

## **An Analytical Approach to Police Reform - Policy Recommendations**

The #EndSARS and #EndPoliceBrutality protests in Nigeria have highlighted the commonly known fact that the Nigerian Police Force (NPF) is not only an inefficient organization incapable of performing its core functions, but also a brutal organization capable of inflicting untold pain and hardship on the very people it is to protect. The instances of brutal violations of the rights of the Nigerian public across the country emphasize the need for the immediate reform of the NPF. Such a reform must go beyond the scope of the Police Reform Act recently signed into law by President Muhammadu Buhari. The objective of such reforms should be to create a humane and citizen friendly force capable of preventing and resolving crime.

### **SCALE OF THE PROBLEM**

In its report titled "*NIGERIA: Time to End Impunity, Torture and other Violations by Special Anti-Robbery Squad (SARS)*", Amnesty International reported a minimum of 82 cases of torture, ill treatment and extra-judicial executions committed by SARS officers between January 2017 and May 2020. The report also states that no official had been charged to Court or tried for any of the atrocities committed in this time.

This report focused on the activities of SARS officers, as this unit is representative of the widespread rot, inefficiency, lack of accountability and violation of human rights as well as the extortion, illegal and prolonged detention of suspects without trial or court orders that characterizes the NPF as a whole.

Given the spate of violence, and the level of degeneration in the body polity, one may be right to conclude that the Nigerian Police have exhibited inadequacies, and demonstrated incapacity to effectively enforce the law and maintain order in the society. It is no longer safe to walk alone even during the day. Robberies, assassination, arson, looting of public treasury, and child-theft amongst other vices, have become the rule rather than the exception.

The fact of the frequent use of torture and extra-judicial murder by police officers in spite of Nigeria being signatory to a number of international treaties, such as the African Charter on Human and People's Rights (ACHPR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention for the Protection of All Persons from Enforced Disappearance, and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT); or the existence of local laws such as the Anti-Torture Act 2017 is deeply disturbing.

It is important to stress that these activities are often used as tools with which to extort innocent Nigerians on trumped up charges. Young people between the ages of 17 and 30 are most at risk of arrest, torture or extortion by SARS. They are often accused of being internet fraudsters and/or armed robbers. Young men with dreadlocks, ripped jeans, tattoos, flashy cars or expensive gadgets are frequently targeted by SARS.

In many cases, there is also a substantial use of these tactics to elicit information and/or confessions from people arrested on the suspicion of committing crimes. This second issue raises 2 substantial problems where the evidence elicited cannot be relied on by a court in reaching its verdict or where innocent people confess to crimes leaving the real culprits to escape justice.

Given the sheer scale of the problem, the question is of course: What to do? We shall below outline a combination of these short, medium and long terms steps that can and must be taken to reform the police for greater efficiency.

#### IMMEDIATE/SHORT TERM MEASURES

A. The government can immediately do an audit of all SARS formations and police commands across the country, and release all detainees held for more than a month without a court order. While Section 36 of the Constitution of the Federal Republic of Nigeria (CFRN) provides that a person accused of an offence shall be granted fair hearing within a reasonable time, the reality is very different. Of the 73,726 people detained in correctional facilities across the country 51,983 - about 70% of that number - are currently awaiting trial. Only 22,773 of them have been convicted. There are no figures available for the number of people detained in police stations or tactical unit formations in the country.

This presents two significant problems, one of which must be resolved in the long term. First, the continued detention of people in SARS facilities will do nothing to shore up public confidence. Second, the lack of data for detainees is a problem that must be resolved in the long run as it enables detention for long spells and the extra-judicial murder/disappearance of people arrested by the police. No democracy committed to the security of its citizens can tolerate citizens 'being disappeared'.

Such an audit can be done in conjunction with the National Secretariat of the Nigerian Bar Association (NBA) and its 36 state chapters. A committee set up in this regard can visit the various police formations, review the cases against detainees, examine the evidence

available on a case-by-case basis then make recommendations for their release where necessary.

B. Over the past 14 days, about 21 people have been killed in a number of incidents in various protests across the country. This excludes the number of casualties from the forced dispersal of protesters gathered at the Lekki Toll Gate in Lagos by soldiers allegedly from the 65<sup>th</sup> Battalion stationed at the Bonny Cantonment, Victoria Island, Lagos.

At the time of writing this, no police officer has been dismissed, arrested or prosecuted for these killings. Over the years, the failure or refusal of the police authorities to bring erring police officers to justice has eroded public confidence. A quick win will be to immediately arrest all police officers involved in the deaths of protesters and bring them to trial.

The police authorities can also immediately set up a panel to receive evidence of wrongdoing of other police officers who have been accused of high-handedness and professional misconduct under various laws including the Anti Torture Act 2017.

C. Immediate de-escalation of policing tactics for public protest marches.

D. The police authorities could enforce a directive withdrawing all police officers from security details for VIPS and high-ranking government officials and celebrities nationwide. It is estimated that approximately 100,000 policemen, roughly 27% of the entire force, are deployed to such details. This directive has been announced several times in the past without enforcement. It is imperative that this directive is enforced now as the return of such a number of policemen to active operations will go a long way in improving police performance of its core functions.

It is estimated that the Nigerian Police Force currently has 377,000 officers for its approximately 200million people. This spells a ratio of 1 policeman to 554 citizens as against the United Nations (UN) recommended ratio of 1 policeman to 450 people. On the surface, this points to the fact that Nigeria is under-policed and in need of immediate recruitment of police officers to improve its police officer to citizen ratio.

However, when one considers the multiplicity of security agencies such as the Nigerian Security and Civil Defence Corps (NSCDC) and the Federal Road Safety Corps (FRSC). These agencies all perform functions which ought to be within the core functions of the NPF. If their

staff strengths are considered and added to the staff strength of the NPF, the possibility actually exists that Nigeria is adequately policed, or possibly over-policed. The challenge preventing an assertive conclusion in this regard is a lack of publicly available data regarding the staff strength of these two agencies.

## PROPOSALS FOR MEDIUM/LONG TERM POLICY ON POLICING

### **Significant De-Politicization**

There has to be a significant de-politicization of the NPF. For decades, the NPF has acted as a tool for the attainment of the objectives of the political leaders and Nigeria's wealthy elite acting as though its primary objectives are regime security and class preservation rather than the performance of its duty as an agency empowered by law to protect the Nigerian citizenry, and prevent or resolve crime.

According to Oliver Owen in his signal study on the Nigerian Police Force:

Political interference undermines the cohesion,

“Political interference undermines the cohesion, effectiveness and performance of the Nigerian Police Force (NPF). If public see the police as partisan, this will deeply impact their trust permanently. The centralized and hierarchical accountability structure of the NPF renders it vulnerable to political interference, and certain officers may compromise their professionalism to curry political favour in the hope of future career advancement. The tone is set from the top – when politicians restrain political considerations and promote police leadership in order of seniority, this helps to depoliticize the whole system. Conversely, when officers perceived as ‘politically connected’ are advanced over seniors, this incentivizes other junior officers to make similar alliances which compromise their independence.”

