



KIMPACT  
DEVELOPMENT  
INITIATIVE

# Balancing Order and Liberty in a Democracy



... Rethinking Nigeria's Public  
Order Act for Democratic  
Policing and Civic Participation





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# **DISCLAIMER**

This paper has been developed by Kimpact Development Initiative (KDI) as a resource to strengthen conversations around civic space and human rights in Nigeria. It is meant to raise awareness, inspire dialogue, and encourage reform-oriented action on the Public Order Act 1979. The analysis and recommendations reflect the analytical interpretation of verified, reliable, and evidence-based information collected from available information on the Public Order Act 1979. These are not intended to represent the official views of any government agencies or any other institutions mentioned. Also, the content should not be taken as legal advice. Instead, it should be seen as an advocacy tool for civil society, policymakers, and citizens committed to protecting the right to peaceful assembly and association. Every effort has been made to ensure accuracy. KDI and Spaces4change accept no responsibility for any unintended errors or outcomes from the use of this document.

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# Citizens, Democracy & Development.

## About KIMPACT

Kimpact Development Initiative (KDI) is a democracy, development, and civic tech Non-Governmental Organisation working to strengthen democratic development and good governance in Nigeria and across Africa. Established in 2014, KDI deploys innovative programming, development research, data-driven advocacy, and technology-enabled solutions to promote democratic governance through electoral integrity and accountability, institutional reform, and citizen participation. KDI partners with key institutions, both national and international, to drive accountability and inclusive democracy.

**Our Mission:** To inspire citizen-led democratic development.

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# Executive

## Summary

The Public Order Act (POA) of 1979 was enacted during Nigeria's transition from military rule to civilian government, with the stated aim of regulating public assemblies, processions, and demonstrations to maintain peace and public order. At the time of its enactment, the Act reflected prevailing governance concerns around stability and control during a sensitive political transition. In practice, however, the Act has become one of the most debated pieces of legislation within Nigeria's democratic framework, largely because several of its provisions sit uneasily alongside contemporary constitutional guarantees and evolving democratic norms.

The POA traces its origins to colonial-era public order ordinances of 1917, initially promulgated by the British colonial administration as instruments for regulating dissent, restricting freedom of association and expression, and limiting popular participation in governance. Following independence, and particularly during successive periods of military rule, these regulatory frameworks were retained and expanded. On 16 February 1979, as part of the legacy of military unitarism, the Public Order Act



was enacted as a federal law applicable across the Federation, repealing existing state-level public order laws and centralising regulatory authority over assemblies.

This historical trajectory has shaped the structure and operation of the POA in ways that are increasingly difficult to reconcile with Nigeria's constitutional order. The Act grants governors and law enforcement authorities broad discretionary powers to issue permits, prescribe conditions, or prohibit gatherings based on broadly framed criteria such as the likelihood of a "breach of the peace." As a result, the exercise of peaceful assembly, a right guaranteed under Sections 39 and 40 of the 1999 Constitution, has in practice often been treated as contingent upon administrative approval rather than presumed as a default civic freedom.

Judicial interventions, most notably in Inspector-General of Police v. All Nigeria

Peoples Party & Ors (2007), have clarified that Nigerians do not require police permission to assemble peacefully. Nevertheless, the continued existence of permit-based provisions within the unamended text of the POA has contributed to uncertainty in enforcement, inconsistent application across jurisdictions, and operational challenges for law enforcement officers. This gap between constitutional interpretation and statutory text has sustained tensions between civic freedoms and public order management.

Importantly, the Public Order Act also raises constitutional coherence concerns. “Public order” is not expressly listed under the Exclusive or Concurrent Legislative Lists in the 1999 Constitution. Section 11(1)–(5) of the Constitution vests primary responsibility for public order and public safety within states, subject to specific federal intervention thresholds. Section 45(1)(a) permits restrictions on fundamental rights only where such restrictions are reasonably justifiable in a democratic society in the interest of public order. Sections 215(3) and 305(c)–(d) further situate public order management within a framework that contemplates emergency powers and federal intervention only under defined circumstances. These provisions underscore the need for any public order legislation to be narrowly tailored,

clearly grounded in constitutional authority, and sensitive to Nigeria’s federal structure.

