

State Security Vs Federal Security: The Case of Agunechemba Controversy in Anambra State.

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ABSTRACT

This paper examines the legal and constitutional implications of the Agunechemba Security Network (ASN), a regional security outfit established by the Anambra State Government in 2025 to combat rising insecurity in southeastern Nigeria. Drawing on the principles of legal positivism and federalism theory, the study explores the tension between Nigeria's centralized security architecture, enshrined in Section 214 of the 1999 Constitution, and the increasing demand for decentralized, state-controlled security formations. Through a doctrinal legal analysis of the Anambra State Homeland Security Law and comparative references to other regional outfits such as Amotekun and Hisbah, the paper identifies constitutional violations, risks to civil liberties, and potential threats to national cohesion. The findings reveal that while ASN responds to genuine local security needs, it operates outside the bounds of existing constitutional frameworks, raising concerns about legality, accountability, and human rights compliance. The paper recommends a structured approach to security reform, including constitutional amendment to legalize state policing, a federal regulatory framework for state security outfits, stronger human rights safeguards, and increased judicial oversight. Ultimately, the study argues that sustainable security in Nigeria requires a recalibrated federal system that aligns legal legitimacy with localized effectiveness, rather than reactive regional militarization.

Keywords: Agunechemba, federalism, state policing, security governance, constitutional law, human rights.

INTRODUCTION

Nigeria's protracted security crises, marked by insurgency, banditry, and widespread kidnappings, have exposed the structural limitations of its centralized policing system as established under the 1999 Constitution (Ekhomu, 2019; Akinola, 2021). In response to the federal government's waning capacity to maintain law and order across the federation, subnational actors have increasingly turned to localized security mechanisms. This trend aligns with a growing global discourse on the **securitization of subnational governance**, wherein local communities and state authorities assume quasi-state security functions in reaction to institutional failures (Buzan et al., 1998; Ndlovu-Gatsheni, 2022).

A recent example of this trend is the enactment of the **Anambra State Homeland Security Law (2025)** and the establishment of the **Agunechemba Vigilante Group** under the administration of Governor Charles Soludo. Conceived as a tactical response to rising crime rates, the initiative empowers state-sanctioned vigilantes with

broad operational authority, including powers of arrest, detention, and property search without prior judicial authorization. These provisions raise significant constitutional and human rights concerns regarding legal validity, oversight, and the broader implications for Nigeria's security governance framework.

At the heart of the Agunechemba initiative lies the enduring tension between federal supremacy and state autonomy in Nigeria's security architecture. Section 214 of the 1999 Constitution (as amended) vests exclusive control of police and internal security in the federal government (FRN, 1999). However, states facing acute insecurity have begun testing the limits of this exclusivity. While the Anambra State government frames Agunechemba as a legal and necessary intervention (Soludo, 2025), critics argue it constitutes an extra constitutional appropriation of power that may violate the doctrine of **"covering the field"**, which invalidates conflicting state laws where federal legislation already exists (Ozigbo, 2025). This controversy echoes earlier debates surrounding regional initiatives such as **Amotekun** in the Southwest (Ojo, 2020), but Agunechemba's broader and more ambiguous mandate places it at the frontier of legal and constitutional scrutiny.

Legal scholars and civil society actors have expressed concern over provisions such as **Article 8(2)**, which allows for detention without prompt judicial review, and **Article 12(1)**, permitting warrantless property searches based on "reasonable suspicion" (Global Upfront, 2025). These provisions may conflict with constitutional guarantees under **Chapter IV** of the Nigerian Constitution, including the right to dignity (Section 34), personal liberty (Section 35), and privacy (Section 37). Critics warn that in the absence of robust institutional checks, the Agunechemba model risks replicating the systemic abuses of earlier security outfits, such as the disbanded SARS unit (Amnesty International, 2020), or the unchecked militarism of non-state actors like the Wagner Group in global contexts (Reynolds, 2023). While state authorities emphasize built-in safeguards, such as training, community liaison mechanisms, and internal oversight (Anambra State Assembly, 2025), these remain untested in practice and legally unstandardized.