David Jimebewon, Former Minister of Police Affairs, puts it this way.

“Here in Nigeria, police arrests a man (and) before you know it, one Alhaji, one Reverend or one Chief will be phoning. The offender himself will prostrate on the road, or the affluent one will bribe his way.”

Anecdotal evidence would have it that the politicization of the Police is seen during elections

when they are deployed across the country for political gain. On many occasions, particularly in the last few years, many police officers have gained notoriety for the brazen manner in which they have attempted to skew the electoral process to curry favour from the dominant political players in the area of their deployment.

This problem is founded in the power given by Sections 215(1)(a) and 216(2) of the Constitution to the President to appoint and remove the Inspector General of Police (IGP) at will, even though the Constitution requires him to consult with the National Police Council to do so. This lack of security of tenure weakens professionalism within the NPF and creates an incentive to compromise on their ethics in order to preserve their jobs.

It is recommended that the Constitution be amended to achieve two goals:

- Put the power to hire and fire the IGP in the National Police Council subject to confirmation by the Senate.
- Guarantee security of tenure for anyone appointed as IGP subject to the power of the Senate to remove him on certain grounds and only upon following certain criteria.

The weaponization of the police has also extended to the police budget for the purchase of equipment being skewed to procure military grade weapons and equipment such as fitting its Bell helicopter fleet to carry 7.62mm machine guns.

In addition, standard arms issued to policemen in Nigeria are often assault rifles, mostly AK-47 – even though there have been recent issuances of the IWI Tavor Tar 21. On the other hand, Crime Combating Units (CCU) within the Operational Response Service of the South African Police Service are primarily issued a 9mm Z88/Beretta pistol or a 12-gauge pump action rifle and rubber bullets with the heavier arms reserved for Special Task Forces.

### **Coherent De-Militarization**

There is a concerted need to de-militarize policing in Nigeria. As insecurity has risen in Nigeria, the military has been actively deployed to 35 states to tackle security threats that should ordinarily have been left to the police. This level of troop deployment, a hangover from several years of military rule, raises concern for two primary reasons:

a. the military is trained in the art of warfare and not policing, and is therefore ill equipped to prevent or resolve crime. As a result, it is often unable to gather the sort of intelligence required for modern policing instead relying on the use of force to compel compliance with orders. Of particular concern is the fact that the military has no training in crowd management at public gatherings and protests. A very ready example can be found in the chaos that arose from the deployment of troops to dispel #EndSARS protesters camped at the Lekki toll gate on October 20, 2020.

b. As a result of the deployment of troops, funds and other resources which ought to have been channeled towards the police are rerouted towards equipping and maintaining the military.

The militarization of policing does not only involve the deployment of troops for internal security operations. It also involves the use of military tactics in internal security operations by the police.

To resolve this challenge, it is recommended that Nigeria copies systems from other countries that severely restrict troop deployment within the country and reserve internal policing strictly for the police. A solid example can be seen from the restrictions placed by the German Basic Law on the deployment of the *Bundeswehr* - the German Military - for internal security operations.

The foundation for these restrictions is laid in the provisions of the Basic Law to the effect that

“Except for defense, the armed forces may only be used insofar as this Basic Law expressly allows it.”

The Basic Law goes on to provide that:

“To avert an impending danger to the existence or the free democratic basic order of the Federation or a Land, the Federal Government can, if the requirements of Article 91 paragraph 2 are met and the police forces and the Federal Border Guard are insufficient, to deploy armed forces to support the police and the Federal Border Guard in protecting civilian objects and in combating organized and militarily armed insurgents.”

These provisions have been interpreted to mean that save for imminent threats that constitute a danger to a “free democratic basic order” by “organized and militarily armed insurgents”, there are severe restrictions on the deployment of the military for internal security operations.

For a deployment of the *Bundeswehr* with sovereign powers and, if necessary, with military weapons, a “major terrorist situation” must in fact be so extensive that an unusual exceptional situation can be assumed. However, this is then defined by the federal government and the states. The decisive factor here is that the *Bundeswehr* cannot act independently in such cases – but always only on request and therefore under the command of the respective federal state (or several countries) that the armed forces request for support. So what exactly soldiers should do is not decided by a military commander, but by the civilian police chief or the state interior ministry.

That said, states are permitted to request the technical assistance from the *Bundeswehr* such as stacking sandbags in a flood, or helicopters from the army and air force who fly rescue workers in during natural disasters or rescue people in distress, or the deployment of doctors and nurses to help treat patients in the middle of the corona virus pandemic.

In application, such a system will severely limit the deployment of the military within Nigeria to only severe cases of terrorist threats or instances where technical military assistance is requested for by civilian authorities.

To achieve this objective, there have to be amendments to the Acts, passed by the National Assembly further to its powers under Section 219(1) of the Constitution, that govern the operation of the Army, Navy and Airforce.

There also has to be an amendment of the budgeting process to divert funds previously appropriated for the equipment and maintenance of the military during internal security operations to scale up the equipment and training of the NPF for a complete takeover of internal policing in Nigeria.

### **Comprehensive Review**

There has to be a concerted review of the Police Act, the Administration of Criminal Justice Act (ACJA) and other laws or regulations that govern police conduct, the internal mechanisms

of the police, and the relationship of the police to the public. While the new Police Act greatly improves on the old regulations, it leaves far too much to the exercise of the discretion of police officers – many of whom are notorious for not showing a reasonable exercise of that discretion. Our laws leave too many loopholes open that enable the violation of rights, inordinate delays in trials, long detention spells, inefficient handling of evidence and lengthy trials.

For instance, ACJA requires police officers to inform suspects of the reason for their arrest, their right to silence at the time of their arrest, the right to legal counsel of their choice, the availability of free legal representation from the Legal Aid Council of Nigeria. ACJA also places a responsibility of informing the next of kin of the suspect of the fact of the arrest at no cost to the suspect. Furthermore, ACJA prohibits the arrest of any person in lieu of a suspect.

The reality is significantly different. Suspects are often not informed of the reason for which they have been arrested, prevented from having access to legal counsel of their choice, are often uninformed of their right to free legal representation and are often detained for days, weeks even, without anyone being informed of the fact of their arrest. Family members are also often arrested in lieu of suspects who cannot be found or who are in hiding.

These events are exacerbated by the lack of a public database of suspects arrested or in the custody of the NPF, even though ACJA makes provision for such a database. The lack of such a database enables the police arrest and detain suspects for long periods of time with no further action taken, or to even “disappear” them altogether.

Another instance is the prohibition on the arrest or detention of suspects for civil wrongs. In reality, the police is typically involved in civil cases of all natures, particularly in cases of debt recovery.