The POA also contains structural gaps that reflect its age and historical context. Notably, the Federal Capital Territory is not expressly addressed in the language of the Act, which continues to reference “the Attorney-General of the State” and “the High Court of that State.” This omission creates practical and legal ambiguity in the application of the Act within the FCT, further reinforcing the case for comprehensive legislative review and modernization.

This analysis proceeds from the premise that regulating public assemblies remains a legitimate and necessary function of the state. However, such regulation must operate within clear constitutional boundaries, provide predictable guidance for law enforcement, and reflect contemporary democratic expectations. Reform of the Public Order Act is therefore not an attempt to weaken state authority, but an opportunity to align public order management with constitutional jurisprudence, professional policing standards, and Nigeria’s international commitments.

#### **Reform efforts should aim to:**

- 👉 Clarify constitutional and statutory authority over public order regulation within Nigeria’s

federal framework;

- 👉 Replace the licensing regime with a notification-based system, consistent with judicial precedent and regional best practice;
- 👉 Establish clearer safeguards, oversight mechanisms, and appeal processes to guide enforcement;
- 👉 Support a shift toward facilitative, dialogue-based public order policing that protects both civic freedoms and officer professionalism.
- 👉 A modernised Public Order Act would benefit not only citizens and civil society, but also policymakers and security agencies. For legislators, reform provides an opportunity to harmonise statutory law with constitutional interpretation, reduce recurring institutional conflict, and strengthen democratic legitimacy. For security agencies, reform offers clearer legal mandates, reduced exposure to political pressure, improved public trust, and safer, more predictable operational



# Background

The Public Order Act (POA) of 1979 occupies a contested place in Nigeria's legal and political history. Enacted during the country's transition from military rule to civilian government in the late 1970s, its stated purpose was to regulate public meetings, processions, and demonstrations to prevent breaches of the peace and safeguard public safety.<sup>1</sup> At the time, public order regulation was viewed as a stabilising tool within a fragile political environment marked by recent conflict and institutional uncertainty. By its design, the Act vested significant authority in state governors and law enforcement officers to prescribe conditions for assemblies or restrict gatherings considered potentially disruptive.<sup>2</sup>

While this regulatory intent remains legitimate, the operational design of the Act has had lasting implications for civic freedoms and democratic participation. Over time, questions have arisen as to whether the scope of discretion embedded in the Act remains proportionate and aligned with Nigeria's contemporary constitutional order.

## Origins and Context of Enactment

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To understand the Public Order Act, it is important to situate it within its political and historical context. In the years preceding 1979, Nigeria experienced episodes of political unrest, communal conflict, and violent protest that threatened national stability. The civil war (1967–1970) had left deep institutional and social scars, and subsequent periods of military governance relied heavily on centralized authority and control-oriented legal instruments.<sup>3</sup> Against this backdrop, the outgoing military government sought to establish a legal framework capable of managing public space, limiting mass mobilisation, and insulating the transition to civilian rule from perceived instability.

The Public Order Act thus reflected a governance philosophy that emphasised order and control as prerequisites for stability. This approach prioritised administrative discretion over participatory governance, placing decision-making authority over assemblies primarily in the hands of the executive and security institutions. While such an approach may have been defensible within its historical context, it has become increasingly misaligned with Nigeria's democratic evolution and constitutional jurisprudence.<sup>4</sup>

# Colonial Roots of the Public Order Act

Crucially, the POA is not an entirely indigenous legal innovation. Its conceptual foundations can be traced to colonial public order regulations imposed by the British administration. During the colonial period, instruments such as the Public Order Ordinance of 1917, and later amendments in the 1940s and 1950s, were designed to regulate political dissent, manage nationalist mobilisation, and preserve colonial authority.<sup>5</sup> These laws relied on permit systems, discretionary enforcement, and broad police powers as mechanisms of control over public expression.

