, Yakubu Gowon took charge for a number of years. Graduate of a military academy. When late Yaradua was elected the president, Nigerians were satisfied and full of expectations as he discharged his duties in short while with aplomb. The sum total was that Yaradua was not going to allow himself and his clean soul and conscience to be buried in the sludge of public ignorance and the effluvium of the mischievous. He did not last long. An upright man he was, who believed, most fervently, that when the call comes, a world away hence, he would saunter (with a song in his heart), through the pearly gates into that city of interminable bliss and boredom-heaven. He was like Akanu Ibiam, and Michael Okpara who after many years in governance did not erect a hut. Today even a local government councilor would accumulate wealth for his tenth generation and build house in several cities of the world with palatial mansions and retinue of state of the art cars.

Today, another graduate, now post graduate, teacher, lecturer etc is on the thrown. People expected more from him as a postgraduate. However, it takes courage to do something less than right. There was problem in Odi in Bayelsa State during the time of Obasanjo as a Commander-In-Chief he acted in that capacity. Now there is Boko Haram that bombed even the Police Headquarters, UN House and several bombings targeted at Christians. Nigerians expected that President Jonathan should act as Commander-in-Chief. A president whose agenda includes rule of law should not permit violence to rule of law. With this there will not be Public Order and State Security.

The removal of oil subsidy at the time of serious security challenges and when victims of the bombing are still brooding and licking their wounds leaves much to be desired. Christians who are targets in all Northern Nigeria cities went home for Christmas which they cherish for their family, village and town meetings had not gone to their places of abode but received New Year gift of fuel subsidy removal. The citizens of

Nigeria were taken by surprise, if not, for granted as there was no sign of such a major decision/policy before the abrupt removal. This is notwithstanding that sovereignty belongs to the people of Nigeria² from whom government through the Constitution derives its powers and authority³.

1. Introduction

It is an undisputed fact that no state can exist without a government. The State is an inanimate entity but life comes into it through the instrumentality of government. In effect, government is the vehicle through which the state realizes her set objective.

Government remains the platform for the realization of common goals of the people within a state. This led Boding to conclude that the essence of statehood, the quality that makes the association of human beings a state, is the unity of its government. A state without a *summa potestas*, he says, would be like a ship without a keel.

Every state must have one supreme power from which its laws proceed. Therefore, from the beginning of the formation or creation of a state, the people look up to those saddled with the responsibility of piloting their affairs, in line with the ‘general agreement’ in the constitution; to ensure the actualization of their yearnings and aspirations in the state. This springs from the fact that man is a social animal. According to **Aristotle**, “man is by nature a political animal. And he who by nature and not by mere

² See Section 14 (2)(a) of the Constitution of the Federal Republic of Nigeria, 1999. This Constitution is the repository of our national heritage, which provides an enduring vision of our public interest that can be used to test, shape, and understand political action.

³ It is for this that **Thomas Hobbes** proposed the establishment of Leviathan with sovereign power to enforce the terms of our Social Contracts. See Social contractarians account for moral or political right in terms of “principles that are, or would be, the object of a suitable agreement between equals”. Stephen Darwall, *Introduction to CONTRACTARINISM/CONTRACTUALISM* 1 (Stephen Darwall, 2003) [hereinafter Dawall, *Introduction*]. Classical Social contract theorists include Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. See, e.g., THOMAS HOBBS, *LEVIATHAN* (Cambridge Univ. Press 1996) (1651); JOHN LOCKE, *TWO TREATISES OF GOVERNMENT* (Peter Laslett ed., 1988) (1690); JEAN-JACQUES ROUSSEAU, *THE SOCIAL CONTRACT* (Maurice Cranston trans., Penguin Books 1968) (1762). Important contemporary versions of the view have been defended by Stephen Darwall, David Gauthier, John Rawls, and T.M. Scanlon. See, e.g. STEPHEN DARWALL, *MORALITY AND THE SECOND PERSONAL STANDPOINT*; DAVID GAUTHIER, *MORALS BY AGREEMENT* (1986); RAWLS *POLITICAL LIBERALISM* (1993). The particular views of these authors/theorists often differ along a number of important dimensions, including: (1) whether they use a contractarian apparatus to account for moral or political – legal authority or both; (ii) whether they make reference to actual or hypothetical agreements; (iii) how they picture the relevant original bargaining situation (sometimes, called the “state of nature” or “original position”) and the equality inherent in it; and (iv) how they picture the psychologies of the relevant bargainers. See generally Robin Bradley Kar, *The Deep Structure of Law and Morality*, *Texas Law Review*, vol. 84, 2006, 877 at 891.

accident is without a state is either a bad man or above humanity⁴”. The state and government exist according to **Aristotle** “for the sake of noble actions⁵”. A critical analysis of this primary responsibility of government is essential to the understanding of this treatise which is Public Order, State Security and Democracy-in Nigeria. Given the present national milieu - “Nigeria’s misery index”. There is no doubt that for the Government to realize its set objectives which is for the good of the greater majority of the people, such government must not only enjoy the support of the majority of the people, it must also be responsive to the yearnings, aspiration and expectations of the people. In other words, the government must be a listening one in the formulation and implementation or execution of her policies and programmes. It is beyond doubt that the maximization of the happiness of the people is the business of government and on it depends its true legitimacy.

History is replete with failure of governments in some countries which alienated their policies and programmes from the opinion of their subjects thereby exposing such governments to civil disobedience and labour strikes. From the foregoing, it is clear that the closer a government is to the aspirations of the people, the less friction it has with the people and groups within the state. On the other hand, if the reverse is the case, the more the threats to the stability of the Government.

There will be more incidents of breach of Public Order and State Security, which elicit feelings of indignation and resentment by the people. This is because every legal order presupposes legal protection of persons and entities subject to it, otherwise called the subject of law. It follows therefore that the subjects of law incur liability (i.e. answerability or responsibility) for their action which infringe on the equal rights or interests.

⁴ Aristotle, *Politics*, reproduced in Knoles & Ors. Eds. Reading in Western Civilization U.S.JB Lippincott C. 1960, 3rd Edition, 52.

⁵ Aristotle, *Politics* in Knoles op cit., 52

Like its 1979 precursor, **the Constitution of the Federal Republic of Nigeria, 1999** deposits the residue of sovereignty with the people⁶. According to his Lordship **Oguntade, JCA, (as he then was):**

“As a member of the Nigerian Society, every citizen has an interest in the good governance of the society and inferentially we are therefore interested in ensuring that we are governed by just law and that the observance of the law and good order be enforced at all time⁷”

This is why the Pure Theory of Law does not conceptually claim the independent existence of law from society after all the grundnurm could not but have been created by societal forces or an entity within society. The Pure Theory is, therefore dependent on sociological fact despite Kelsen’s protestations to the contrary⁸. This treatise will flexibly reflect on legitimacy of government, the essence of Government, what Public Order, State Security⁹ and Democracy mean to Nigerians. Any thing that has tended to militate against democracy in Nigeria will be highlighted.