A third instance is the requirement that all statements taken from an accused person be taken in the presence of a legal practitioner of his choice or provided by the Legal Aid Council, an official of a Civil Society Organization or a Justice of the Peace or any person of the suspect’s choice. In reality, the police often take statements from suspects without the presence of any of the above-mentioned persons. In many other cases, suspects are compelled –torture being one means – to sign off on pre-written statements.

These examples are critical examples of how non-compliance with the most basic requirements of law enable so many vices within the police and lay the foundation for the



inhumane and inefficient nature of the police force.

The Police Act recently signed by President Muhammadu Buhari is also in itself in need of reform. While it mirrors the provisions of similar laws in other climes, it leaves several things to the exercise of the discretion by police officers, a phenomenon which is worrisome for a police force that has shown the penchant to exercise that discretion with ill intention.

An example can be found in the power given to a police officer to arrest a person, with or without a warrant if he reasonably suspects the person of having committed an offence in another country or if he reasonably suspects that the person is in possession of stolen property or is in possession of an item relating to which the officer suspects a crime has been committed.

The problem with the empowerment of the exercise of this discretion is that the police is notorious to cooking up charges as an excuse to arrest, detain and then extort innocent people. SARS officer are, in particular, notorious for arresting young men on the “suspicion” that the cars, laptops and phones in their possession are either stolen or tools used for committing crime. These provisions only serve to enable them to continue such harassment.

Another example can be found in the power given to the police to receive a “reasonable sum of money” to release a person arrested without a warrant within 24 hours on bail. A perverse application of this provision enables police officers to arrest people solely for the purpose of collecting money to release them on bail, something that the NPF is notorious for. The enactment of such legislation only serves to legalize the nefarious activities of the police.

Across the country informal vigilante groups and state-created law enforcement agencies are taking up many policing functions. This only demonstrates further the lack of coordinated policing policy to determine the areas of soft policing, such as traffic management that states can engage in neighbourhood watch schemes, that local groups can be involved in participatory community policing. Strengthening and institutionalizing these informal and sub-national institutions strengthens the police. Ignoring them creates new actors who can contest a monopoly of violence with the federal government. Abrogating Federal responsibility to such groups means flaunting the Constitution.

There has to be a concerted review of the national internal security apparatus. A glaring example is the Nigerian Security and Civil Defence Corps (NSCDC) which exercises core functions similar to those of the Police. Another example is the similarity between the

functions of the Federal Road Safety Corps (FRSC) and the Traffic Unit of the NPF. Other examples include the deployment of specialist agencies such as the Nigerian Customs Service (NCS) and the Department of State Security (DSS) to conduct internal security operations which ought to be solely within the purview of the police.

This multiplicity of agencies and functions leads to overlaps that create gaps in the system, stretch resources, and cause inefficiency. A merger of these agencies will go a long way to reduce the inefficiency in the law enforcement operations of the country. Such a merger will also remove inter-agency rivalries that foster a lack of cooperation among agencies hamper a free flow of information between agencies.

The establishment of an effective Internal Affairs department of the Nigerian Police is also imperative. The core function of this department will be to review the activities of police officers regularly on a case by case basis and recommend appropriate commending or disciplinary measures for their conduct.

It is imperative to improve funding for the Nigerian Police. This needs to be done by streamlining the country's security architecture.

a. improvement of the salaries/emoluments/welfare of the police – simply put, the pay scale for the Nigerian Police Force is terrible. There is no way police officers can legally survive or cater to their families on the pittance they are paid. To worsen matters, salaries are often delayed and there are no insurance packages to cater to hazards such as loss of life or severe injuries. The result is a poorly motivated police force that often has to resort to illegal sources of income to survive.

The 8th Assembly tried to resolve some of these funding challenges by passing the Police Trust Fund Act which imposed a levy of 0.005% of the net profits of companies operating businesses in Nigeria to fund the Police Trust Fund. Other sources of funds for the Trust Fund are an allocation of 0.5% of revenue accruable to the Federation Account as well as grants, gifts and other donations and income accruable from any investments made, into the Fund. The 6-year life span of the Fund from the date of inception is a source of concern that ought to compel strict compliance with provisions of the Act. However, there are fears that the monies accruable to owing to Nigeria's severe revenue shortages, the provisions of the Act may not be fully complied with and these challenges will remain.

b. improvement of the equipment and infrastructure of the police – police officers have to

rely on very poor equipment and facilities for their operations. Police facilities such as police stations are poorly constructed and maintained, and lacking in basics such as electricity and internet connectivity. Operational equipment such as vehicles, helicopters and arms are old, obsolete and poorly maintained where they exist at all. Forensic laboratories do not exist or are badly insufficient. The use of technology in collating and storing data or resolving crimes is almost non-existent. Police officers have to purchase their uniforms, writing materials, and other variables needed for their work.

c. improvement in training – police officers in Nigeria are often barely literate and mostly untrained in modern techniques of policing..

The cumulative effect of these three factors is that the police force is poorly equipped to perform its core functions and is often pitted against an enemy that is better equipped and motivated than it is. To achieve any sort of efficiency, it is imperative to provide better funding for the police force to enable it better pay, better equip, and better train its personnel.

An analysis of budgetary allocations to the NPF over the last 5 years shows how badly funded the police force is. While there has been an increase in the monetary allocations to the NPF since 2015, bar 2016 when the allocation dropped, there has been a steady decline in the ratio of this amount when compared to the total security budget. Further analysis will show the Federal Government has been unable to achieve a 100% release of these allocations, with capital allocation during this period barely ever scratching 50%.

Year	Capital Allocation	Capital Budget Released	Overhead Cost Allocation	Overhead Budget Released
2015	17,800,000,000	8,900,000,000	5,895,797,734	4,838,790,8463 <sup>1</sup>
2016	16,107,272,000	10,026,818,000	9,250,565,307	6,369,343,519.18
2017	20,198,272,000	9,099,136,000	11,655,565,307	5,997,413,096 <sup>2</sup>
2018	25,197,675,025	11,979,732,732	10,301,772,124	8,405,006,847
2019	22,064,903,996	6,325,961,598	9,250,565,304	8,567,285,430
2020	14,509,258,151	-	18,250,565,304	-

### Percentage of Police Budget Against Total Security Budget and National Budget from 2015- 2020

Year	National Budget	Security Budget	Police Formations and Commands Budget	% Security Budget	% National Budget
2015	N4.45 TRILLION	N988,892,506,442	N321,322,224,611	32.5%	7.2%
2016	N6.06 TRILLION	N1,076,864,003,431	N308,919,046,437	28.7%	5.1%
2017	N7.44 TRILLION	N1,154,686,839,039	N313,515,233,147	27.2%	4.2%
2018	N9.12 TRILLION	N1,353,788,525,587	N324,220,893,212	23.9%	3.56%
2019	N8.92 TRILLION	N1,403,568,885,911	N366,133,777,795	26.1%	4.1%
2020	N10.59 TRILLION	N1,809,122,690,322	N403,709,451,000	22.3%	3.81%

The 2020 budget made provision of N403,709,451,000 for the Police Formations and Command, of which only N14,509,258,151 – representing 3.6% of the allocation – is set aside for capital expenditure. Recurrent expenditure – salaries and other overheads – are responsible for the rest of the budget.

