

## **Operation Amotekun: Part One, Two and Three**

**Babafemi A. Badejo, Ph.D**

I lived in Nairobi for 11 years working for the United Nations on peace for Somalia. It meant I went into Mogadishu where I had earlier lived for two years (before the UN's evacuation), on as needed basis. I was part of the UN's support of the unending peace dialogues and conferences.

As I am wanting to do in many aspects of my life and shocked by the situation in Mogadishu, I thought through, planned and concluded that if Nigeria were to implode, I would choose to live in Nairobi or Accra if I must become a refugee. I enjoyed and made friends from far and wide in the city. But I knew and know that refugees have little choices. It depends on which country and/or community is willing to accept them.

It used to be nice to take my children and visitors to the Nairobi National Park and once or twice, drove as far as Massai Mara, to view wild animals. But in all these efforts, I never saw Amotekun (Leopard).

Then came a colleague on duty posting to Nairobi towards the end of my stay in Nairobi who got me to appreciate the joy of observing animals in the wild. This became a passion for me just like I picked up watching ocean waves out of my office windows in Monrovia as I also explored the different beach points near or in the city.

I started reading about animals in the wild and followed colleagues to other parks. I had gotten pretty close to a Lion with my family and took pictures. I took a particular one that adorns the cover of my best seller book that is a dual biography: of the country and the Simba of Kenyan politics - Raila Odinga. I shudder today, when I now know that a Lion can break through the glass that I thought was protection. I had stood with my family watching Rhinos and Elephants only to now read about deaths that followed such "brave" acts. I wanted to record a close picture of majestic Amotekun in the wild but did not succeed. Of course, I knew there were some in captivity at the Nairobi park orphanage but I wanted the real thing. Not a tamed one.

Then came this Saturday early morning about 2003/2004. We had driven to Nakuru park. As we entered, my camera on my laps in steady mode, and I talked on my obsession on wanting to see a Leopard, four in quick succession passed right in front of the car. They were majestic with the cat paws design on their furs allowing them to adapt easily. Much different from the spots of the Cheetah and they don't have the flowing tears of the Cheetah either. Amotekun lacks the speed of the Cheetah also. The four Amotekun were gone before I could pick up my steadied camera. I was over-awed. We drove all over the park trying to figure out their path. No success. That was an end to one of the myths I had read about Amotekun to the effect that they are solitary. Here was a community of four.

Not until May 2009 while on an observation stop in Nairobi on my way from Johannesburg did a smart Massai guy take me right before a Leopard lounging away in what appears like sleep mode on a branch of a tree. I visited the spot twice and it was there for me to snap as many photographs with my Cannon camera. Wasn't yet the time of the ubiquitous smart phone. This Leopard that I saw in the vast Maasai Mara confirmed another characteristic of Amotekun. It is a stealth operator from dusk to dawn hunting for food, on as necessary basis and generally wondering around its territory that could be in the range of 25km or 75km radius. A very strong animal that appears lazy and shy to many, Amotekun kills its prey at close quarters through suffocation. It does not engage in the rowdy brawl of a Lion. It uses its brain to get close enough before pouncing giving the prey, another unlucky animal, no chance.

I know that Yorubas pay attention to names. And I think the South West Governors made a great choice in using the majestic but a specifically angry Amotekun as the insignia for the Western Nigeria Security Network apparatus.

Nigeria may be approaching dusk. A dusk for which there may not be a dawn, if care is not taken. Returning to my thoughts, I am having the kind of fear I had some 27 years ago when MKO Abiola was robbed of the presidency of Nigeria that he won. It was that fear that made me think of where I would like to stay with my family if we were to become refugees. However, I really do not want to live anywhere other than in Eko in my peaceful home that I built with my family without our stealing from national patrimony.

## **Operation Amotekun: Part Two**

**Babafemi A. Badejo, Ph.D**

Vicious attacks on the Southwest geopolitical zone (a convenient political terminology that has no constitutional status) of Nigeria in 2019 through maiming, kidnapping, killings and theft of property resulted in what's called "Operation Amotekun". Amotekun the Yoruba word for Leopard became the code name for Western Nigeria Security Network. Under this arrangement, the 6 states of: Lagos, Ogun, Oyo, Osun, Ekiti and Ondo came together to enhance their security in collaboration with the Nigerian security apparatus or if you like apparatuses.

On Thursday January 9, 2020 the 6 States launched the popularly hailed and appreciated Operation Amotekun with a lot of fanfare. At the launching, Governor Kayode Fayemi, of Ekiti State stated: "Amotekun is a complement that will give our people confidence that they are being looked after by those they elected into office. So, we do not want this to create fear in the mind of anybody as we are not creating a regional police force and are fully aware of the steps we must take to have state police. We do not want anybody to misconstrue the concept of Amotekun....As elected leaders, our primary responsibility, according to Section 14 (2) of the Nigerian Constitution 1999 as amended, is the security and welfare of citizens. That was what informed the governors coming together to fashion out a way to complement the work of the mainstream security agencies overstretched in their efforts to arrest the menace that have afflicted the entire country."