This article examines three core legal and policy questions:

Does the Anambra Homeland Security Law violate Nigeria's federalist framework, particularly the doctrine of separation of powers and the Police Act (2020)?

To what extent might Agunechemba's operations contravene civil liberties, and what legal precedents exist from similar models such as Hisbah and Amotekun?

Could the proliferation of such state-based security outfits erode national cohesion and incentivize parallel security regimes across other states?

By examining relevant constitutional provisions, statutes, case law, and comparative examples, this study contributes to the growing debate on decentralized security in fragile federations. It argues that while subnational security initiatives may provide short-term remedies to insecurity, their long-term legitimacy depends on constitutional fidelity, institutional transparency, and meaningful public accountability, factors currently underdeveloped in the Agunechemba framework.

Conceptual Clarification

State Security

State security refers to the measures and frameworks instituted by sub-national governments to maintain public order, safeguard lives and property, and respond to localized security threats within their jurisdictions. This concept, while often contentious in centralized federations like Nigeria, has gained increasing attention due to the growing ineffectiveness of federal security forces in addressing community-specific threats (Alemika, 2013; Okoli & Orinya, 2013).

Historically, Nigerian states have adopted localized security models to mitigate regionally distinct challenges. These include the Civilian Joint Task Force (CJTF) in Borno State combating insurgency; the Hisbah Corps in Kano State serving as a religious police; the Amotekun Corps in the South-West created in response to banditry and kidnapping; and the Ebubeagu network in the South-East addressing secession-related violence (Ojo, 2022; Omisore, 2021). Most recently, Anambra State launched the Agunechemba Security Network, a community-based security outfit designed to counter rising violent attacks by non-state actors (Idike & Osakwe, 2022).

These initiatives often derive justification from the principle of subsidiarity and the need for security structures that are culturally attuned, locally embedded, and operationally swift. The theoretical basis lies in responsive governance and participatory security, whereby communities take ownership of their safety through state-facilitated structures (Ajayi, 2015; Onuigbo, 2021). However, concerns arise when such outfits begin to mirror conventional law enforcement agencies—engaging in armed patrols, making arrests, or performing investigative roles—which can blur institutional boundaries and provoke constitutional disputes.

The Agunechemba outfit, for instance, reflects the broader push for localized security governance in the South-East but has attracted criticism for its paramilitary appearance, potential political abuse, and perceived lack of regulatory clarity (Idike & Osakwe, 2022; Onuoha, 2023). Critics worry that while these formations fill operational gaps, they may also deepen fragmentation, encourage militarization of civilian spaces, and lack the accountability mechanisms of federal agencies (Ojo, 2022).

Conceptually, state security embodies the idea of proximity-based protection—security structures tailored to local realities, embedded within the socio-political fabric of the state, and responsive to community input. Its appeal lies in contextual knowledge and nimble reaction to evolving threats. However, it must be weighed against concerns of institutional duplicity, regionalism, and the risk of undermining national unity.

Federal Security

Federal security encompasses the nationally coordinated institutions responsible for defending Nigeria's territorial integrity, upholding the rule of law, and ensuring internal cohesion. This includes bodies such as the Nigeria Police Force (NPF), the Department of State Services (DSS), the Armed Forces, and the Nigeria Security and Civil Defence Corps (NSCDC), among others (Suberu, 2004; Osaghae & Suberu, 2005).

The federal security model is rooted in centralized governance, with a top-down command structure, national-level intelligence, and uniform enforcement across the federation. Conceptually, it is designed to promote cohesion, prevent regional militarization, and create a harmonized internal security system (Akinyemi, 2019). It reflects the post-civil war consensus that a fragmented security architecture could threaten the fragile unity of the Nigerian state (Nwabueze, 2003).

Despite its intentions, the centralized model has come under severe criticism for inefficiency, lack of adaptability, and poor community relations. Reports of delayed responses, overburdened personnel, and low trust in federal agencies are widespread, especially in states facing recurring violence, banditry, or insurgency (Aborisade, 2020; Ikeanyibe et al., 2020).