This mirrors the allocations made for the Police Formations and Commands in the 2019 budget with N366,133,777,795 allocated, of which only N22,064,903,995.85 – representing 6.02% of the allocation was set aside for capital expenditure.

A Budget that Ignores Training and Equipment

A closer look at the main budget item for Police Formation and Command HQ in the 2019 and 2020 budgets show that a massive N 339 billion was allocated for 'recurrent expenditure' in 2019 and N389.2 billion for the same line item in 2020. However, only N599 million was allocated for training in 2019 and N755 million in 2020. A paltry N20 million was allocated for teaching aids in 2019 which dropped to N13.4 million in the 2020 budget. And a grossly insufficient N48 million is allocated for Research and Development in the 2020 budget. How can training a large number of people be efficient if such a minor percentage of resources are allocated to this.

Indeed, of the N16 billion allocated for capital expenditure in the 2019 budget (4.7% of recurrent expenses or 4.3% of the total budget), only N3.3 billion was allocated for security equipment, compared to N10 billion for construction. The situation is mirrored in the 2020 budget where only N3 billion was allocated for security equipment compared to N8 billion for construction and the provision of other fixed assets.

The budgetary allocations raise all sorts of concerns about the opacity of security spending. For example, there is no detailed breakdown of what constitutes "*security equipment*" for which a combined N6.3 billion is allocated in the 2019 and 2020 budgets. There is also no breakdown of what constitutes "*Infrastructure*" in the 2020 budget for which N4.2 billion is allocated.

This begs the question: With so little investment in supporting manpower, how can the police force operate effectively and duly in line with its duties? However, the question begs a second question: Does this reflect a policy objective destined to down skill the Nigerian Police Force?

An answer in the affirmative is consistent with and the belief that there has been a consistent vandalization of the top echelons of the Nigerian Police Force over the last few years. Never in the Nigeria Police Force's over 200-year history has it lost so many experienced police officers for so few to be promoted to the detriment of so many Nigerians as it has in the last four years.

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Article 87a Paragraph 2

Article 87a Paragraph 4

Exceptional Case in Germany - the Debate About the Internal Deployment of the Bundeswehr  
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Germany Enlists Army to Help Fight Corona Virus,  
<https://www.ft.com/content/c5fb1f72-6920-11ea-800d-da70cff6e4d3> accessed 20 October 2020

Section 6 ACJA

Section 7 ACJA

Sections 15 and 16 ACJA

Section 8(2) ACJA

Section 17 ACJA

Section 38(1)(a)

Section 38(1)(d)

Section 62

Section 3 NSCDC Act, 2007 ACT No. 6

“Nigeria faces a number of challenges including; but not limited to, the slow dispensation of justice largely borne out of a lack of adequate equipment, infrastructure, trained personnel as well as standardized processes and procedures to investigate crimes and prosecute criminal cases. The responsible authorities, in particular the Nigerian Police Force (NPF), the Nigerian Immigration Service (NIS), and the Federal Ministry of Justice (FMOJ) are not yet sufficiently capable of meeting these challenges. Working procedures within the institutions are often not transparent and international standards are still to be fully integrated into operational processes. A decade ago, NPF and NIS embarked on an internal reform process that aims at mainstreaming human rights standards into their work. This mainstreaming has yet to take full effect within both organisations.” GIZ: Project title: Police Programme Africa – supporting police reform processes in Nigeria, commissioned by: German Federal Foreign Office (AA) <https://www.giz.de/en/worldwide/41986.html>

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## **The Road to #EndSARS**

The #EndSARS campaign became the most trending topic on twitter between 9-11 October with 28 million tweets. Something, although somewhat expected but nevertheless remarkable, happened. The proverbial camel’s back broke and the rage in the virtual spaces

moved in orderly fashion out onto actual streets. It is perhaps instructive to note that the social media protests started in 2017 and have slowly been gathering momentum as the ire of Nigerians grew with each new injustice meted out by the infamous Special Anti-Robbery Squad (SARS). The current protests are simply Nigerians saying ***we have had enough***. With the protests going from strength to strength in an organised and remarkably efficient manner, first the Nigerian government and then the entire world have taken notice.

Every year, an estimated 3,000 young people die from insecurity in Nigeria, and sadly extrajudicial killings account for a not -insignificant portion of the deaths. There is ample anecdotal evidence that youths are profiled by SARS based on appearance and extorted, unlawfully detained, tortured and in some instances killed. The Nigerian public has come to realize that the dignity of human life and the concept of human rights are alien to this unit in the Nigerian Police Force (NPF).

While how we got here may be obvious, the pertinent questions that should be of concern to us are: Where do we go from here? Is merely disbanding SARS going to address a problem so pervasive, with its roots firmly entrenched in a corrupt system?

To fully appreciate the menace that is SARS, one must go back to its inception in 1992. It started with such promise, it was set up as an anonymous NPF unit to perform undercover operations involving crimes associated with armed robbery, kidnapping, etc. It was initially a 15-man squad and their success lay in their stealth tactics. SARS successfully tackled the problems that led to its establishment and, it was the golden child of the NPF. Cases of kidnappings were swiftly unravelled, stolen vehicles were tracked, traced and returned to their grateful owners, crime rates dropped significantly.

However, as is sadly often the case with Nigerian institutions, the decay within the unit started with the officers abusing the privilege of their anonymity; over the years the systemic abuse of power by these officers grew with extortion, harassment, torture, rape and murder taking centre stage. According to Amnesty international, SARS is indicted and responsible for human rights abuse, cruelty, degrading treatment of Nigerians in their custody and other widespread torture. A 2020 report by the organization titled 'Time to End Impunity' indicates that between January and May of 2020 there were at least 82 documented cases of abuses and extrajudicial killings by SARS – and at least another ten Nigerian lives[1] have been lost to police brutality putting down the demonstrations.

As noted earlier, the #EndSARS campaign is one that has been on slow burn since 2017, on



Saturday 3 October 2020, a video started trending on Twitter showing a SARS police officer shoot a young Nigerian in plain sight, right in front of a hotel, in Ughelli, Delta State. It was also alleged that the police officers took away the young man's vehicle. This singular event served as the turning point for the campaign. On Thursday 8 October 2020, nationwide protests on #EndSARS started in cities across the entire country. After years of angst and helplessness, with videos and pictures consistently making the rounds, showing police brutality, harassment, and extortion in Nigeria, people evidently decided enough was enough. The general sentiment being that it is one thing to have a failing economy, high unemployment rates, and so on, but to be murdered and harassed on a daily basis for the simple reason that they are young and Nigerian is quite simply unacceptable. The protests were led by young Nigerians in different cities with the active participation of activists and numerous celebrities.