2. Legitimacy of Government

Whenever a question is notoriously asked as to whether a “thing” is what it is then there is a problem with that “thing”. Is the legitimacy of Nigerian government in issue? A government can be legitimate in accordance with the provisions of the Constitution or Statutes of the country and the international community might equally recognize it as legitimate but the citizenry might not deem it so because it has ceased to be responsive to the aspiration of the people. Justice Haynes of Grenada had this to say of municipal and international legitimacy:

Rules or practices of international law cannot decide the international legitimacy or otherwise of a state. That is a matter for the municipal law applicable in that state. Recognition at Inter-National law rests on political discretion based on the reaction of a foreign state to a

⁶Section 14 (2)(a) 1999 Constitution, of the Fed. Rep. of Nigeria, further section 14 (2) (b) states that “The security and welfare of the people shall be the primary purpose of Government. See generally the generous provisions of benefits in society per Section 6(1)(b) and Section 16 (c) of the 1999 Constitution.

⁷ See *Keyamo v House of Assembly, Lagos State* (2000) 12NWLR (pt 680), 196 at 218.

⁸ See further, *Richard Tur*, “The Kelsenian Enterprise *“in Richard Tur and William Twining*. Eds. Essay on Kelsen (Oxford: Clarendon Press, 1986) 150 at 182. In quoting Sawyer, *Law in Society* (Oxford, 1965), Kelsen is described as “engaging in Sociology when writing his Pure Theory notwithstanding his indignant denials”. For further reading see *Professor Wacks* in his *Swot Jurisprudence*, C.J. Carr. Series ed: 4th ed. (Great Britain: Blackstone Press Ltd, 1995) at 173. See Ezike E.O. *Constitutional Law and The Autonomy Debate: Synthesis from Autopoiesis*. Nig. Journal Review, 1998-1999 Vol. 7, 206 at 209.

⁹ See Section 11 of Constitution of the Federal Republic of Nigeria, 1999.

new regime. Legitimacy under municipal law is something else¹⁰.

To the frustration of his supporters, **Socrates** argued that he must accept the verdict of the court, because although unjust, it was lawful¹¹. The reason for the resilience of the Nigerian populace is the ugly past as manifested in Nigeria/Biafra war. So Nigerians are only satisfying the legal prerequisites of legitimacy, while at the same time presiding over disgusted citizens who are always ready to join any demonstration or riot in demand for socio-economic and political reforms. It is respectfully submitted that the perception of Nigerian legitimacy as mere legal idea will not take Nigeria and its present system of democracy any where rather our legitimacy should be seen to be a functional one. When we perceive it as a functional concept, we then can begin to view it from the perspective of the benefits which the citizens derive from the particular Government. This is particularly where concept is the possible situations covered by the words we use to ask our questions or answer them.

According to E.K. Quashiga¹², legitimacy in the functional sense must necessarily entail the ability of the people to influence the societal decisions which affect them from day to day. It is when a people share a responsibility for the decisions which affect them that they will be more prepared to accept its consequences¹³; the principle of *volenti non fit injuria* applies as in all human circumstances. From a belief in the exercise of one's own power to affect one's own condition raises or prompts the power to stoically absorb the consequences. It is this feeling of being able to influence the resolution of the issues which affect one's life that paves the way for the acceptance of the legal cloak of legitimacy of governments.

Legal legitimacy often merely confers a "top-down" structure of legitimacy, functional legitimacy creates a "bottom-up" relationship; the latter tends to be more

¹⁰ *Mitchell and Ors v DPP & Anor.* (1986) L.R.C. 35.

¹¹ Mark Tebbit, *Philosophy of Law, an Introduction*, Routledge London and New York, 2000, 80.

¹² E.K. Quashigah, *Legitimacy of Governments and The Resolution of Intra-National Conflicts in Africa* TRADIC (1995) 284.

¹³ This was exemplified during Babangida's regime on whether Nigeria should take International Monetary Fund (I.M.F) Loan or not. Now there is sensitization going on with respect to removal of oil subsidy. Caution must, however be exercised not to over stretch the elasticity or resilience of Nigerians. After the oil subsidy, the next is whether or not the president should convoke national conference.

enduring than the former. According to most Nigerians they appear to be saying, “we were taken by surprise” by oil subsidy removal. This made Nigerians lose their usual innocence.

The struggle of Nigerians against arbitrariness, suppression and oppression is not new; it had existed for long, this has continued to overstretch the “limit band” of the nation. This is why it is proper to state that the topic of discourse is timely. Nigerians have continued to describe her “democracy” as “democracy” as a result of Government attitude towards national disorder, insecurity and poverty. Our leaders are unwilling and or unable to raise the responsibility to the challenge of personal examples which are the hallmarks of true leadership.

A leader has to ensure that the exercise of power is not arbitrary or outside the ambit of the Constitution. It is also his duty to ensure that in acting within the province of his constitutional mandate that political power is employed to enhance social welfare or public interest.

When we have a true leadership there will be unity and prosperity. There will also follow Public Order, State Security and true Democracy within our society. We know that economic subjugation of any member of the society leads to injustice, disorder and insecurity. Any country in which millions live below the poverty line or on the starvation level, in which millions are jobless must be the home of gross injustice, disorder and insecurity. **Krishna Iyer**, a judge of the Indian Supreme Court, quoted **Robert Ingeersoll** as predicting what will befall a nation if justice to the people was denied thus:

“All the wrecks on either side of the stream of time, and all the nations that have passed away-all her warnings that no nation founded upon injustice can stand. From the sand-enshrouded Egypt, from the marble wilderness of Athens, and from every fallen, crumbling stone of the once mighty Rome, comes a wail as it were, the cry that no nation founded upon injustice can permanently stand”¹⁴”

From the foregoing we know that what happens to an unjust nation will happen to a disorderly and an insecure nation because they all belong to the same family.

¹⁴ **Krishna Iyer**, *Law Versus Justice, Deep & Deep, New Delhi (1981) 29.*

3. What is Public Order and How Far?

“Public Order” or “Public Security” is nowhere defined¹⁵. However, “public order” is in essence the essential ingredient for internal security of any nation. Public order could be defined as the state of peaceful co-existence of a people or among the inhabitants of a place which makes for the absence of feuds and hostilities. Even at that, there is no doubt that there will be occasional conflicts, which must be handled in such a manner that they do not derail the overall interest of the state. This is in terms of substances of law and order. It is the usual practice in jurisprudence of most countries to put legislation in place to curtail the incidents of public demonstration and rallies likely to lead to the breakdown of law and order¹⁶. In Nigeria, such legislation is contained in the Public Order Act Cap P42, Laws of the Federation of Nigeria 2004. How effective this legislation will be or has been in the society is predicated on the perception of the people, Government policies and programmes. As long as a government remains oblivious to the yearnings of the people, threats to a breakdown of public order will continue to be there. That is why in most countries, there are laws which are supposed to guarantee orderliness in the society but such laws seem not to have had the desired effects. In the main, Nigerians see Nigerian laws as cobwebs for smaller ants not for bigger ones. People describe Nigeria as the Animal Farm of George Orwell where all the animals were said to be equal but some are more equal than others.