That the Nigerian security forces are overstretched is not in doubt. The Nigerian military forces are bogged down by Boko Haram in the Northeast geopolitical zone without any clear answer to the problem. Nigeria has no longer been as forthcoming to participate effectively in United Nations peacekeeping operations- a source of stealing for a few Nigerian military and civilian leaders who divert UN payments on equipment and at times entitlements of soldiers. The inability to cope resulted in collaboration with civilians in what is called Civilian Joint Task Force as well as an AU supported multinational joint task force bringing together Nigeria's immediate neighbours to face Boko Haram. Though the Buhari government has done better in handling Boko Haram, than its predecessor, the problem remains.

The police are understaffed and poorly equipped. During the defence of the security service's 2019 budget as Acting Inspector-General of Police Mohammed Adamu, before being subsequently confirmed informed us that understaffing was the main problem leading to the comical state of the Nigerian Police Force. For him, there was also problem of underfunding resulting in being under-equipped to fight crime. One police

officer to 662 citizens, is grossly inadequate. Comparative figures are: Singapore with a ratio of 1:137; Egypt 1:186; South Africa 1:366; Norway 1: 188; USA 1: 298 and Canada 1:188. The United Nations suggests that the ratio should not be less than 1:400.

With such staffing inadequacy, little wonder that some states started self-help arrangements that have been on for over one and a half decades. Twelve Muslim dominant states of Kano, Zamfara, Sokoto, Kebbi, Niger, Katsina, Kaduna, Bauchi, Yobe, Borno, Gombe and Jigawa formed Hisbah for the enforcement of Sharia law. Some actually call them religious police. They all operate some elements of vigilantism. In this day and age, they enforce prevention of mixture of gender in public transportation, enforce dress codes, seize and destroy alcoholic drinks etc. There are variations among them. Some like in Kano and Zamfara are based on state law and are funded by the state and some lack legal backing. The Federal government continues to keep quiet on challenging the constitutionality of any portion of Nigeria being under a separate and additional criminal law beyond the penal code. Our Constitution knows Sharia law and gives it equality with Customary law, i.e, focus is on the private affairs of individuals. Of course, Hisbah continues to be in operation. They are expected to complement the police by informing when necessary leaving the police with arrests. But they do more in practice.

The inadequacy of policing in Nigeria did not stop with the complementary religious security arrangements in a constitutionally secular country. Plateau State, under Governor Jonah Jang collaborated with the Federal government and assisted by the UN, set up Operation Rainbow as a civil-military complementary arrangement that was aimed at minimizing insecurity in the State. Though criticized he continued till he left office with his successor showing less interest. Even the Federal government itself contracted private companies to form pipeline surveillance security entities to reduce sabotage on the lifeline of Nigeria: petroleum oil and gas transported through pipelines.

So, it is a surprise that the Attorney-General of the Nigerian federation through a spokesperson on January 14, declared Operation Amotekun illegal arguing the exclusive right of the Federal Government to provide security for Nigeria or any part of it.

This development has resulted in a lot of brouhaha. Does the interpreter of the law have the right to make such a pronouncement without a Federal Executive Council meeting that deliberated and reached a decision? Or this is simply cabal style governance?

Is this statement of the Attorney-General not discriminatory? If it is, why the discrimination against a geopolitical zone that tallies with the Yoruba ethnic group by the Attorney-General? Is it that what's good for the goose is not good for the gander? And our constitution declares abhorrence for discrimination.

In my view, the Attorney-General is wrong in claiming backing of a Constitution this government has been trampling on by concentrating leadership of security and financial concerns largely in the Northwest and Northeast geopolitical zones at the expense of the remaining four zones. As Governor Fayemi rightly pointed out, section 14 of the Constitution gives the duty to provide security to the Government which terminology the Constitution also defined as Federal, State and Local governments.

More importantly, the inherent right to self defense has been an inalienable right of every human being at the individual level. Russell on crime puts it aptly thus:

"...a man is justified in resisting by force anyone who manifestly intends and endeavours by violence or surprise to commit a known felony against either

his person, habitation or property. In these cases,

he is not obliged to retreat, and may not merely resist the attack where he stands but may indeed pursue his adversary until the danger is ended and if in a conflict

between them he happens to kill his attacker such killing is justifiable..."