We live in an era of consciousness, in the age of information and with the global reckoning the Black Lives Matter movement caused recently, people more than ever understand the power of virtual and viral protests and that collectively they have a voice. People more than ever understand the impact of protest movements on the establishment and the power of being right, that the world stands with you as nothing has more resonance than injustice. Worthy of note in this context is that the protests took place at the same time as a gubernatorial election – almost as if to say that the election, and it has been dogged by reports of vote-buying rather than 'freedom of choice', does not hold the interest of the populace.

Several reasons can be adduced for these events unfolding the way they have. Firstly, police personnel are not trained properly, lack infrastructure and equipment, and are consequently ill prepared to deal with or even understand security issues and their role and core mandate to protect the lives and property of citizens. The way policing is done calls to question a fundamental provision of the constitution, namely, the state, through its agent, the police force, is in violation of the first principle of protection of lives and property. In addition to this, the police recruitment process is deeply flawed, and this is also evidenced by the incompetence of its officers who have not managed to de-escalate peaceful protests. Police have become divorced from the people they are meant to protect. This was compounded by the fact that the current administration sat on the new police reform bill for 18 months. There are those that contend the ruling party was happy to allow the militarization of the police force as this served its own ends in the 2019 elections. Secondly, there is the issue of an inadequate legal framework that serves to reinforce the NPF's overreach and lack of boundaries, The Police Act should be reviewed in line with international conventions and best

practice. Thirdly, there is the manifest 'weaponization' of the NPF and its countless sub-organizations at the latest since the kidnapping violence in the South-South in the early years of the second decade of the century.

For real progress to be made, government must see these protests not as an attack on the administration but as a chance to take stock and re-evaluate. The NPF requires a complete reorientation. The groundwork was done, amongst others, in the form of the DiFD report authored by Dr. Oliver Owens in 2015[2]. The commissioner of Police, who is the Principal Staff Officer to the Inspector General of Police, went on record saying: "The methodological approach you [Dr Oliver Owen] adopted and effort you put in place has completely validated your findings, which are also borne out by realities on the ground...The Inspector General of Police has already started implementing your research findings particularly on Alternative Resolution of disputes." One can only wonder why seemingly nothing has happened. Paper is patient, Nigerians are no longer.

The impact the protests have had to date are unclear. On Sunday 11 October 2020, the Inspector-General of Police announced that SARS had been disbanded, but that he was establishing a new unit Special Weapons and Tactics Team (SWAT). Many wondered whether this was not simply one four-letter name being replaced by a different four-letter word. It seemed to indicate that the administration was blind to the root causes of the protests: the perception that the NPF was habitually acting beyond the pale of the rule the law. Indeed, as numerous observers have noted, the administration is seemingly ignoring the fact that the protesters no longer wish to tolerate half measures. #EndSARS has become fluid, a representation of injustice, and much more than merely ending SARS. While in 2012, the Occupy Nigeria movement focused solely on the repeal of the abolition of the fuel subsidy, and was seen by some to have been instrumentalized by the then opposition party, there has clearly been a lot learned by Nigerians in the eight years since. #EndSARS shows that Nigerians have realised there is power in the collective and that regardless of religious or ethnic differences together they have a forceful voice. What started as 280 characters on Twitter has taken on a life of its own and the question is when the young people's attention will turn now to the underlying causes of the dire state of the country's socio-economic affairs. If it does, then the next question will be how the political establishment responds.

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[1] Amnesty International figure

[2]

## **Government & Water Resources**

### **Democracy and resources**

A nation, if it is fortunate, is endowed with specific resources. These resources are common goods in the sense that they are owned by all those citizens who go to make up the nation. At any rate, this is the case in a democracy. The latter is a normative system in which the citizens as the subjects elect persons from among their own ranks to represent their interests, to legislate and to act as the executive. Those laws created by the elected representatives are ultimately subject to public debate and public legitimation.

The nation's resources are managed by a set of those representatives on behalf of the citizens, whereby we refer to that set as the government. So, what exactly is government in a democracy? In the Nigerian case, under the democratic dispensation the citizens vote for a president who forms a government. At the same time, the citizens elect representatives whose job it is to oversee what the government does if only because the entire polity cannot be expected to spend its time doing such oversight. The citizens, therefore, vote for members of the two houses whose role is to legislate and oversee that government.

The presidential government is, in other words, elected by the citizens in order to provide certain services for the citizens. This is crucial, because it means that the subjects, the citizens, do not appoint someone to rule over them, but appoint someone and his/her government to rule on their behalf. When such a government ceases to render the requisite services to its citizens it loses its legitimacy and logically will be voted out at the next election.

Nigeria is such a fortunate nation. It is blessed with huge natural resources, including water deposits deep underground in most of the Northeast. It is blessed with many rivers. Although it may seem incongruous to start a discussion of the Water Resources Bill before the National Assembly by recalling the basic premises of democratic governance, this is crucial as the issue involved is how government decides to use a common good, water. And the issue is itself crucial, in that for all the blessing, water is becoming a scarce common good in some geographical parts owing to climate change.

## **Inundated with water? Or by legislation?**

Recent events show the need for better water management, as climate change causes flash flooding on a new scale as witnessed in Kebbi.[i] Indeed, one of the key challenges to agricultural productivity being increased is the availability of water. By all accounts, the government has for long been negligent in its duty to the people in this regard:[ii]

And now there is a Water Resources Bill that has passed two readings in the House of Representatives and is expected to be taken forward to the Senate after third reading and passage. It is perhaps worthy of note that we have to do here with a case of recidivism: It was brought before and rejected by the Eighth Assembly.

In light of the above remarks, the main questions are: Does it address the key issues of irrigation to enhance agricultural productivity and combat climate challenge? Does it improve water conservation and management or clarify doubts over use of this common good? The latter issue is not trivial as the matter of the Kiri Dam in Adamawa State shows. The dam was built as a reservoir dam but included bays for turbines. In the late Noughties an argument ensued between the Federal Ministry of Water Resources and the State government over who had the right to operate the dam as a hydropower plant: The Federation as it owned the water, or the state as it claimed that through the Gongola River Basin Authority it owned the water and the river banks. The issue was never clarified in court and the hydropower plant never built in a region that otherwise had no generating assets.

So does the Water Resources Bill as is now in the National Assembly clarify such ownership issues, ensure the Ministry of Water Resources is able to act decisively to support agriculture, etc., and define once and for all how the nation shall adjudicate use of this common good.

The simple answer is: It does not! In fact, it does nothing of the kind.