The Nigerian nation has had limited unifying factors; in fact the concept of a nation, which is understood as being the voluntary unifying of political communities into a unit¹⁷ has not been present in Nigeria. In fact, some constitutional provisions as in **Section 11 of the 1999 Nigerian Constitution** and the **Public Order Act, Cap P42 Laws of Federation of Nigeria, 2004**, have been furnaces of controversy between the Federal Government and State Governments. It is trite that according to the Constitution, the National Assembly shall have power to make laws for peace, order and good

¹⁵ J.O. Akande, *Introduction to the Nigerian Constitution* Sweet & Maxwell, London. 11.

¹⁶ Many people were reported dead due to riot/demonstrations occasioned by Government abrupt removal of oil subsidy in Nigeria.

¹⁷ Raainer Tetzlaff, *Politicized Ethnicity – And Under estimated Reality in Post Colonial Africa* in *Law and State*, Vol 46 at 24 and 40.

government of the State¹⁸ or any part thereof in respect of matters on the Exclusive Legislative List¹⁹. However, it is within the exclusive power of the National Assembly to determine what are essential supplies and services. By the general legislative power possessed by the National Assembly, it can make laws at any time on any subject matter, whether or not on any of the legislative lists, so long as it considers that it is for the maintenance and securing of “public safety” and “public order”. The far-reaching effect of this, is that, in peace time, the National Assembly can make laws which are only justifiable²⁰. Instances abound where this is used as a means of silencing unpalatable opposition and criticism-Ghana, Tanzania and India²¹ preventive detention legislations were notoriously used to strike down political opponents and also to restrain person suspected of ordinary crimes where conclusive evidence of the offences were lacking²².

When the Ghanaian Preventive Detention Act 1958 was challenged as violative of the common law rights of *habeas corpus* in the case of *Re Akoto*²³, the Supreme Court held that the courts could not inquire into the truth or reasonableness of the grounds upon which Akoto had been detained. It has been observed in certain national political situations and circumstances that small infractions of the ordinary laws are regarded as evidence of breakdown of public order. A typical example is unapproved public demonstration²⁴.

One of the important arms of Government concerned with the maintenance of peace order and good government is the police force, yet the Constitution prohibits the states in Nigeria from establishing police force. By the provisions of Section 214 to 216 of 1999 the Constitution and Section 4 of Police Act, it is clear that no state can establish police force. This has caused problems in Nigeria. It has resulted in conflicts in cases in

¹⁸ See also Section 64 of the Nigerian (Constitution) Order in Council 1954 which states “If the Governor – General considers that it is expedient in the interest of public order, public faith or good government...” in the Nature of Colonial legislation, *Hood Philips*, Constitutional and Administrative Law 3rd ed. 1962 pp. 26 – 38; Martin Wright, British Colonial Constitutions, 1947,40 -67 (1952)

¹⁹ See section 4 (2) Constitution of the Federal Republic of Nigeria 1999.

²⁰ See Akande, op cit 11 and 12 Nigerian House of Representatives had resolution asking the Executive to revert to the old fuel price before labour strike and for labour to meet the Executive for negotiation while the strike is suspended.

²¹ For an excellent discussion of operation of the India preventive detention law, see *Bayley*, The Indian Experience with Preventive Detention *Pacific Affairs*, Vol. 35 No. 2, 1966, 92.

²² See Akande, *op cit*. 12.

²³ Civil Appeal No. 42/61.

²⁴ See the Irish case of *O’Kelly v Harvey* (1883) 15 Cote , 138.

which the President and the Governors are in different parties. In 1982 there were three separate suits as a result of this type of situation. The interested states were Ogun, Bendel and Borno. They instituted actions against the Federal Government, all of which were consolidated by an order of the court. In the case of *Attorney-General of Ogun State & Ors v Attorney-General of the Federation & Ors*²⁵. The fact is that up to the year 1979 every one of the then 19 states had a Public Order Law. However, by the Public Order Act, 1979²⁶, the Federal Military Government repealed all the state laws with effect from February 16, 1979. On behalf of the states it was argued in the case in hand that by the provisions of the 1979 Act, that the Commissioner of Police may "after consultation with the Military Administrator of the State" by order prohibit the holding of assemblies or meetings or processions in the state. This must be construed, to read: "after consultation with the Governor"²⁷. According to Akande:

*"The addition of this special power effectively tilts the power structure in favour of the Federal Government and diminishes the professed autonomy of the states. It is also indicative of the type of federation intended that is a centrally strong federation"*²⁸.

The problem in Anambra State on the 10th day of July, 2003 could be traceable to the conflict resulting from the said provisions. In spite of the fact that *Section 1(2) of the 1999 Constitution*, the elected Governor of the state was arrested in a bid to take control of the Government and contrary to the provisions of *Section 308 (1) (b) of 1999 Constitution* which gave him immunity in the follow terms:

- (1) Notwithstanding anything to the contrary in this constitution, but subject to subsection (2) of this section -
- (b) a person to whom this section applies shall not be arrested or imprisoned during that period either in pursuance of the process of any court or otherwise";

Also on 27th September, 2003 there was a rally at Kano organized by the All Nigerian Peoples Party (ANPP) which the police refused to grant license. Pursuant to the provisions of *Section 1(i) of Public Order Act Cap P42* the Governor of each state is

²⁵ (1982) 1-2 SC. 13; (1982) 3 N.C.L.R, 166.

²⁶ Act No. 5 of 1979.

²⁷ See Peter Oluyede, *Constitutional Law in Nigeria*. Evans Brothers Nigeria Limited First Edition (2001) 46-47.

²⁸ J.O. Akande, *Introduction to the 1979 Nigerian Constitution* (1982), 11.

empowered to direct the conduct of all assemblies, meetings and processions²⁹ on the public roads or places of public resort in the state and prescribe the route by which and the times at which any procession may pass. However, there may be a conflict between *Sections 1 and 4 of the Public Order Act* giving room to state and Federal Government rivalry.