This discontent has sparked calls for security decentralization and restructuring, not just as a political demand but as a governance imperative. Advocates argue that security must be both national and local to be effective—national in coordination but local in intelligence, responsiveness, and legitimacy (Onuigbo, 2021).

Conceptually, federal security promotes uniformity and sovereignty-driven enforcement, but its limitations in addressing micro-level threats have made room for alternative state-based security responses. The challenge is thus not simply one of capacity, but of conceptual design—balancing centralized legitimacy with decentralized adaptability.

The conceptual divide between state security and federal security in Nigeria reflects deeper structural and philosophical tensions in the country's federal arrangement. While federal security guarantees national integrity and uniform enforcement, state security seeks to respond to immediate local realities. Understanding this dichotomy provides essential insight into the Agunechemba case and the broader discourse on federalism, public safety, and responsive governance in Nigeria.

Agunechemba Security Network

The rise of sub-national security formations in Nigeria reflects growing discontent with the country's centralized policing structure, which has struggled to address escalating insecurity. Although the 1999 Constitution vests internal security exclusively in the Nigerian Police Force under Section 214, the increasing inability of federal forces to ensure safety across various regions has led to the proliferation of state-level and community-based security outfits (Alemika, 2021). Among these is the Agunechemba Security Network (ASN), a state-backed but informally structured security arrangement that emerged in the South-East, particularly in Anambra State.

The name "Agunechemba" is drawn from the Igbo language, connoting "The Lion that Protects the People," and symbolizes both cultural pride and the grassroots essence of the initiative. The ASN arose from a growing sense of vulnerability in the region, as cases of banditry, kidnapping, and politically motivated violence surged between 2020 and 2022. These developments occurred against the backdrop of national unrest, declining public trust in federal security agencies, and increased agitation by secessionist movements, particularly the Indigenous People of Biafra (IPOB), whose activities exacerbated the volatility in the South-East (Osumah & Aghedo, 2022).

Like similar regional security outfits such as Amotekun in the South-West and Hisbah in parts of the North, the ASN was conceived as a local solution to a national problem. However, it differs from these counterparts in key respects. While Amotekun is backed by formal legislation in several South-Western states, the legal basis for ASN remains ambiguous.

The primary functions of ASN revolve around intelligence gathering, local surveillance, patrolling, and responding to emergencies in collaboration with local stakeholders. Its grassroots orientation is further evidenced by its operational strategies, which are often informed by traditional norms and local knowledge. In many communities, members of the ASN work alongside traditional rulers, town unions, and age-grade associations, reviving the Igbo customary tradition of community self-policing. Historically, Igbo societies maintained order through informal institutions such as masquerade societies and communal vigilante groups, which enforced social norms and mediated disputes (Onuoha, 2011). The ASN can thus be interpreted as a modern reincarnation of these traditional mechanisms, now reshaped by contemporary security challenges.

The theoretical basis for this kind of local security initiative can be located within the framework of community policing and hybrid security governance. Community policing, as described by Skogan and Hartnett (1997), involves collaborative efforts between security agents and communities to identify and resolve issues of concern. In countries with federal structures like the United States, Canada, and India, decentralized policing is supported by constitutional and institutional arrangements. However, Nigeria's rigidly centralized system lacks such enabling provisions, creating friction when sub-national entities like the ASN attempt to fill the vacuum.

Notwithstanding these challenges, many communities continue to perceive ASN as a necessary and effective response to their security needs. Its cultural resonance, proximity to local populations, and responsiveness to emergencies have given it a measure of legitimacy, especially in areas neglected by federal forces. Yet, its ambiguous legal status, potential for abuse, and implications for Nigeria's federal structure remain areas of significant concern. As such, the Agunechemba Security Network represents both an innovative community-based security model and a flashpoint in ongoing debates about state policing and national cohesion.

In sum, the ASN underscores the paradox of security governance in Nigeria: the simultaneous necessity and contestability of localized security interventions in a centralized constitutional order. As subsequent sections of this paper will show, these tensions are not only operational but deeply legal and doctrinal, touching on constitutional supremacy, state sovereignty, and civil liberties.