Following independence in 1960, many of these regulatory frameworks were retained within Nigeria's legal system. Successive governments, both civilian and military, continued to rely on them as tools for managing public order in a rapidly mobilising society. The Public Order Act of 1979, therefore, inherited significant elements of this regulatory tradition, including a presumption that public assemblies required prior state authorisation.<sup>6</sup> This inheritance is not unique to Nigeria and reflects a broader post-colonial challenge of legal continuity. However, embedding such frameworks within a democratic constitutional order has generated enduring tension between inherited control-oriented laws and modern rights-based governance expectations.



*The Public Order Act (1979) was enacted to ensure peace and public safety during a different political era. However, Nigeria's democratic landscape, constitutional jurisprudence, and civic culture have since evolved. A review of specific provisions provides an opportunity to modernise the Act, aligning it with constitutional guarantees, judicial precedents, and international best practices. Such reform would not only strengthen civic freedoms but also enhance the legitimacy of public order management and reinforce Nigeria's global leadership in democratic governance.*

# Federalism, Constitutional Authority, and Legislative Coherence

Since its enactment, the Public Order Act (POA) has existed in a delicate relationship with Nigeria's broader democratic and human rights commitments. The 1999 Constitution<sup>7</sup> affirms the right to freedom of expression (Section 39) and freedom of assembly and association (Section 40), rights that are not subject to prior approval by the state. At the international level, Nigeria is also bound by instruments such as the African Charter on Human and Peoples' Rights<sup>8</sup> and the International Covenant on Civil and Political Rights (ICCPR)<sup>9</sup>, both of which guarantee the right to peaceful assembly while permitting only narrowly tailored restrictions when necessary and proportionate.

This analysis recognises that security agencies often act out of caution to prevent violence and protect lives and property. However, the continued presence of permit-based provisions within the POA has, over time, contributed to uncertainty in enforcement. The Courts have clarified that permits should not be a prerequisite for peaceful assembly, reinforcing constitutional protections.<sup>10</sup> In practice, some law enforcement officers, particularly at operational levels, continue to rely on the unamended statutory text rather than judicial interpretation, placing both officers and citizens in legally vulnerable positions.

Beyond questions of rights and discretion, the Public Order Act raises important issues of constitutional coherence within Nigeria's federal structure:

Notably, "public order" is not expressly listed under the Exclusive or Concurrent Legislative Lists of the 1999 Constitution. This omission has significant implications for legislative authority and jurisdiction.

Section 11(1)–(5) of the Constitution recognises that public order and public safety are primarily within the purview of state authorities, while also empowering the National Assembly to intervene under clearly defined circumstances to preserve peace and unity. This framework suggests that public order regulation must be carefully calibrated to respect both federal and state competencies.

Section 45(1)(a) of the Constitution permits restrictions on fundamental rights, including freedom of assembly, only where such restrictions are reasonably justifi-

able in a democratic society in the interest of public order, public safety, or public morality. This constitutional threshold underscores the need for clarity, proportionality, and necessity in any statutory framework governing assemblies.

Further, Sections 215(3) and 305(c)–(d) situate public order and security within a broader constitutional architecture that contemplates emergency powers and federal intervention only under exceptional and clearly defined conditions. Taken together, these provisions indicate that public order regulation was never intended to operate as an open-ended or discretionary regime detached from constitutional safeguards.

The continued application of the POA as a uniform federal statute across all states, without express alignment to these constitutional provisions, reinforces the case for legislative clarification and reform.

## The Unfinished Task of Reform

A further structural concern relates to the treatment of the Federal Capital Territory (FCT) within the Public Order Act. The language of the Act consistently references “the Governor,” “the Attorney-General of the State,” and “the High Court of that State,” with no explicit accommodation for the FCT.