For the maintenance of Public Order and State Security in our democratic Nigeria there are agencies³⁰ responsible for various aspects. Among them, the Police has the primary duty for the enforcement of laws, the most conspicuous emblem of statehood after the Constitution and other laws. The Nigeria Police Force is established under *Section 214 of the 1999 Constitution*. The Constitution prohibits the establishment of any other police force in the Federation or any part thereof. *Section 215 (3) and (4) of the 1999 Constitution* provides the basic functions of the police as the "maintenance and securing of safety and Public Order as may be considered necessary..." The Police Act has elaborate provisions on to the general duties of the police under Section 4 of the Police and Regulations Act as follows:

- i. the detection and prevention of crime,
- ii. the apprehension of offenders,
- iii. the reservation of law and order,
- iv. the protection of life and property,
- v. the due enforcement of all laws and regulations with which they are directly charged; and
- vi. the performance of such military duties within or without Nigeria as may be required of them by or under the authority of any other Act.

For various reasons ranging from human and material logistics to the allegation of connivance with the criminals, the Nigeria Police is adjudged wholly unequal to the task as listed above. There is now misplaced faith in the ability of people to deter armed robbery or any serious crime³¹.

²⁹ See section 12(1) of Public Order Act Cap P42 LFN for Interpretations.

³⁰ They are; The Military; The Police; The Nigeria Prisons; The Nigeria Customs Services; The Nigeria Immigration Service; The Directorate of State Security Services (DSS); The National Drugs Law Enforcement Agency (NDLEA); The Federal Road Safety Commission and the Independent Judiciary.

³¹ See the Lagos State Crime Statistics for the last quarter of 1980 in daily Newspapers of March 16-18th, 1981 as in K.O. Adinkrah, Arresting Armed Robbery with Arms: The Case for Freer Access to Guns in Nigeria, NLJ. Vol. 13 No. 1, 62. The issue of Boko Haram bombing of Police Headquarters in Abuja raises a question.

4. What is State Security?

This issue is very crucial to the survival of any government. How government fares in the running of the affairs of the State depends largely on the efficiency and effectiveness of the apparatus of the State Security. It has to be understood that by the provision of unity as part of the motto of Nigeria the Constitution enjoins the state, as a fundamental objective, actively to encourage national integration and to foster a feeling of belonging and of involvement among the various peoples of the country, to the end that loyalty to the Nation shall override sectional loyalty.

In view of the indispensability of security in the running of government, most governments now hide under the cloak of security which is usually not accountable or retrievable to spend outrageous sums of money at the detriment of social development. Some past third world leaders who lost support of their people failed ignobly in spite of their enormous security networks. All the security agencies participate actively in different but co-coordinating areas to ensure overall security of the state. The Army, Navy and Air force being pure military set-ups see to the territorial integrity of the country, but are drafted a times to quell or deal with serious civil disturbances. The Police are involved in day to day maintenance of law and order in the state while State Security Services keep close watch on activities of individuals and groups likely to jeopardize public safety and make intelligent reports to the authorities accordingly. How efficient these security agencies are depends on the quality of leadership.

The pith of this topic came up in Enugu State of Nigeria. Because of the provisions that National Assembly may make Laws for the Federal or any part thereof with respect to the maintenance and security of public safety and public order and providing, maintaining and securing of such supplies and services³² ... the Assembly may make such laws for the peace, order and good government of the Federation or any part thereof with respect to matters not included in the Exclusive legislative...³³. This was when Governor Nnamani had a problem with the members of the House of Assembly of his State. The matter got to a head when a majority of the members took the mace of the

³² Section 11(1) of 1999 Constitution of the Federal Republic of Nigeria.

³³ Section 11(2) of 1999 Constitution of the Federal Republic of Nigeria.

House of Assembly to the National Assembly, Abuja where they purported to be sitting. For this the National Assembly made moves to make Laws for Enugu State pursuant to *Section. 11 (4) of the 1999 Constitution*. Anambra State had similar problem in 1999 but did not take the dimension of Enugu State. Nigerian Constitution provides that both Federal and State Governments can exercise its legislative powers independently within the framework of the Constitution. The Constitution empowers the Federal Government to maintain uniformity where it is absolutely essential. It also empowers it to ensure that the states have ample powers to cater for the cultural and social diversities of the people³⁴. The legislative powers of the Federal Government are vested by *Section 4 of the 1999 Constitution* on the National Assembly which has the power to make laws with respect to any matter contained in the Exclusive Legislative list set forth in the second schedule to the Constitution. This includes the power to make laws with respect to any matter incidental or supplementary to any of the matters in the Exclusive Legislative List.

It is noteworthy that Defence, External Affairs, Naval, Military and Air Force, nuclear energy policies, prisons and arms, ammunition and explosives, in fact all forms of physical force customarily utilized by governments are assigned exclusively to the Federal Government. For this the Federal Government has an advantage over State Government in the event of an emergency or dispute between the two levels of government³⁵. A Governor cannot issue directives to the Commissioner of Police in the State independently of Federal Control³⁶. This indicates the delicate balance of powers between the Federal government and the State governments with respect to public security³⁷. It shows that in order for public safety and order to be effectively maintained, there must be a harmonious working relationship between State Governor and Commissioners of Police of the States³⁸.

5. What does Democracy Mean to Nigerians?

³⁴ Federal Ministry of Information, 1 Report of the Constitution Drafting Committee xxii (1976)

³⁵ E.M. Joye/K. Igweike ed, Introduction to the 1979 Nigerian Constitution, Macmillan Nigeria, 1982

³⁶ See Section 215 of the Constitution of the Federal Republic of Nigeria, 1999.

³⁷ E.M. Joye/K. Igweike Op Cit 82 as anticipated in Section 11 of 1999 Constitution.

³⁸ Ibid.

Democracy has been variously described by many political writers and philosophers, depending on their background, space and time, their perceptions. But the commonest of these definitions which the writer feels is apt for this topic is the one which defined democracy as Government of the people, by the people and for the people. From this very definition, it is very clear that Government must be a true representative of the people. In fact, any government that calls itself a democratic one must have the people as its focal point. Anything less than that, cannot be said to be democratic. It is clear that in our Constitution, the principle of democracy is guaranteed. The Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice³⁹.

Democracy seems to bestow an “aura of legitimacy” on modern political life; rules, laws, policies and decisions appear justified and appropriate when they are ‘democratic’. It entails a state in which there is some form of *political equality among the people*. “Rule by the people” may appear an unambiguous concept, but appearances are deceptive. Extreme poverty and social and economic inequality bring us back to the grim reality which is far from the hopes and wishes for economic and social prosperity. The extreme misery of ordinary people and the barbarity of government are more oppressive each day and our unbelieving eyes are continually confronted with such images⁴⁰. The Nigerian community has become powerless and frozen in a position where it has sadly failed to stem the tide of human suffering that is gnawing at two thirds of the populace. If we want a country where human dignity is no longer ignored, it is important to implement *Article 28 of the Universal Declaration of Human Rights (UDHR)* which states as follows:

“Everyone is entitled to social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”.