Overview of Security Challenges in Anambra State

Anambra State, located in Nigeria's South-East geopolitical zone, has historically been known for its vibrant commerce, intellectual output, and relatively progressive political leadership. However, in the past decade, particularly since 2019, the state has experienced mounting security challenges that have disrupted social order, threatened investment, and strained the capacity of both federal and state law enforcement agencies. The increasing complexity of insecurity in Anambra is a consequence of overlapping threats, including politically motivated violence, separatist insurgency, cultism, criminal banditry, and the proliferation of arms.

Security issues in Anambra are not entirely new. In the early 2000s, the state battled with armed robbery and high-profile political thuggery, which peaked during the political crises of 2003–2004, leading to the burning of government facilities in Awka and Onitsha (Onwudiwe & Berwind-Dart, 2010). However, recent trends show a shift from isolated criminality to a broader and more coordinated pattern of violence, especially following the rise of separatist agitation by the Indigenous People of Biafra (IPOB) and its armed wing, the Eastern Security Network (ESN).

The state has, since 2020, witnessed an increase in attacks on police stations, killings of security personnel, and enforcement of so-called “sit-at-home” orders by non-state actors. These developments have severely undermined local governance and paralyzed commercial and educational activities, particularly on Mondays when the sit-at-home directive is enforced through violent means.

Several high-profile incidents illustrate the deteriorating security climate in Anambra. On **September 26, 2021**, the convoy of **Dr. Chike Akunyili**, husband of the late Dora Akunyili (former NAFDAC DG), was attacked by gunmen at Nkpor, resulting in his assassination. His killing shocked the nation and drew attention to the rising wave of politically motivated violence in the South-East (Punch, 2021).

In **March 2022**, **Dr. Okechukwu Okoye**, a serving member of the Anambra State House of Assembly, was abducted and later found beheaded. His severed head was placed in a park in Nnobi, a community in Idemili South LGA, reinforcing fears of rising impunity and symbolism in political killings (TheCable, 2022).

In **November 2023**, gunmen attacked the **police outpost in Oraifite**, Ekwusigo LGA, killing four officers and razing the building. The attackers were suspected to be part of the armed IPOB/ESN elements enforcing secessionist agendas in the region (Vanguard, 2023). Similarly, **five police officers and a couple** were killed at a checkpoint in **Umunze**, Orumba South LGA, in **October 2022**. Videos of the attack went viral and revealed the brutal efficiency with which the attackers operated, striking and disappearing before security reinforcements could arrive (Premium Times, 2022).

Beyond these targeted attacks, Anambra is also grappling with **rampant cult-related violence**, particularly in Awka, the state capital. Rival cult groups, including the Black Axe (Aiye) and Vikings, have been responsible for a spate of assassinations, mostly of young men, during student union elections or local disputes. Between **January and May 2024**, local media reported **over 30 cult-related killings** in Anambra alone, with Awka and Nnewi emerging as flashpoints.

Another dimension of insecurity is the alarming spread of **kidnappings for ransom**. The state's road networks, particularly the Onitsha–Owerri Road, Nnewi–Ukpor axis, and Ekwulobia routes, have become notorious for

abductions. In many cases, victims are released after payments, while some unlucky individuals are executed, especially if they are perceived to be politically or ideologically opposed to separatist groups (BBC News Pidgin, 2023).

The presence of illegal arms in the state has further escalated violence. Security agencies have routinely discovered caches of firearms and improvised explosive devices (IEDs), suggesting a growing sophistication among non-state actors. The **Nigerian Army's raid on a camp in Ihiala LGA in April 2024**, which resulted in the seizure of automatic weapons and military-grade drones, underscores the high level of militarization of the conflict.

These security challenges have exposed critical weaknesses in Nigeria's policing architecture, particularly the limitations of a centralized command structure in responding to localized threats. The state police command, despite its efforts, is often undermanned, under-resourced, and over-stretched. Moreover, inter-agency rivalry and lack of synergy between federal forces and local stakeholders have further complicated response strategies.