This omission reflects the historical context of the Act’s drafting but creates practical ambiguities in its application within the FCT today. Given the unique constitutional status of the FCT and its direct administration by the federal government, the absence of clear statutory guidance raises questions about enforcement authority, jurisdiction, and procedural clarity.

Addressing this gap through reform would enhance legal certainty, reduce operational confusion for law enforcement agencies, and ensure uniform application of public order regulation across Nigeria’s diverse governance contexts.



*This gap between constitutional interpretation, judicial precedent, and statutory text underscores the importance of legislative reform, not as a critique of enforcement agencies, but as a means of providing clearer guidance, reducing institutional risk, and supporting professional policing.*

# **Analysis of the Act**

**Regulating public assemblies remains a legitimate and necessary function of the state. Effective public order management protects lives, property, and democratic stability. However, such regulations are most effective when they operate within clear constitutional boundaries, provide predictable guidance to security agencies, and facilitate peaceful civic participation rather than unintentionally escalating tension. The analysis below approaches reform as an evolution of the Public Order Act to reflect contemporary constitutional jurisprudence, policing standards, and Nigeria's democratic realities.**

Public Order Act 1979 Section	Fundamental Human Rights Concerns	Recommended Reform Approach
Section 1(1): The Governor of each State is empowered to direct the conduct of all assemblies, meetings, and processions on public roads or places of public resort in the State and prescribe the route by which and the times at which any procession may pass.	<ul style="list-style-type: none"> <li>This provision grants broad discretionary powers to the Governor to dictate how, when, and where public assemblies occur without clear limitations and checks and balances. This conflicts with Sections 40 and 41 of the Nigerian Constitution and Article 21 of the International Covenant on Civil and Political Rights (ICCPR) on the right to freedom of assembly and movement.</li> </ul>	<p>Amend this section to include clear, objective criteria for regulating assemblies and require independent oversight. Insert language limiting discretionary powers and ensuring decisions are subject to judicial review.</p>

<p>Section 1(2): Any person intending to convene an assembly, meeting, or procession must apply for a license from the Governor at least 48 hours in advance. If the Governor is satisfied that the assembly is not likely to cause a breach of peace, he directs a superior police officer to issue a license within 24 hours.</p>	<ul style="list-style-type: none"> <li>- Licensing requirements restrict fundamental rights. It conflicts with Sections 39 &amp; 40 of the Nigerian Constitution (freedom of expression &amp; association). The right to peaceful assembly should not be subject to prior approval, as ruled in <i>All Nigeria Peoples Party v. IGP</i> (2006), where the Court of Appeal declared the license requirement unconstitutional, and the Supreme Court of Nigeria in <i>Inspector-General of Police v. All Nigeria Peoples Party (ANPP) &amp; Ors</i> (2007) ruled that Nigerians do not need police permission to assemble peacefully.</li> </ul> <p>Despite these judicial pronouncements, the retention of Section 1(2) in its current form continues to create operational challenges. In the absence of express statutory amendment, some enforcement actions still rely on the text of the Act rather than settled constitutional interpretation, exposing citizens to avoidable rights violations and placing law enforcement officers in legally vulnerable positions.</p> <ul style="list-style-type: none"> <li>- The European Court of Human Rights (ECtHR) in <i>Bukta &amp; Others v. Hungary</i> (2007) held that spontaneous civic actions should not require prior permission, particularly when responding to political events.</li> </ul> <p>Furthermore, it contradicts UN Human Rights Committee (General Comment No. 37 on Article 21 ICCPR), which states that notification should not be a de facto permission system.</p> <p>The criteria for "breach of peace" is vague, allowing arbitrary denials.</p>
	<p>While the intent to prevent disorder is valid, requiring a license with no clear appeal mechanism or criteria for denial introduces ambiguity and potential abuse. A notification system, rather than a licensing regime, would better align with modern democratic standards.</p> <p>The shift from a licensing regime to a notification-based system has been adopted in many African democracies, including Ghana and South Africa, setting a precedent for Nigeria to follow.</p> <p>Clarify the criteria for restricting gatherings in alignment with constitutional guarantees and court rulings.</p>