This will ensure public order, state security and true democracy in Nigeria. Over ninety percent (90%) of Nigerians can be described as the ordinary non-proprietor citizens who without their consent all the time have change of capitalist masters through

³⁹ Section 15(3) of the Constitution of the Federal Republic of Nigeria 1999.

⁴⁰ Adama Deieng, The Rule of Law in a changing World, International Commission of Jurists. The Review No. 61, 1999, 8.

selection or ‘election’⁴¹. Our ‘elections’ or selections have continued to be the ultimate debasement of the democratic process resulting in the re-imposition of an unpopular government through chicanery and thuggery⁴². It is a common knowledge that the present stratification of our society clearly separated the affluent from the destitute. One would have thought that the government would have looked at our history to use the all sought-for democracy to effect a more equitable distribution of property and therefore of power. Regrettably, however, what did transpire was that some of those who were already capitalist were afforded a greater opportunity of accumulating more capital. This is a complete reverse of the parable of talents in the Bible⁴³. *Karl Renner* was right when he pointed out that capitalist ownership be it foreign or home made is an octopus whose numerous tentacles enveloped more and more victims through various devices⁴⁴. Our leaders continue to refuse to learn from the lessons of the past leaders as to the vanity of material acquisitions.

Our leaders should know that what is good for the goose is also good for the gander. Based on this, they should ensure social justice and economic quality; it provides the individual with a stake in existing system and is the cornerstone of stable government⁴⁵. It is when individuals have personal stake that public order, state security and democracy are assured. Presently, some Nigerians like *Socrate’s* response to his sentence of death in the dialogue *Crito*; to the frustration of his supporters, *Socrates* argued that one must accept the verdict of the court, because although unjust, it was lawful⁴⁶.

By living in society we have already in some sense placed ourselves under an obligation to obey the law⁴⁷. At any rate, citizens must obey the laws, because (1)

⁴¹ There may not be a fair election if something is not done because there can never be a fair race between Carl Lewis or Onyali-Odegbami and a legless person.

⁴² See A.H.M. Kirk-Greene, *Crisis and Conflict in Nigeria: A Documentary Source Book 1966-1969*, 161. I (London: Oxford University Press, 1971), 23 cited in R. Joseph, *Democracy and Prebendal Politics in Nigeria: The rise and fall of the 2nd Republic* (Lagos: Spectrum Books Ltd, 1991), 32.

⁴³ See Matthew 25 Verses 14-31.

⁴⁴ *Nigeria in Search of Social Justice Through Law*, Nigerian Institute of Advance Legal Studies, Occasional paper No. 1 of 1979, 14.

⁴⁵ Stuart A. Scheingold, *The Politics of Rights*, (New Haven and London, Yale University Press, 1974,

⁴⁶ Mark Tebbit, *Philosophy of Law, an Introduction*, Routledge London and New York, 2000, 80.

⁴⁷ *Ibid*.

general obedience is the condition for the existence of society, and without it there would be anarchy; (2) the citizen owes the state everything, including his or her life; (3) the citizen has agreed, both explicitly and implicitly, by virtue of receiving benefits from the state and choosing not to emigrate, to obey all the laws. (4) the citizen has the opportunity to persuade the state, through legitimate lobbying to change the laws, but not the right to disobey them. The reason for the resilience of Nigerian populace is the hindsight of the Nigerian civil war of 1966-1970.

Philosophers have over the years, been ruminating over the problem of abuse of power by governments and how to keep them in check. Many legal concepts and political structures have been devised as a result. Examples are the natural law theories, democracy, the concept and the practice of constitutionalism, the doctrine of separation of power the doctrine of Rule of law, federalism, enshrinement of fundamental rights, independent judiciary, the practice of civil disobedience and often theories which support outright revolutionary resistance. Legal and political theories have the tendency of either operating to legitimize or delegitimize a government⁴⁸.

6. Factors Militating Against Public Order, State Security And Democracy In Nigeria

History makes us know that civilization does not fall down from the sky; it has been the result of people's toil and sweat, the fruit of their long search for order and justice under brave and enlightened leaders. Nigerians are what they are only because their leaders are not what they should be⁴⁹. So the trouble with Nigeria is simply and squarely a failure of leadership⁵⁰. The state owes every citizen one primary duty and that is the preservation of his dignity which can only be in place when there is life. It is necessary that society should guarantee him food, drink, lodging, clothing, education and

⁴⁸ According to Barbara Goodwon "Political theory is a technique of analysis which can be used to overturn as well as to uphold. Departing from fact and detail, it describes and explains politics in abstract and general terms which allow scope for the critical imagination' Using Political Ideals, (Chichester/New York, Brishana, Toronto, Singapore: John Wiley & Sons, 1992), 4. See generally Prince E.K.. Washigah, Legitimacy of Govts. & The Resolution of intra-national Conflicts in Africa, 7 RADIC (1995) , 286.

⁴⁹ Chinue Achebe the Trouble with Nigeria, Fourth Dimension Publishers, Enugu 1985 , 10.

⁵⁰ Ibid.

employment as well as his right to express his opinion, participate in the political life of his country and to be assured of his own security and that of his kin.⁵¹

The under-mentioned points could be regarded as part of the causes of the breakdown of Public order, State Security and Democracy in Nigeria:

1. Multi-ethnic nature of the regions and multinational state Nigeria,
2. Multi-Religious platform of the nation,
3. Tribalism,
4. Emergence of Ethnic Militia,
5. False Image of ourselves,
6. Economic threat of Un-employment, food Security, inflation, labour unrest and sabotage,
7. Patriotism,
8. Land related Disputes,
9. Social Injustice and the Cult of Mediocrity,
10. Environmental Pollution and Degradation,
11. Indiscipline,
12. Total adoption and adaptation of Western Democracy,
13. Winner-takes-all syndrome,
14. Poverty engendered by Corruption
15. Majority/Minority problems.

7a. Multi-Ethnic Nature of the Regions and Multi-National State Nigeria

Research has shown that multi-ethnicity *per se* does not necessarily create destabilizing effects for state or nation building. Nigeria is a multi-ethnic state because it is comprised of ethnic groups who not only vary in size but also in the distribution of power, influence, and resource. It is for this that people see it as being populated by aggressive ethnic nationalities as various groups push for the realization of their subnational self-determination⁵². Nigeria ethnic problem is not peculiar to her as multinational states such as Nigeria are known to be more prone to ethnic instability.

⁵¹ Emir of Kuwait in his Inaugural address to the Seminar on Human Rights in Islam held in Kuwait, December, 1980 as reported in Human Rights in Islam. Part II of Nigerian Constitution similar to that of South Africa is now justiciable in South Africa but not in Nigeria.