There has been much hue and cry over the reintroduction of this bill. Although on the surface the legislation is seemingly about water regulation, closer inspection reveals there are provisions that violate property rights, introduces stringent licensing rules, etc. And there is a general perception that it is essentially a vehicle for forcing through the discredited 2019 RUGA policy.

With all the controversy surrounding the bill, it is most surprising that it went through the first

and second readings in the lower chamber of the NASS without a hitch. Some lawmakers expressed vehement opposition to its passage and have called for a public hearing where typically, members of the public could vent their concerns and questions about a proposed legislation and debates would be held on the merits or lack of before any further action is taken on it. Some lawmakers, however, are not favourably disposed to the idea of public hearing to avoid detailed scrutiny of the legislation. Their argument is that given the bill was introduced in the Eight Assembly and went through public hearing then, it should not go through that process again. This is not in line with the accepted procedure for passage and enactment of legislation: Any bill that does not complete the process of passage and enactment before the end of a particular Assembly must start from scratch if at a later date someone wants to make it a law. Why are some lawmakers determined to avoid a public hearing?

A few public figures have expressed grave concerns about the bill, most notable amongst them Nigeria's Nobel Laureate, Wole Soyinka, who warned against the passage of this bill into law stating: "It must be resisted across board. No compromising, or this nation is doomed, since it will be resisted by any and all means"

### **Is there any real cause for alarm?**

In a nutshell, yes. The proposed bill, if passed, would empower the Federal Government to control all sources of water in Nigeria – a clear usurpation of powers ordinarily vested in state governments, which is in direct contravention of the Constitution. Other disturbing aspects include: the introduction of licensing for commercial use of water and drilling of boreholes which must be renewed on a five-year basis; the powers to be conferred on a proposed Water Resources Commission to declare any land a water reserve; unrestricted access to privately owned property granted to the proposed commission; unfettered rights conferred on persons to water livestock at any source of water whether on private or public land, and so on.

These provisions of the bill are disturbing on various levels. First up, the immense cost to the public purse of establishing a commission when a plethora of MDA (Ministry of Water Resources, NIWA, river basin authorities, water resource commissions at the state level) already exist.

### **Painful legal provisions**

Second and perhaps most alarming to the public are the provisions which have led many to

conclude that the legislation will encourage a land grab and facilitate appropriation of land that currently belongs to state governments and private individuals.

Specifically, Section 3 of the proposed legislation reads that:

“Notwithstanding the provisions set out in Section 2 of this Bill, but subject to Regulations issued by the relevant State Agency identified pursuant to Section 79 hereunder, and in overriding Public Interest, a person may, without license:

- Take water from a water source to which the public has free access for the use of his household or for watering domestic livestock;
- Use water for the purposes of subsistence fishing or for navigation to the extent that such use is not inconsistent with this Bill or any other existing law;
- Where a statutory or customary right of occupancy to any land exists, take or use water without charge from the underground water source, or if abutting the bank of any watercourse, from that watercourse, for reasonable household use, watering livestock and for personal irrigation not for commercial purposes.”

And it gets worse: Section 71 states:

“The commission may, following public consultation, by order published in the Gazette, declare an area to be a groundwater conservation area in cases where the commission is satisfied that, in the public interest in such area, special measures for the conservation of groundwater are necessary for the protection -

- of public water supplies;
- of the environment; or
- for water supplies used for agriculture, industry or other private purposes.

(2) The commission may impose such requirements, and regulate or prohibit such conduct or activities, in or in relation to groundwater conservation areas such as the commission may deem necessary to protect the area.”

Legal experts, public policy analysts, renowned lawyers and social commentators have, in

their analysis of this bill, highlighted similar provisions that were innate in the ill-fated RUGA policy introduced in 2019, which set out to appropriate and designate richly-irrigated parcels of land spanning the entire country for rearing of livestock. And many are concerned by the unilateral powers conferred on the proposed commission to take over any land it deems fit. It should be noted that the bill is strangely silent when it comes to defining what constitutes a potential “groundwater conservation area”.

Another salient aspect of the legislation is the licensing of water contained in section 62. The bill stipulates that:

“Any person who, undertakes the following activities (in this section referred to as “prescribed activities”) in relation to water sources listed in the First Schedule to this Bill, shall be licensed by the commission:

- abstraction of surface water and groundwater;
- diversion, pumping, storage or use on a commercial scale of any water;
- the construction of boreholes for commercial purposes.”

This particular provision has enraged the public who are already suffering untold economic hardship.

Trespass to property and infringement of property rights can also be inferred from several sections in this Bill, such as Section 67 (3):

An Order under this section may require or authorize-

- the laying of pipes and the construction of works on any land;
- the entry on to any land by officers or agents of the Commission; and
- such other measures that the Commission may consider necessary to overcome the shortage of water or effect of any accident

The Water Resources Bill is all about grabbing land, imposing yet more levies on the populace, and creating yet more legal confusion over rights of way. Bad luck to him or her who owns land where someone decides a water pipe needs to cross or where there is a

borehole some person in the commission decides needs to be used by others.

## **Legislation for the people**

First and foremost, the bill is an example of both the executive and legislative arms of government forgetting what their original duty is, namely, to represent the wishes of the majority of the citizens – and serve them. In this instance, the National Assembly is negligent in its oversight duty as it is not securing equal rights, property rights of individuals and use of a common good.

Government clearly lacks legitimacy as it cannot be construed to be providing a service to the people, this bill does not seek to enable water to be used by the nation for the nation- to drive productivity, neither does it seek to put institutions in place to ensure proper management and conservation of water in an age of climate change, where the resource is becoming scarce in some regions and exposing other to the risks of flash flooding.

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[i] 3 Sept. *“President Muhammadu Buhari Wednesday expressed concern over the heavy floods, which destroyed lives, submerged thousands of hectares of farmlands and houses in Kebbi State. The flood, according to a statement by the presidential spokesman, Malam Garba Shehu, also destroyed farm produce and personal belongings in the affected communities.*

[ii]  
[https://guardian.ng/saturday-magazine/cover/dams-neglected-water-resources-amid-acute-fo  
od-insecurity/](https://guardian.ng/saturday-magazine/cover/dams-neglected-water-resources-amid-acute-food-insecurity/)

*Image from from Flickr*

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## **To Strike or Not to Strike, That is Not the Question**

Heads you lose, tails you lose. This is the harsh reality facing Nigerians in this era of the pandemic- and low-oil-price-induced contraction of the economy. The impact of these two exogenous shocks to the Nigerian economy is being felt most acutely by the government as earnings from oil and gas, which account for the lion’s share of revenues to the federation



account, have taken a major hit. The implications of this are far-reaching: Government has had to revise the 2020 budget downwards, ramp up foreign loans to make up fiscal shortfalls, and so on. The stark reality that confronted those at the helm of the treasury was that subsidies, whether euphemistically tagged under-recoveries, could not be sustained. So, what option did government have? Continue the folly of subsidizing at the expense of recurrent or capital expenditures, and risk non-payment of salaries, debt obligations, reduction of critical public services (security, law and order, healthcare, education, etc.) or allow the burden to fall on the already battered populace. Government chose the latter. This reality must have been a difficult choice for government as it no doubt meant the citizens would lose either way.