<p>Section 1(5): Any person aggrieved by the denial of a license can appeal to the Governor or Commissioner of Police, who must decide within 15 days.</p>	<ul style="list-style-type: none"> <li>- If a civic action, public procession, and/or demonstration is urgent, waiting 15 days for an appeal violates the right to timely assembly and political expression.</li> <li>- The Act does not provide for independent oversight; the Governor and police, who initially denied the request are also the appellate authorities.</li> </ul>	<p>This structure may create a perceived conflict of interest, as appellate review remains within the same chain of command. This violates Article 2(3) of ICCPR, which requires effective remedies for human rights violations.</p>	<p>Broad operational discretion without distinguishing between peaceful and violent assemblies to stop assemblies contradicts freedom of assembly (Section 40, Constitution) and the UN Guidelines on the Right to Peaceful Assembly.</p>	<p>Amend this section to limit the dispersal powers of security agencies only to assemblies posing a credible threat to public safety and set the threshold for the threat credibility.</p> <p>Also, there should be a requirement for proportionality assessments before security agencies or agents' action.</p>
	<p>Section 2: A police officer of the rank of Inspector or above may stop any assembly, meeting, or procession for which no license has been issued, or which violates the license conditions and order its immediate dispersal.</p>	<p>The POA does not differentiate between peaceful and violent assemblies, which may allow for enforcement actions against peaceful assemblies in the absence of explicit safeguards. Police should only disperse violent gatherings, not unlicensed ones.</p>		<p>Repeal or amend criminal penalties for unlicensed peaceful assemblies.</p> <p>Decriminalize participation in peaceful civic actions that pose no public threat.</p>
	<p>Section 3: Any assembly without a license, or one that violates license conditions, is deemed unlawful, and participants can face a fine of N1,000 or imprisonment for six months.</p>	<p>The word "Any assembly" is a blanket classification of all unlicensed gatherings as unlawful. It does not sufficiently distinguish between peaceful and violent conduct, and it contradicts the Nigerian Supreme Court ruling in ANPP v. IGP. Also, this provision conflicts with the international human rights laws, including Article 20 of the Universal Declaration of Human Rights (UDHR) and the United Nations Special Rapporteur on Freedom of Assembly has condemned such criminalization as a form of state repression.</p>		

<p>Section 4. (1) Notwithstanding any license granted under section 1 of this Act, if a superior police officer, having regard to the time or place at which and the circumstances in which any public assembly, meeting or procession is taking place or is intended to take place (and in the case of a public procession to the route taken or proposed to be taken by the procession), has reasonable grounds for apprehending that the assembly or meeting or procession may occasion serious disorder, he may give directions imposing upon persons organizing or taking part in the assembly or meeting or procession such conditions as appear to him necessary for the preservation of public order including, in the case of a public procession, conditions prohibiting the procession from entering any public place specified in the directions: Provided that no conditions restricting the display of symbols or emblems shall be imposed under the provisions of this subsection except such as are reasonably necessary to prevent risk of a breach of the peace.</p>	<p>Vague terms such as 'any conditions as appear necessary', 'serious disorder' and 'reasonable grounds' may allow for discretionary interpretations that could be influenced by contextual or political factors.</p> <p>Who defines "serious disorder"? This allows authorities to restrict civic actions arbitrarily based on political interests. So, the provision grants the security agencies unchecked powers to impose any conditions they deem necessary.</p>	<p>Define key terms and require that any additional restrictions meet a strict necessity and proportionality test.</p> <p>Establish criteria for what constitutes a legitimate threat.</p>
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<p>Section 4(5): Anyone who fails to comply with conditions imposed under this section, organizes or assists in organizing such an assembly, or incites others to participate faces a fine of N5,000 or imprisonment for two years.</p>	<p>Severe punishment for peaceful assembly is disproportionate and contradicts UN Special Rapporteur's position that peaceful participation should not be subject to criminal penalties.</p> <p>Include safeguards that protect peaceful assembly participants.</p> <p>Use administrative/civil sanctions rather than criminal sanctions for minor infractions.</p>
<p>Section 7(3): Only registered political parties can display flags at public assemblies, and individuals or associations cannot display flags in unauthorized places.</p>	<p>Restricting flag display violates freedom of expression under Section 39 of the Nigerian Constitution. A flag, insignia, or posters can be a symbol of identity of a group. Since it doesn't threaten the sovereignty of the country or belong to a proscribed group, banning it curtails free speech.</p>
<p>Section 7(4-5): Wearing unauthorized uniforms or displaying unapproved flags results in a fine of N1,000 or six months in prison for individuals, and N2,000 for organizations.</p>	<p>Broad and vague definitions of "uniform" and "flag" may create uncertainty for civic or cultural groups wishing to express solidarity through attire or symbols.</p> <p>It can be used to target ethnic or political groups wearing traditional or symbolic attire. Similar laws in Hong Kong and Russia have been used to criminalize political symbols.</p>