⁵² Elaigwu, J. Isawa, Ethnicity and the Federal Option in Africa, being a paper for the National Conference on "Federalism and Nation-Building: The challenges of the twenty-First Century" Organized by the National Council on International Relations (NCIR) at Abuja Sheraton Hotel and Towers, January 17-21, 1993, 4 See Prince E.K. Quashigah Op cit. 288.

Sudan and Congo are typical examples. There is no need bemoaning the amalgamation of the Country by Lord Lugard in 1914. The way out is a Sovereign National Conference where the way forward could be fashioned.

b. Nigerian Multi-Religious Platform

There are various religions in Nigeria. Some of these religions were in existence before the advent of Christianity and Islam. Perhaps, this must have been the reason for the secular position of Nigeria⁵³. Service of God should never cause problem because it is only one God that all serve and worship. The problem is that most of the problems caused in Nigeria have political undertone. As soon as Nigerians stop fermenting problems under the cover of religion, there will be a more unified, progressive Nigeria.

c. Tribalism⁵⁴

According to Chinua Achebe,⁵⁵ tribe with an embarrassing odour has been accepted at the time as a friend, rejected as an enemy at another, and finally smuggled through the back-door as an accomplice. The tribal problem did not start now. It is a fact that Zik's parents were living at Zungeru as Civil Servants when in 1904 the man Zik was born. The same was applicable to most civil and public servants then. It is not possible for the same story to be told now because of tribalism. The beginning of tribalism was when Chief Awolowo 'stole' the leadership of Western in Nigeria from Dr. Azikiwe in 1951.

It cannot be possible for all Nigerians to be at one location. There must be geographical divide because of the population of Nigeria. This made Nigerians to say in the Preamble of the Independence Constitution, state that "... Though tribe and tongue may differ, in brotherhood we stand" we shall all be Nigerians. Also in the 1999 Constitution, the Preamble stated:

"WE THE PEOPLE of the Federation Republic of Nigeria HAVING firmly and solemnly resolved:

⁵³ See Section 10 of Constitution of the Federal Republic of Nigeria, 1999.

⁵⁴ Tribalism according to Chinua Achebe is discrimination against a citizen because of his place of birth.

⁵⁵ See Chinua Achebe op cit , 5.

TO LIVE in unity and harmony as one indivisible and indissoluble Sovereign Nation under God....”

Further the 1999 Constitution stated in Section 14 (2) (a) and (b) as follows:

It is hereby, accordingly, declared that

- (a) Sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority.
- (b) the sovereignty and welfare of the people shall be the primary purpose of government; and the Constitution went further in subsection 3 of the said stated:

The Composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to *reflect the Federal Character* of Nigeria and the *need to promoted national unity*, and also to *command* national loyalty, thereby ensuring that there shall be *no predominance of persons from a few states or from a few ethnic or other sectional groups* in the Government or in any of its agencies.

- (c) The participation by the people in their government shall be ensured in accordance with the provisions of the constitution.

To further avoid the problem of ethnicity **Section 15(1) and (2) of the Constitution** stated:

- (1) The motto of the Federal Republic of Nigeria shall be Unity, Faith, Peace and Progress.
- (2) Accordingly, national integration shall be actively encouraged, whilst **discrimination on the ground of place origin, sex, religion, status, ethnic or linguistic association or tie shall be prohibited.**

All these affirmative action provisions are in the Constitution but not in practical lives of Nigerian nation. However, the provisions are said to be non-justiciable. This may be the reason for the contemptuous disregard of the provisions, however, the problems from it will continue till properly addressed. Minority ethnic and political interest must

necessarily be accommodated in order to ‘buy’ some legitimacy, place and unity for the government among even the political minorities.

A conscious effort at achieving an ethnic mix in political and economic life is often attempted by some states. The attempt at achieving an ethnic mix, however, can unwittingly result in what has been described as engineering tribalism.⁵⁶ It often degenerates into a situation where an individual’s tribal designation takes precedence over his personal aptitude. An over emphasizing of the tribal mix policy may lead to despondency in a section of the populace and endanger national unity. This is why the achievement of Federal Character⁵⁷ appears to be lopsided in favour of a section of the country.⁵⁸ Who are constantly marginalized in the national scheme of things may react negatively and this will jeopardize Public order, State Security and Democracy.

When we truly repent and forgive ourselves as a nation the soil soaked in fratricidal blood shall be cleansed and we shall love each other as it was before independence. We should not continue with premature, half-hearted or plain deceitful eye service to tribe. How many Yorubas have house of their own in Igbo land or Hausa again how many Hausas have houses of their own in Igbo land or Yoruba land? This is the negative result of tribalism. Why will there not be public disorder, insecurity and autocracy since some people do not have stake at certain places? In fact, the property of certain people may be the target of the citizens of certain tribe.

8. Emergency of Ethnic Militia

Because he who pays the piper dictates the tune, the Nigeria Police Force is under the Federal Government⁵⁹ and State Government has no control over the Commissioner of Police and his contingent in the state.

There is apparent general lack of confidence in the Nigeria Police. Armed robberies, religious fanaticism, Intra-Ethnic clashes among others have continued to make

⁵⁶ See Whyatt Mac Gaffey, The Policy of National Integration in Zaire; in *The Journal of Modern African Studies*, Vol, 20 March, 1982 No. 1, 86.

⁵⁷ see section 14 (3) of 1999 Constitution of the Federal Republic of Nigeria.

⁵⁸ See Prince E.K. Quashigah Op cit, 295.

⁵⁹ See Sections 214,215 (1) (b) (2) (4) and (5), See also Public Order Cap 395 LFN Act Cap P42 LFN. 2004.

Governors smuggle in ethnic militia. For instance Maitatsine, who with his religious fanatic's which caused the unfortunate Kano riots, was so contemptuously of the ability of the Nigeria Police Force to stop him that he virtually turned his "Yan Awaki" quarters in Kano into an independent republic within the Republic of Nigeria⁶⁰ Reported in a Nigerian daily⁶¹. In fact, the headquarters of Nigeria. Police was bombed by Boko Haram Sect. they also admitted bombing of Christian churches at various cities in Nigeria on 25th December, 2011.

Also citizens have ceased to expect their salvation or protection from the police. Rather they have started a march back to the Stone Age when thieves were lynched to death. This being a milder form of reaction of the people who have come to the cold realization that the police have proved wholly incapable of dealing with armed robbery.

In order to sustain vigilance before oil producing companies like Shell, Mobil, Chevron and their contractors, the various ethnic groups in the Niger Delta formed their private ethnic armies and acquired their arms and ammunition. Recruits into these ethnic armies are among the thousands of unemployed, restless youths in the host communities. Consequently, within the last 5 years, there have been inter ethnic clashes between the jaws and itsekiris in Delta and between the Ogoni and Okirikas in Rivers State, the Izis and Izas as well as Benues intra ethnic clashes are also common such as Olomoro and Oleh youths clash among the Isokos. Another typical example of intra ethnic clashes is the Ke and Bille squabbles among the Kalabarie thnic groups in Rivers State.