Now, the hapless population wants to go on strike. Let the truth be told: It is a case of damned if you do, and damned if you don't. Damned if you do because if the strike goes ahead, and government backs down and reverses the tariff and pump prices increases, salaries and other essential services will get the brunt. And damned if you don't strike because energy prices relative to real income remain significantly higher, with inflation raiding pockets as food prices rocketing to compound the misery.

These are the cold bare facts, yet it is insensitive to say this to an already pummelled populace, who only see that their lot as worsening by the day. Government have made attempts to justify a situation that really cannot and should not be justified. According to countless newspaper headlines, the Vice President explained that the poor fortunes of the oil sector and revenue from foreign exchange earnings have fallen by almost 60 percent, yet the government has had to sustain expenditures to keep the economy going. It has also been said that were the country to have refineries the country would not be where it is. Yes, we should build refineries, no doubt. Would that however address the fundamental issues that caused the market divergence in the first place? It most certainly will not, and Nigerians would be faced with the same vicious cycle.

Let us accept our reality that we are in dire economic straits and really think through this strike that will come to nought. It would be counterproductive, and people will be left befuddled if government backs down due to pressure induced from strikes and yet they continue to suffer. The pyrrhic victory will not last a moment as government will not be able to pay under-recoveries and the oil marketers will not import PMS, resulting in queues outside filling stations and a resurgence in black markets at petrol stations. As for electricity, the shortfalls government has covered since the entry of private investors will cease for lack of cash, leaving the international oil companies IOCs and the Nigerian Gas Company no

choice but to cut gas supplies to the power sector with the knock-on effect of even more protracted blackouts.

As things stand Nigerians have three options, sit back and be further pummelled, take to the streets with placards chanting “*We no go gree*” or roll up their sleeves and get on with fixing the problem that should have been fixed a long time ago. None of these options is without dire consequences. The last option which is fixing the problem is the only one that can get the country out of the woods and the truth is that it is going to be painstaking, tedious, arduous, and not a quick win. This problem has been long in the making and we have consistently swept it under the carpet. Sadly, but not unexpected, the chicken has now come home to roost.

If we do not start fixing the problem in earnest – today it is the price of petrol at the pump and electricity from the socket, tomorrow it could be a reduction in capital projects, our roads will remain deplorable and impassable, schools will further deteriorate and not be able to cater for the burgeoning youthful population, healthcare centres will persist as shells with no resources and medicament to treat basic ailments.

Fixing the problem would require the best and the brightest of Nigerians coming together, not just to come up with quick fixes but to look deeply into our habits and mores and find a new path that will revamp the economy to meet the needs of all Nigerians on a sustainable basis with the focus on production, not merely consumption.

To say that where we find ourselves could not have been predicted would be naïve or lying to ourselves. As tough a crossroads we find ourselves at, this is actually an ideal time to address all the ills that brought us to this point – as there is no longer any ducking them. To strike or not to strike is certainly not the question. The debate should centre on the extent and scope of the reconstruction of the economy. As we grudgingly accept our reality, we must put all the issues back on the table, including the justifications given for the increases, to ensure that they are not a smokescreen behind which resources get redistributed but instead entail stakeholders in the sectors fixing the economy with the overarching goal and objective being the promotion of universal prosperity rather than parochial interests.

*Photo by Avel Chuklanov on Unsplash*

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## **EXIT OF SHOPRITE: Should This be of Concern to Government?**

Last week SHOPRITE announced it was pulling out of Nigeria and looking for local investors to take over the business. While the news may have caught some completely by surprise, others who have followed the difficulties the chain has had to contend with may have already seen the writing on the wall. To name one such difficulty: epileptic electricity supplies, a major problem for shopping malls that rely on freezers 24/7 and massive air conditioning during opening hours.

The withdrawal should be of great concern to us all. After all, retail business sector as at 2018 accounted for about 16% of the Nigerian GDP. In an era characterized by a drive for diversification, the withdrawal is alarming. It is a well-known fact that Nigerian shoppers prefer and want to see, feel, and try on products before making a purchase thus, having a variety of products under one roof helps to address that aspect of the shopping flair in Nigeria.

To jog everyone's memories: Shoprite is a South-African owned chain which started operations in Nigeria in 2005 and now boasts 26 retail stores across eight states in Nigeria, making it the biggest retailer in the country. It offers its customers a variety of food products, household goods and small appliances at affordable prices. Moreover, it has structured the retail business in Nigeria to international standards to deliver a world-class shopping experience. Indeed, it has a minimum payroll of 2,000 with 99% Nigerian staff strength. It should be noted that about 80% of sales in Shoprite Stores in Nigeria consists of domestic goods which encourages local products. Shoprite has built relationships with over 300 leading Nigerian suppliers, small businesses, and farmers, securing a wide assortment of local brands. It is an example to follow. And it is renowned for its staff training. In a nutshell: SHOPRITE are the pacesetters of structured retail business in Nigeria!

No other retail company in Nigeria has been able to achieve what Shoprite has done in Nigeria in the last 15 years. In fact, none has achieved anything similar in terms of branch outlets, staff strength and establishing an immense network of suppliers, let alone maintaining such standards. This begs the question whether a successor company will keep things moving so well.

The intended discontinuation of SHOPRITE in Nigeria is not surprising, because, for some time, the retailer has been grappling with the twin evils of weak sales revenue due to logistics concerns (one needs think only of clearing goods at Apapa) and the economic

downturn in Nigeria – which has been worsened by the COVID-19 pandemic lockdown and social distancing. Customer patronage subsequently fell by 7.4% owing to the pandemic lockdown.

Another reason responsible for the challenges that Shoprite is currently facing is the difficult and hostile environment it finds itself: Beyond COVID-19 economic consequences and fall of oil price, there are other factors that made the decision inevitable, some of which are:

Exorbitant rents and high taxes, costs that have to be passed on to customers along with energy costs.

Currency devaluation, as this eats into profits that want to be repatriated, with currency-induced inflation putting another nail in the coffin.

Fast dwindling consumer purchasing power which automatically resulted in a dip in sales of most businesses.

Lack of access to local credit finance given the unrealistic 20-plus percent interest rates demanded by banks

Infrastructure deficits (transportation, energy), making getting produce to the malls and keeping them operating and customers cool – incredibly challenging and/or very costly.

Xenophobia – Some Shoprite stores were looted and destroyed in Nigeria in response to the xenophobic attacks on Nigerians in South Africa, sparking an 8.1% loss in sales in H2 of 2019.