# The Public Order Act and Its Institutional Impact on Security Agencies

Discussions around the reform of the Public Order Act should not be framed solely as a civil liberties concern. Equally important are the implications of the Act for the professionalism, welfare, operational effectiveness, and public perception of Nigeria's security agencies, particularly the Nigeria Police Force, which is most directly engaged in public order management.

The current structure of the POA places security agencies at the intersection of legal ambiguity, political expectations, and public dissatisfaction. In many instances, officers are required to operationalise statutory provisions that no longer reflect constitutional jurisprudence or modern policing standards. This section examines how specific features of the Act affect security institutions and why reform would serve their institutional interests.

**1. Frontline Exposure to Political and Social Tensions:** The Public Order Act vests discretionary authority primarily in governors and senior police leadership, particularly under Sections 1, 2, and 3. In practice, however, the visible implementation of these powers falls overwhelmingly on rank-and-file police officers deployed at public assemblies. When citizens perceive restrictions on their right to assemble:

- They rarely attribute responsibility to the Governor or the statutory framework itself.
- They most often associate the restriction with the police officers present on the ground.

These dynamics place the police at the forefront of public frustration, even when officers are acting in compliance with statutory directives or executive instructions.

## Institutional Implications

- **Professionalism:** Officers are drawn into politically sensitive situations that can blur perceptions of neutrality, particularly during opposition rallies, protests, or labour actions.
- **Welfare and morale:** Repeated confrontations with civilians increase occupational stress, physical risk, and psychological strain.
- **Public perception:** The police are increasingly viewed as adversarial actors rather than neutral enforcers of law.

er than neutral protectors of public safety, eroding trust that is essential for effective policing.

Reform would help rebalance responsibility by clarifying decision-making authority and reducing the burden placed on frontline officers.

**2. Legal Ambiguity and Operational Uncertainty:** Several provisions of the POA rely on broad and undefined terms, such as:

- “serious disorder”
- “reasonable grounds for apprehension”
- “conditions as appear necessary”

While discretion is an unavoidable element of public order policing, the absence of clearly defined thresholds places officers in difficult operational positions.

### **Institutional Implications**

- **Professionalism:** Officers must rely heavily on subjective judgment rather than objective standards, increasing inconsistency across jurisdictions and commands.
- **Welfare:** Ambiguous legal standards expose officers to internal disciplinary review, judicial scrutiny, or human rights litigation, even where actions are taken in good faith.
- **Public perception:** Inconsistent enforcement is often interpreted as harassment or political interference, intensifying mistrust.

Clear statutory definitions would strengthen professional judgment rather than constrain it.

**3. Licensing Provisions and Role Confusion:** Despite judicial clarification that Nigerians do not require police permits for peaceful assembly, the POA continues to contain licensing language. This contradiction creates confusion for both law enforcement officers and the public.