The issue of Bakassi Boys in Anambra State is a very notorious fact that there is no need to discuss it. The Anambra State Bakassi was introduced by Abia State.

9. False Image of Ourselves

One of the commonest manifestations of under development is a tendency among the ruling elite to live in a world of make believe and unrealistic expectation⁶². This delusion breeds public disorder and insecurity because the leader and the led are working at cross purposes, the expectation of the leader is at variance with the vision of the leader, if any.

⁶⁰ See National Concord, the article of Fed., 20, 1981, 3.

⁶¹ Ibid 3 by Labanji Bolaji "Stop the Macabre Dance", 3.

⁶² Chinua Achebe op cit, 9.

Prof Chinua Achebe describes it as Cargo cult mentality that anthropologists sometimes speak about- a belief by backward people that someday, without any exertion whatsoever on their own part, a fairy ship will dock in their harbour laden with every goody they have always dreamed of possessing. This is perhaps why our youths do not know of the dignity of labour. Parents do not ask their children how they come about their wealth.

Since time does not wait for any person, the leaders in delusion lead in negative direction while other countries move along in consonance with the contemporary order of the world. This leads to agitation by the citizens which the leader often describes as criminal,...

Leaders continue in their false image of themselves and the Government because their advisers are sycophants and cronies. This has led to opprobrious remarks. Usually the leader is never told the true situation of things. Nigeria today is for this reason, mired in conflict and poverty, resources are wasted and squandered and old autocrats too often refuse to give way to new enlightened, and democratic leadership, leaving the country in political Limbo. In all Nigeria is always left in the stage of “ought to be” country and hopes and dreams of those who love this country are shattered and unfulfilled. We know that what “Ought to be” will never come to pass and this angers the citizens who are genuinely concerned for which reason crisis and conflicts ensue.

The false image syndrome has succeeded in eroding the middle class, emasculated the intellectuals and undermine the rule of law. Nigeria’s polity is characterized by social decay which is gradually eating away at the soul and fabric of societal values, norms in the institutions of learning, policemen have to strike to get paid, teachers go on strike for the full academic year, the highest law officer of the land is gunned down and it is business as usual. These happen because rhetoric has replaced reality with infusion of bigotry, tribalism and hatred.

10. Economic Threat of Unemployment/Disempowerment, Food Security, inflation, Labour, Unrest and Economic Sabotage

Unemployment is occupying an important position in Nigeria. This is a country endowed with human and material resources. For this, a few people are with money which they cannot manage or control, resulting in awkward life style.

There is no where in the world where unemployment is high without social maladies and crime rate is low. In Nigeria unemployment is not only high but there are no enough social deterrent measures in place. This has led the youths to armed robbery, prostitution and all forms of crime. The opinion of the government is that people should be self employed but this cannot be true in all cases. Even the desire for personal security or empowerment and well being, which would seem to justify economic and financial liberalism is no longer respected since the logic of market results in unemployment, poverty and misery. When all is said and done, it is ordinary human being who is denied his/her ideas, rights and dignity in a nation that guarantees all of the rights.

Economic and social progress of a people is not possible today without also the establishment of the rule of law and democratic values and dividends. A dangerous situation will arise if human beings are not placed back at the center of the development process, not only in regard to the improvement of living conditions and economic concerns, but also in terms of the broader concepts of human dignity, justice and equity. Our inability to feed ourselves without food imports means that when we do not have foreign exchange to sustain imports, there would be shortage in availability of certain commodities. It is because of this that there are obvious implications to explosive social unrest and inflationary pressures. The labour unrest has been a problem both in the university and other sectors that have tried to seek their rights which are legitimate. These led to strikes which obviously affect our economy. Our people and multinationals have not been kind to our economic policies and programmes. Our quest for economic independence has continued to be thwarted. This has placed Nigeria in a state of flux.

11. Patriotism

Patriotism in an unwritten social contract between citizens and the state which cannot exist where the state reneges on the agreement. The state undertakes to organize society in such a way that the citizen can enjoy peace and justice, and the citizen in return

agrees to perform his patriotic duties⁶³. It is this patriotism that will motivate a citizen to die for his nation having in mind that he/she is covered by the national flag. He needs not say it by word of mouth but by action. Patriotism is an emotion of love directed by critical intelligence. A true patriot will always demand the highest standards of his country and accept nothing but the best for and from his people⁶⁴. Apart from those whose personal, selfish interests are, in the short term at least, well served by the mismanagement and the social inequities no one can afford to die for the nation where there is no water in ALL the states, electricity supply is a luxury, roads are non-existent and fuel is only for those in elective offices. Our leaders and the ruling elites require a psychological and philosophical re-orientation to internalize in them the fact that supreme power resides in the people as a body and not in the rulers⁶⁵

12. Land related dispute

The competition for land and oil resources is on the increase. The desire to be in control of large acreage of land particularly those rich in mineral resources has been one of the sources of conflict in Nigeria. There are no clear delineated boundaries between states that are conclusively acceptable to the states, the local governments and the communities. Consequently, there is persistent feud over land ownership.

13. Social Injustice and Cult Mediocrity

A lot of bitterness is attracted when a less qualified person is given an advantage over a more qualified person. This perhaps may have been the reason for *Section 14 of the 1999 Constitution*, which is not justiceable. It is the nation which ultimately suffers the legitimate grievance of a wronged citizen. Both this and a general decline of morale and subversion of efficiency caused by an erratic system of performance and reward militate against the nation. Unless our poor attitude change there will continue to be

⁶³ Chinua Achebe Op cit, 5.

⁶⁴ Ibid

⁶⁵ As aptly noted by **Geraint Parry**, “In the case of democracy it is the personality. What whole population which has to acquire the appropriate democracy is involved is not merely teaching literacy and numeracy. It is also a matter of acquiring a set of political attitude. Some of these attitudes – tolerance perhaps are held to be fundamental to any understanding of democracy”. Geraint Passy, (London & New York: Routledge, 1994, 47, Making Democrats: Education & Democracy in Geraint Passy and Michael Moran eds. Democracy and Democratization.

retrogression and threat to public order, state security and democracy because of social injustice and cultural mediocrity.

14. Environmental Pollution and Degradation

Nigeria is an oil-producing nation. The oil exploration and exploitation led to the pollution of the surrounding lands and waters and the destruction of crops and fishes. Since farming and fishing are the major occupation of the oil producing states and communities, the result of this is that the source of livelihood of the people will be adversely affected. Cases of vandalism and bursting of pipelines leading to the death of persons and burning of properties including economic crops are common in Niger Delta. The fact that the means of livelihood of the people are gradually thinning away is a source of danger to public order and state security. This has led to serious crisis at the Niger Delta areas of the Nation. The one million march during the Abacha regime made the youths of the Niger Delta realize that they are the goose that lay the golden egg for Nigeria that made Abuja the way it is.