All these factors added up to making it unattractive to the would-be investor, be it foreign or local to invest in Nigeria. It is in this context that the Chief Executive Officer of Shoprite, **Pieter Engelbrecht**, noted: *“...we have taken a number of immediate operational actions, all of which are on-going and include rent reductions, store closures, productivity improvements and de-dollarising costs. We are confident in the absence of further currency devaluations and any unforeseen circumstances that these operational measures will positively impact profitability.”*

From the foregoing, it is obvious that the exit of the chain-store will adversely affect not just

the staff, but the numerous suppliers and farmers. It is conceivable that some of these small business holders will go out of business. In other words, the exit will have a ripple effect on the economy. There is also no assurance that new owners, assuming such are found, will want to retain the old staff. And who knows what the situation will be as regards the real-estate investors who developed the shopping malls and own the respective sites.

A 2013 McKinsey report estimated that from 2008 to 2020, Nigeria offered a \$40 billion growth opportunity in food and consumer goods. Evidently, with the SHOPRITE announcement, at the latest that bubble has burst. In fact, in 2019, according to a survey released by A.T Kearney, a global management consulting firm, Nigeria's global ranking in retail development dropped to 30<sup>th</sup> position out of 30 countries with the total national sales dropping from \$109 billion the prior year to \$015 billion. Yet if one looks at the above factors closely, then it emerges that at least five of the six are open to influence by good policymaking (on import duty regimes, red tape, infrastructure, etc.), which can definitely positively affect the cost of doing business in Nigeria. Remember, government is there to enable business to take place, not to do business. In this case, it would seem to have failed in its enabling role.

Government should already be going into action. After all, there the risk of contagion effect. What will happen to Game and other foreign companies directly and indirectly involved in the retail sector? It is no longer news that one of the clothing brand retailers, Mr. Price, a popular affordable clothing, sport and home wear brand has already closed shop and left with all their investments while citing difficulties and challenges, such as repatriating profits. With the attendant consequence of the COVID-19 pandemic on the Nigerian economy and its populace which is resulting to massive job losses and decreased income, it is only a matter of time and will not be a surprise if other similar foreign retail stores follow in Mr. Price's and Shoprite's footsteps.

Retail business in Nigeria is viewed by many as a new frontier of growth and holds significant opportunities for local and international investors and if fully harnessed, the opportunities it avails the economy are vast. These include job creation, spurring industrial growth, infrastructure development, and thus ultimately contribute to GDP growth. So, if we keep allowing these investors to close shop and leave, it portends a huge loss to the economy. In this context, it should be of great concern to the Nigerian government that the Nigerian economy is growing slower than its population growth due to the hostile business environment.

On the other hand, neither the government nor the populace need worry about the exit of one or more foreign investors if there are no impediments to healthy competition, markets function efficiently, and if the decision to close shop is based solely on corporate decisions – and has nothing to do with the systemic challenges facing the retail sector. If this were the case, then the departure of Shoprite from Nigeria could spell more business growth for Nigerian retail supermarkets and businesses. It is a big ‘if’ as it assumes quite a lot being in place: appropriate competition policies and legislation; insignificant barriers to entry and exit; open borders; easy repatriation of profits and capital; ease of doing business; low transaction and indirect costs; favourable macroeconomic conditions (taxation, fiscal policies, interest rates, access to finance, and exchange rate regime); improved security and infrastructure. And last but not least, effective sector-government liaison (to convey challenges and feedback).

Now that is a hefty set of homework assignments for government... And we can comfortably contend that it is only once those issues plaguing the Nigerian business environment are tackled squarely and openly and appropriate policies put in place that government can sit back and no longer worry if a major company, be it foreign or local, closes shop.

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### **To Drive or Not to Drive: That is the question**

Public discourse on the subject of roads is always newsworthy. Their construction, existing conditions, maintenance and lack of, are of deep fascination to the public. One can perhaps attribute this interest to the significance of roads in the day- to- day existence of the populace, and to the crucial role they play in creating an enabling environment for socio-economic advancement.

Last December, Minister of Works and Housing, Mr Babatunde Fashola made headlines when he declared to the Federal Executive Council (FEC) that he would deliver 524 roads and bridges nationwide, saying 80 were priority projects scheduled for completion in the 2020-2021 fiscal year. In his presentation to FEC, Fashola said N412.64 billion would be needed for the project. Also making headlines on same day was FG’s announcement to set aside N36.57bn for the rehabilitation of 123 roads across 36 states. What the priority projects were or which roads need rehabilitating and why he did not say.

The question this begs is what actual analysis of the state of existing roads and the requirement for new roads was undertaken before banding such figures about? After all, surely FEC needs to know how crucial these roads are to overall economic development in order to justify the priority and significant portion of the budget allocated to constructing them? Perhaps the minister took his cue from the president who earlier in the same year was credited with the declaration to create 10 million jobs over the next five years and lift 100 million people out of poverty in a decade. For a population of 200 million, taking into account that youth (under 15) make up half the population with a non-insignificant contribution of above 65, physically challenged, etc. Who then would these 10 million new jobs be created for?

Oftentimes, big numbers are bandied about. It appears that the bigger the better, to impress upon the largely uninformed public the idea that government are doing a stellar job in handling the country's affairs. In reality however, these numbers do not translate to measurable economic development, owing to the fact that planning is severely handicapped in Nigeria due to a widespread lack of data.

This lack of data and its attendant obstruction to integrated planning cuts across all sectors of Nigeria's economy. In education for instance, there is a yawning gap in available data on basic issues that inform the administration of the sector, statistics such as the number of children enrolled in school, number of schools nationwide, number and competence of teachers, and so on, are unavailable. This holds true for every sector of our economy. The only reliable data we have are from international players, such as the World Bank, the World Health Organisation, and so on. Sadly, locally accumulated data where available is inaccurate or inadequate. It seems we fail to see the necessity in collecting and recording accurate data; there is no compilation of statistics on a periodic basis as a matter of course. Even the National Bureau of Statistics does not have up-to-date data on anything and the accuracy of the data it does have is questionable.

The importance of data cannot be overemphasized as it reveals a true picture of an economy's condition. It allows one to understand how a nation stands in respect to its peers and whether it is being run efficiently. More importantly, data can help determine whether plans and programmes which have been adopted are constructive or not. Critical analysis of past trends is key to holistic planning for the future.

This 'number-playing' without corresponding data to enable judicious planning sadly is not the way forward. If it is an acknowledged fact that it is impossible to plan without reliable

data and that no economy can thrive without planning, what exactly does the government hope to achieve with these grandiose statements regularly made?

Roads are wonderful, fascinating things. However, unless properly planned and structured to fit into an overarching framework for economic planning by use of proper data analysis, the big numbers would always have a hollow, insincere ring to them as the socio-economic situation of the country would not show any marked improvement.