### **Institutional Implications**

- **Professionalism:** Police are perceived as “permission-givers” controlling civic expression, a role inconsistent with modern democratic policing.
- **Welfare:** Officers become direct targets of public anger when assemblies are dispersed or restricted, even when acting under executive or statutory instructions.
- **Public perception:** The police are blamed for denying rights, rather than being

seen as protectors and facilitators of lawful civic participation.

Replacing licensing with a notification-based system would realign police functions with facilitation rather than gatekeeping.

**4. Enforcement-Heavy Orientation and Policing Culture:** Contemporary public order policing emphasises:

- dialogue and negotiation,
- de-escalation,
- community engagement, and
- facilitation of peaceful assemblies.

The structural logic of the POA, however, prioritises control and enforcement over facilitation.

### **Institutional Implications**

- **Professionalism:** Officers may default to dispersal or arrest, even where engagement-based approaches would reduce tension.
- **Welfare:** Enforcement-heavy encounters increase the likelihood of injury, complaints, and post-operation disciplinary processes.
- **Public perception:** The police are seen as suppressors of civic expression rather than guarantors of public safety.

Reform would enable security agencies to institutionalise de-escalation as standard practice rather than an exception.

**5. Exposure to Political Pressure and Institutional Vulnerability:** Because key decisions under the POA involve political offices, including governors and senior security leadership, operational directives may be perceived as politically influenced, particularly during election periods or contentious protests.

### **Institutional Implications**

- **Professionalism:** Officers may struggle to maintain the appearance of neutrality where enforcement decisions are linked to political authority.
- **Welfare:** Being caught between executive expectations and public resistance increases stress and institutional vulnerability.
- **Public perception:** The police risk being viewed as extensions of political power rather than independent law enforcement professionals.

A clearer, rights-aligned statutory framework would reduce the risk of political instrumentalisation of policing.

**6. Criminalisation of Peaceful Assemblies and Escalation Risks:** Sections 3 and 4 of the POA impose criminal penalties, including imprisonment, for participation in assemblies deemed unlawful under the Act.

### **Institutional Implications**

- **Professionalism:** Officers may be compelled to enforce criminal sanctions even when assemblies are peaceful, creating tension between professional judgment and statutory mandate.
- **Welfare:** Criminal enforcement increases the likelihood of arrests, confrontation, and allegations of excessive force.
- **Public perception:** Police actions are perceived as excessive, even where officers are enforcing statutory provisions.

Decriminalising peaceful assemblies would reduce unnecessary confrontation and improve operational outcomes.

**7. Constraints on Modern Policing Reforms:** Across Africa, public order reforms increasingly adopt notification systems and facilitative policing models. The current POA constrains Nigeria's ability to fully adopt these approaches.

### **Institutional Implications**

- **Professionalism:** Officers cannot fully implement rights-respecting, community-oriented policing within a restrictive statutory framework.
- **Welfare:** Reduced community cooperation undermines officer safety and intelligence-gathering.
- **Public perception:** Domestic and international assessments of Nigerian policing are shaped by this outdated legal framework.

# Conclusion

The Public Order Act of 1979 remains a foundational instrument for managing public assemblies in Nigeria. Enacted during a different political era, it sought to ensure peace and stability during public gatherings. Nigeria's democratic evolution, constitutional jurisprudence, and contemporary policing practices now provide an opportunity to reassess and modernise this framework without diminishing the state's legitimate responsibility to maintain order.

Reform should be understood not as a rejection of public order regulation, but as an effort to clarify legal authority, strengthen institutional legitimacy, and support professional, rights-respecting policing. Clearer statutory guidance would reduce operational ambiguity, protect officers acting in good faith, and enhance public trust.

A modernised Public Order Act can harmonise security imperatives with civic freedoms, affirming that public order and democratic participation are mutually reinforcing. By aligning statutory provisions with constitutional guarantees and international standards, Nigeria can strengthen both governance stability and civic confidence.