15. Indiscipline

The malaise called indiscipline takes many different forms – sometimes brutally crude, at other times more subtle—that a comprehensive definition of it would be very difficult. However it could be defined as a failure or refusal to submit one's desires and actions to the restraints of orderly social conduct in recognition of the rights and desires of others. The goal of indiscipline is self-interests, its action, the abandoned self-restraint in pursuit of the goal⁶⁶. Where there is indiscipline values are misplaced and results in disorder, insecurity and autocracy.

16. Total Adoption of Western Democracy

No matter how democracy is defined “African democracy” is quite different from Western Democracy. Before the Colonization of most African countries and particularly Nigeria. Nigerian people have been living in an organized society with Kings and Chiefs with their tiers of government. There has not been any record or trace of coup d'état as

⁶⁶ Chinua Achebe Op cit, 27.

experienced regularly today. However, rivalry among neighboring chiefs and inter tribal wars were common only to show supremacy. Liberal democracy that exists now is “conditioned by its origin”⁶⁷. It is the conflict between our original and indigenous democracy and that of the Western world that generates conflict as well as public disorder, state insecurity and confused democracy or democracy.

17. Winner-Takes-all Syndrome

As observer of the goings-on in Nigeria we conclude that whenever a group of Nigerians form a political line-up they do not want to affiliate other line-ups or opposition or people of different ideology no matter how closely related to their own. In fact, others are regarded as enemies. On a general term, there is a total disregard for the socio-economic welfare of the people and with it comes the reciprocal consequence of alienation of the people from the government. The democratizing, may be associated with increasing and more blatant form of corruption⁶⁸. This incidence is prevalent in situations where access to political power is considered not as an opportunity to serve but an opportunity to recoup the investments made during the political campaign period. However, the electorate should be made to desist from receiving money from politicians but resolve to vote for the best candidate although election rigging has gone scientific that the strategy to be adopted in 2014 election is being fashioned in the laboratories from the end of the last election. All these generate bad blood to the detriment of the people and the State.

18. Poverty Engendered by Corruption

Corruption thrives better in economically deprived situations; “corruption feeds on poverty⁶⁹” and Nigerian system provides a fertile ground for the fostering of corruption. The nature of the economic welfare of the people has a great impact on the stability of the socio-political system. Sustenance of the democratic process necessitates a

⁶⁷ See Whyatt MacGaffey, the Policy of National Integration in Zaire in the Journal of Modern African Studies Vol 20. March, 1982 No. 1, 86.

⁶⁸ See African Voices Vol. 1, No. 2 Fall/Winter 1992 p. 4 There are examples of the allegations of excessive use of money to obtain political favours by aspirants to political offices. The case of the then Anambra State Governor Dr. Chris Ngige readily comes to mind and a Rufai’s allegation against the Senate.

⁶⁹ See African Voice Vol. 1, No. 2 Fall/Winter, 1992, 4.

conscientious effort at reducing the minimum poverty line. Extreme poverty can in the final analysis become a destructive factor institutionalized in our country. People alleged to be corrupt are free in spite of the provisions in the Constitution⁷⁰

19. Minority/Majority Problem

The minority/majority affair in Nigeria is like sane people who in some bizarre and unexplained way find themselves trapped in a dangerous and rowdy madhouse. This problem led to the recommendation of Willkin's Commission. Both the minority and majority in Nigeria form one Nigeria. There is no part of the body can be injured and the others will not be affected directly or indirectly. It is rather too late in time to start thinking of separation. None of the states or regions will be safe when left alone because each has known the other too well. The best posture or option is for all to join hand in nation-building rather than one group assuming superior air visa-vis others or embark on class distinction. These have been the sources of Nigerian problems. Politicians should not focalise ethnic groupings in their manifestos because ethnic minorities/majorities are usually incited so as to threaten public order.

20. Conclusion

From the fore-going, it is clear that the closer a Government is to the aspirations of the people, the less friction it has with the people and groups within the state. On the other hand, if the reverse is the case, the more the threats to the stability of Government. There will be more incidents of breach of Public order and state security. The people see Government as anti-people oriented, which illicit feeling of indignation and resentment by the people.

Public order is an essential ingredient in sustenance of internal security of any nation/state. The state is an amalgam of various interest groups coming together to form one polity. This being the case, there is no doubt there will be occasional conflicts, which must be handled in such a manner that it does not derail the overall interest of the state. This is in terms of sustenance of law and order. It is the usual practice in jurisprudence of most countries, to put legislation in place to curtail the indents of public demonstration

⁷⁰ See Section 15 (5) of the Constitution of FRN, 1999.

and rallies likely to degenerate to breakdown of law and order in the state. In Nigeria, such legislation/state is contained in **Public Order Act Cap P42 LFN, 2004** and under the nation's Industrial/Labour Law Act which requires a 15 day notice to Government before embarking on strikes by the organized labour. How effective these legislations will be in the society, is predicated on the perception of the people of Government policies and programmes. As long as any Government remain isolated from the yearnings of the people, the incident of threats to breakdown of public order will continue to be there. That is why in most countries of the world, there are beautiful laws there which are supposed to guarantee orderliness in the society but such societies are yet to come to terms with the essence of such laws.

On the essence of State Security: This issue is very crucial to the survival of any government, be it elected or military dictatorship. How Government fares in the running of the affairs of the state depends largely on the efficiency and effectiveness of the apparatus of the state security. In view of the indispensability of security in the running of Government, most Government now hide under the cloak of security which is usually not accountable or retrievable or retrievable to spend outrageous sum of state fund to the detriment of the growth and development of the state.

We have to remind ourselves that everything made by God and man has limit because no tensile strength, elastic limit or whatever is everlasting. Mother nature also has a way of reshuffling or adjusting. Having this at the back of our minds, we should know that our social contract should not be exploited further. When the reaction comes the principle enunciated by Isaac Newton that action and reaction are equal and opposite will come true. By this time we regret: had I known is always the brother to Mr. Late. In effect we should treat everyone and every interest with care, be it ethnical, political, religious or gender equally. Whoever is chairing, managing, governing, presiding should do it well.

One of the things which Nigeria and Nigerians should endeavour to avoid is breaking of the fragile social equilibrium. No part of Nigeria should feel that the blood of others is cheap. This is because if Law and Order break down; everybody will be his own

keeper and God for us all. We should pay more than verbal commitments and rhetoric to the concept of Public Order, State Security and Democracy in Nigeria.