The Anambra State Government, under successive administrations, has attempted to address these issues by promoting local intelligence gathering, establishing neighborhood watch groups, and supporting vigilante services. The controversial emergence of the **Agunechemba Security Network** is an example of such local initiatives, albeit fraught with questions about legality, oversight, and effectiveness.

The persistent insecurity has led to massive socio-economic dislocations. Many businesses in Onitsha Main Market, Nnewi industrial cluster, and Awka have scaled down operations due to extortion, fear of attack, and the unpredictability of Monday sit-at-home orders. School attendance has also declined, particularly on Mondays, as parents fear for their children's safety. The brain drain of skilled professionals, especially in medicine, academia, and tech, has accelerated as safety becomes a top concern for relocation decisions.

Anambra's security crisis, though rooted in local dynamics, is deeply embedded in Nigeria's broader political dysfunctions, federal over-centralization, economic despair, ethno-political marginalization, and a failing justice system. Without addressing these systemic issues, state-level responses may only achieve temporary relief.

Doctrinal and Legal Analysis of the Agunechemba Security Network

The establishment of the Agunechemba Security Network (ASN) by the Anambra State Government has sparked a nuanced legal discourse regarding the boundaries of federal and state powers in Nigeria's constitutional architecture. Central to this debate is the question of whether a state in Nigeria has the constitutional authority to establish a security outfit that exercises paramilitary functions. This analysis is situated within the framework of the 1999 Constitution (as amended), which unequivocally places the responsibility for internal security, defense, and policing under the exclusive legislative list (Constitution of the Federal Republic of Nigeria, 1999, S. 214(1)). Accordingly, the creation of a parallel security structure by a sub-national unit demands rigorous legal scrutiny.

While the Constitution vests policing power in the Nigeria Police Force (NPF), under the command of the Inspector General of Police appointed by the President, it also mandates governors as the chief security officers of their states (S. 215(4)). This duality has created a structural tension: governors are held politically accountable for state security, yet lack operational control over security agencies. It is against this backdrop that the Anambra State Government justified the establishment of ASN in 2025, citing the escalation of violence by armed non-state actors, targeted assassinations, kidnapping, and the weakening presence of federal forces in rural communities (Vanguard, 2025; Premium Times, 2025).

From a doctrinal standpoint, this raises questions about federal supremacy and the doctrine of covering the field. In *Attorney-General of Ogun State v. Aberuagba* (1985) 1 NWLR (Pt. 3) 395, the Supreme Court reiterated that

where a federal legislation covers a subject in the Exclusive Legislative List, state laws in the same area become void to the extent of inconsistency. Applying this logic, any law enabling a state security outfit with coercive or prosecutorial powers arguably contravenes Section 214 and the Police Act. Yet, states have continued to explore legal innovations to navigate this constitutional constraint. For instance, the legal architecture behind Amotekun in the South-West was framed as a "community policing" model backed by enabling laws passed by state houses of assembly, but without direct arms-bearing or prosecutorial powers.

Anambra followed a similar strategy by enacting the **Agunechemba Security Law (No. 2 of 2025)**, which legally establishes ASN as a community-based security agency with functions limited to surveillance, intelligence gathering, and supporting federal agencies. However, critics argue that ASN's operatives have functioned de facto as armed enforcers, conducting patrols, roadblocks, and arrests in some LGAs (Channels TV, 2025). This practice raises constitutional alarms, especially in light of *Fawehinmi v. Inspector General of Police* (2002) 7 NWLR (Pt. 767) 606, where the court warned against unconstitutional duplication of policing powers.

Civil liberties implications are also at stake. There have been petitions alleging unlawful detentions and the absence of oversight in ASN's operations, particularly in politically tense communities (CLO Report, 2025). Section 35 of the Constitution guarantees personal liberty, and any infringement outside the scope of lawful arrest by a recognized law enforcement agency is a violation of this right. Furthermore, ASN's controversial use of force in the alleged killing of suspects in Onitsha and Ihiala has prompted calls for a judicial review (Punch, 2025). The African Charter on Human and Peoples' Rights, domesticated as part of Nigerian law, reinforces these protections.