## Why Reform Benefits Security Agencies

Reforming the Public Order Act is not anti-security and not anti-police. Reform is protective of security institutions.

- A modernised Public Order Act would:
- strengthen professional policing standards;
- reduce legal and operational ambiguity;
- protect officers from political exposure and legal vulnerability;
- improve public trust and cooperation;
- enhance officer safety during public assemblies;
- align policing practices with constitutional and international standards;
- improve the institutional image of security agencies domestically and internationally.

Clearer law produces better policing. Better policing produces greater public trust. Greater trust produces safer societies.

# Call to Action: Advancing Collaborative Reform of the Public Order Act

## 1. The Legislature

1. Review Sections 1(1)–(5), section 2, section 3, sections 4 (1) & (5), and sections 7 (3) – (5) in accordance with the recommendations made on the analysis to guarantee freedom of peaceful assembly while preserving mechanisms for lawful regulation.
2. Hold public hearings and consultations with diverse stakeholders, including civil society, law enforcement, and the judiciary, to ensure that amendments reflect both human rights standards and Nigeria's public order priorities.
3. Institutionalize legislative oversight to monitor the implementation of reformed provisions and prevent future misuse.

## 2. Federal and State Executives

1. Initiate inter-ministerial dialogue on harmonizing the POA with Nigeria's constitutional and treaty obligations.
2. Issue administrative guidelines or executive directives promoting rights-based policing and civic engagement practices pending legislative reform.
3. Encourage state-level adoption of uniform procedures to prevent arbitrary interpretation of the law across jurisdictions.

## 3. Nigeria Police Force and Other Security Agencies

1. Integrate human rights and crowd management training into police academies and professional development programs to enhance facilitation, rather than suppression, of peaceful assemblies.
2. Develop clear standard operating procedures (SOPs) on the management of public gatherings that emphasize proportionality, dialogue, and de-escalation.
3. Engage regularly with civil society platforms to strengthen trust and transparency in the policing of assemblies.

#### **4. Judiciary and National Human Rights Commission (NHRC)**

- i. Ensure consistent judicial interpretation and enforcement of constitutional protections on freedom of assembly in line with the Inspector-General of Police v. ANPP (2007) precedent.
- ii. Establish or strengthen independent review mechanisms, such as a Public Order Oversight Committee (POOC) under the NHRC, to address complaints of abuse and recommend corrective measures.
- iii. Promote judicial education on comparative and international standards governing the right to peaceful assembly.

#### **5. Civil Society Organizations and Media**

- i. Lead sustained advocacy and civic education campaigns to raise public awareness about citizens' rights to peaceful assembly and the ongoing reform process.
- ii. Monitor and document implementation of the POA and its reform outcomes, providing evidence-based feedback to policymakers.
- iii. Foster coalition-building across sectors, including youth, labour, religious, and community groups to ensure that advocacy for reform reflects diverse voices and local contexts.

#### **6. Development Partners and International Community**

- i. Support technical assistance and policy dialogue to align Nigeria's reform efforts with global democratic governance best practices.
- ii. Provide capacity-building support for legislative drafting, law enforcement training, and civic engagement initiatives.
- iii. Encourage peer learning and exchange with other African countries that have transitioned from licensing to notification systems for managing public assemblies.

The reform of the Public Order Act should be seen as a national undertaking, a shared responsibility for reform, one that enhances governance, strengthens citizen trust, and promotes peace and stability. When lawmakers, enforcers, civil society, and citizens act in concert, reform ceases to be a contest of interests and becomes a shared pathway toward a more inclusive and rights-respecting democracy.

# Endnotes

- 1 Public Order Act, Cap. 382, Laws of the Federation of Nigeria, 1990
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**No.10 | S. B Abubakar Avenue | NAF Valley  
Estate| Behind Mogadishu Cantonment  
| Asokoro |FCT | Abuja| Nigeria.**

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**Area Close|Gbodofon Area| Behind Union  
Bank |Aregbesola Osogbo| Osun State.**