One of the things I learnt while I worked with the United Nations was that my security starts with me. I worked in war zones. I was taught to constantly be observant of my environment and react without waiting for security officer colleagues in order to prevent my being harmed. This lesson saved me from being bombed out of existence twice in Somalia (September 26, 1993 and May 1, 2005) and from being kidnapped once in Darfur in 2016. So, if I have the first responsibility for my security, how can any Attorney-General tell me there is a portion of the Constitution that says Nigeria has the exclusive right to ensure my security? After all, it is under this individual right of self-defense that I built a fence around my house and constructed security arrangements inside with which I lock myself up overnight like being in a prison. Then, my house is situated within a housing Estate that has many guards, including OPC, that I contribute to pay for with the first contact with any government being the mobile RRS police that patrols. If Lagos State wants to join others to further boost all my individual efforts, how can anyone tell me that they as Abuja people have exclusive right on my security? No, definitely not so. The fact is that my inherent individual right to self-defense is at the core of a concentric circles of security. The CDA and local government come next and a geopolitical zone defense network is welcomed to further assist before the federal government wakes up from slumber in the outer core.

That the inherent right to self-defense principle is not limited to the individual is well made under international law. Section 51 of the UN Charter that gives Member States of the organisation that inherent right of self-defense easily comes to mind. So, the Southwest Governors have a right to collaborate among themselves and work with willing national security apparatuses to ensure security of lives and properties in the territories under their respective control. Those who elected them into office expect no less.

Self-help by states and geopolitical zones in the face of a nonperforming central government is known to law. If people build and maintain roads, if they generate electricity and provide water security, etc., as the sovereign state recedes to focus on supervising the stealing of national patrimony, how can a Judge in his/her right senses deny the right to defend ones life and property? Such self-help is necessarily anticipatory. It includes the efforts to "be prepared" in the spirit of the Boys Scout's motto.

Some Yoruba leaders are acrimonious that they were not consulted. Where were they at the height of the killings and kidnappings for ransome in the Southwest? What did they do to ameliorate the development? They were comfortable in Abuja and secured their fortresses moving all over with rented police men who should have been part of the pool to tackle the problem but terrorised us with sirens. They should not rub salt on the injury. They should, suspend their respective ego-based hubris and join the fray on the popular demand of the people for security.

I read that some of the leaders in the Southeast indicated that the Southwest stole their ideas. Even if that were the case, it is time to engage on healthy competition and collaboration. All should join hands with those in the northern parts of Nigeria who are nursing the same ideas of self-help and requiring assistance on implementation. The focus now should be on providing knowledge on meeting implementation challenges as negotiations continue on getting the Buhari government to operate on the basis of reason.

Unlike some of my friends, I am not talking about the ruling party's promises that they say are not kept. I have repeated many times that, there are no political parties in Nigeria. Political parties are ideas and policies differentiated institutions in society. Hence, only a few members change parties in a life time. In Nigeria, we only have alliances of thieves without deep ideological positions. Therefore, they have no

capacity to be ideas and policies based. The Yorubas readily put thieves and liars in the same category. So, why should we expect party manifestos/promises from thieves/liars to be kept?

Operation Amotekun has been launched. That is the status quo. Operation Amotekun should continue to design and operationalize itself in the Southwest of Nigeria within the law. It should ally with similarly interested States of Nigeria in ensuring enhanced security.

By the way, security is more than carrying guns. Human security has been broadened to be a multi-dimensional enterprise. Even in security qua security, there is so much on surveillance, application of modern technologies, sharing of knowledge in general and intelligence gathering that make the AK-47 redundant. Operation Amotekun need not carry arms to be effective in enhancing the sense of security to allow people to once again feel safe to drive on our unmaintained so called highways.

The Attorney-General of the federation is weak on moral and legal grounds not to talk of politically. Even though this is really a political issue, the Attorney-General should go to court if he likes.

However, since it is the style of the President to keep mum on top, then the Governors should embark on the sensitization of their electors on the options the Southwest faces. This is the time for these Governors to demonstrate that they are leaders.

### **Operation Amotekun: Part Three**

**Babafemi A. Badejo, Ph.D**

Some of my learned friends who actually mean well have been suggesting that the Governors of the 6 Southwest states should have gotten their respective House of Assemblies to pass laws on Amotekun before hand. I really would like to agree with the move of the Governors and away from the legalism being sold to the public.

The problem on the table is more political than legal. If the reaction to the Executive actions of the Governors attracted so much brouhaha, please think about whether Amotekun would have happened if the Governors started debating in each of the 6 Houses of Assembly. The enterprise would have been scuttled even by Yorubas competing to be leaders at the centre and dreading those who have been maiming, kidnapping and killing the people of the Southwest.

And to have a joint legalistic effort from respective 6 state laws, won't a supra law need to be ratified by each state at which point the knotty problem may just be on the name till all efforts come to not?

We should be careful and not get sucked into this thinking. The claim that all Hisbahs are based on respective state laws is not true. Those of Kano and Zamfara are. That of Kano came after it had started operating. And for them, there are no supra-state arrangements for collaboration to deal with.

Executive actions of the type we are faced with are very legal. Before the issue of funding Amotekun is raised as the rationale for the legalism being canvassed, I hasten to point out that there's enough money in security votes of states and part of which could, for a change, go to the intended purpose.

By the way, those who are arguing this position know fully well this was not what was the problem of the Attorney-General of the Federation.