On the federalism question, scholars like Suberu (2010) and Nwabueze (2003) have long argued that the hyper-centralization of Nigeria's security architecture is incompatible with true federalism. The rise of state-led security formations like ASN, Amotekun, and Ebube Agu reflects a growing demand for decentralization of internal security. While constitutionally contentious, these developments point to a de facto restructuring in response to empirical governance needs.

Yet, absent a formal constitutional amendment, such innovations remain legally precarious. Until Section 214 is revised to allow for state policing, outfits like ASN operate in a grey zone, legitimated by necessity but vulnerable to judicial invalidation. A National Assembly bill to create a framework for multi-level policing has stalled since 2022, reflecting the political sensitivity of this issue (National Assembly Hansard, 2022).

In conclusion, while the creation of ASN addresses an urgent security vacuum, it challenges existing constitutional and legal boundaries. The courts may ultimately have to resolve whether state security formations are lawful under the current framework or whether Nigeria must revisit its security governance model to reflect emerging realities.

THEORETICAL FRAMEWORK

This study is anchored on Legal Positivism and Federalism Theory, which together provide a comprehensive lens for evaluating the legality and governance implications of state security initiatives like Agunechemba. Legal Positivism holds that a law's validity stems from its conformity with established legal rules rather than moral considerations. Drawing on H.L.A. Hart's "rule of recognition," the study assesses the Anambra State Homeland Security Law in light of the 1999 Constitution—particularly Sections 214 and 215—and the Police Act 2020, both of which centralize policing under federal authority. Legal Positivism thus aids in determining whether the creation of Agunechemba constitutes an ultra vires act by the state legislature and infringes on the Nigeria Police Force's constitutional monopoly.

Federalism Theory, on the other hand, contextualizes Agunechemba within Nigeria's broader governance structure. It emphasizes the constitutional allocation of power between the federal government and subnational entities, highlighting the tensions that arise when states attempt to address security failures through local enforcement mechanisms. Following Riker's view of federalism as a negotiated power balance, the theory illustrates how outfits like Agunechemba test the limits of state autonomy within a centralized coercive framework.

Together, these theories enable a dual analysis: Legal Positivism assesses constitutionality, while Federalism Theory explains the political pressures driving state-level security innovations. This synthesis allows the study to critically examine whether Agunechemba represents a legitimate response to local insecurity or a constitutional overreach in Nigeria's federal democracy.

FINDINGS

The study through doctrinal review of the Anambra State Homeland Security Law (2025) reveals key inconsistencies with Section 214 of the 1999 Constitution and the Police Act (2020), which vest exclusive policing powers in the federal government.

Though politically and socially expedient, ASN's structure lacks constitutional legitimacy. Its engagement in quasi-policing functions, such as armed patrols and detentions, violates the legal bounds of state authority. Like similar regional security formations, ASN risks institutional abuse, human rights violations, and challenges to federal supremacy. Without formal constitutional backing, its operations pose a threat to judicial safeguards and democratic accountability (Suberu, 2004; Nwabueze, 1982).

CONCLUSION AND RECOMMENDATIONS

The Agunechemba controversy underscores the need for urgent security reforms. While state-led security efforts are a response to federal failures, their legal foundations must be consistent with constitutional principles. A rights-based, legally coherent, approach is essential to preserve national unity while enhancing local capacity.

Recommendations:

Constitutional Amendment: Initiate reforms to Section 214 to allow for a dual policing system, providing states with constitutional authority to maintain local police under clear federal oversight.

Federal Legal Regulation: The National Assembly should enact a uniform regulatory framework for all state security outfits. This should:

Limit roles to surveillance, intelligence, and liaison duties.

Prohibit use of force, detentions, and interrogations.

Require mandatory federal registration and certification.

Ensure oversight by the Office of the National Security Adviser (ONSA).

Institutional Human Rights Safeguards: Embed accountability mechanisms including:

Independent audits and civil society oversight.

Disciplinary procedures for misconduct.

Mandatory human rights training for personnel.

These measures would help align security decentralization with Nigeria's constitutional order, ensuring both legality and effectiveness in protecting lives and property across all regions.

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