

## Deconstructing and Reconstructing Section 14 subsection 2b of the 1999 Constitution

Let's begin from the beginning. The problem of Nigeria begins in this order: the first is the 1999 Constitution and specifically the 68 provisions on the exclusive list that conferred absolute power on the federal government; the second is leadership at the federal level beginning with the executive and the legislature and this is particularly the case in the last six years and; the third is the provision contained on Section 14 subsection 2b of the 1999 Constitution.

In two articles titled "In Search of Immortality: the Nigeria Military's Booby Traps for Nigeria's Democracy and In Search of Immortality: the 1999 Constitution's 68 Provisions as Booby Trap Extraordinaire", I described the Nigerian military as planting booby traps for Nigeria's democracy making the military immortal in the democracy dispensation underway (see [www.adoyionoja.org.ng](http://www.adoyionoja.org.ng)). This immortality was anchored on Section 14 subsection 2b of the 1999 Constitution that said the "security...is the primary purpose of government".

The military, now out of power, is achieving this immortality through the carefully crafted 1999 Constitution's 68 provisions and the insertion of Section 14 subsection 2b. The 68 provisions create problems in Nigeria at every turn. The reason is simply because Nigeria's structure made these provisions anachronistic and perennially problem-generating. Since the problem manifested in forms of conflict of the violent types, Section 14 subsections 2b made the military or the military, intelligence and law enforcement (MILE) the only solution to a narrative of "security" the military and military rule played fundamental role in creating and socialising Nigerians.

The only meaning and understanding of this "security" that Nigerians know is as the NAME and ROLE of the executive agencies of the military, intelligence and law enforcement (MILE). In the pecking order of fear and fear-induced respect by most Nigerians - both have been significantly eroded in recent times due to the humiliation they have suffered in the hands of the numerous non-state actors peddling violence- for the MILE, the army within the military comprising the airforce and navy, leads the pack. The intelligence and law enforcement followed.

The impression left behind and created and enlivened by the 1999 Constitution is that Nigerians still live in the Middle Age where the Hobbesian environment prevailed. This was prior to the evolution of the Westphalian state system. Life in Nigeria is nasty, brutish and short. There is no denying this in the last six years of the present administration. Just when Nigerians thought they have seen and heard the worst of it all, the present administration upped the ante in its novel application and addition to the return to nature state in Nigeria. They created the Fulani Menace which metamorphosed into banditry, kidnapping and disorder in an industrial scale all over the country. In effect, the fear of marauding attackers

confined most people within a radius of few hundred yards of their homes. There was also the impression that the country was facing imminent attacks from outside by unknown enemies.

These could have been the scenarios that the departing Nigerian military saw and preempted with the creation of the 1999 Constitution's 68 provisions and their insertion of this "security" as the number one function of the government. These scenarios were embedded into the 68 provisions of the 1999 Constitution and others envisaged by the military that singlehandedly drew up the 1999 Constitution to make them insert SECURITY - their mitigating role - as the ONLY SOLUTION.

Or else how can an elected government subscribe to the view that its singular role and task of governance is the provision of "security" to the people? What is this security? Ask every elected member of the executive from Mr. President to Chairpersons of local government! Ask every elected legislator at the three tiers task with amending, reviewing and/or updating old laws and/or where necessary evolving new policy legislations for the governance of the people! Ask every appointed official at all levels! Ask most educated Nigerian! Ask other Nigerians! They all chorused the first word i.e. SECURITY of Section 14 subsection 2b as the primary task of government. No more! No less! We have been witness to the eternal devotion and dedication of the elected governments to pursuing just security in last twenty years and in particular the last six years of the twenty years.

Most of these people did not stop for a moment and ask: what is this security? Whose security? What is a security issue? Who constructed this security? Did most Nigerians play any part in the construction of this security? Should most Nigerians not design and construct their security? Does this security address the etymological content of security as "condition of being secure," "free from care," "feeling no apprehension" and "something which secures"? Should Nigerians continue in the state we have lived in for the last six years as if we truly belong in the Middle Age?

The primary purpose of government - and government here is government of the people, by the people and for the people - is NOT the provision of this "security" - the security that most Nigerians were socialised into understanding and believing to be the name and work of the military, intelligence and law enforcement agencies of the executive - or protecting lives as in the narrative and false consciousness that elevated the work of the military, intelligence and law enforcement into the sole cardinal goal of government in the last two decades and in particular the last six years. In the two decades and - if any further empirical evidence is required - in the last six years, this security failed, is failing and continue to fail. This is because this is not security.

In the 21st century which was preceded by other epoch making development among the human species including the attempt to banish warfare, protecting lives should be the lowest

of the givens for any organised society with semblance of the effective and efficient utilisation of human and material resources for the benefit of most persons or governance. This is the reason there is a state and the executive agencies of the MILE. The state is the will of the people first and foremost and if this is lacking, the state should and must be broken and reconstructed or reconstituted.

With the willingness of the people within a boundary to live together, a state is birthed regardless of their diversities. A state is birthed with idea, institutions and physical boundary – these three should exist and agreed on by its inhabitants. Nigeria is not the only example of a country with diversities. Nigeria is one of the few countries yet to begin the construction of a state with idea and institutions even as it has physical boundaries. In the context of this state, the agencies of the executive including but not limited to the MILE ensure that the roles of law enforcement inside and the defence outside remained distinct and are carried out uninterrupted and with minimal attention.

This is in so far as governance permeates every other facet of human lives to limit the roles of law enforcement and the military to the bottom of the Hierarchies of Security Needs (HSN) or Security Scale of Preferences (SSP). The function of the military, intelligence and law enforcement in a working state belong in the bottom of the security needs of the people. The function of the MILE cannot be at the top as it is the case in the falsehood contained in Section 14 sub section 2b of the 1999 Constitution.

This leaves the stage for the term-limited government to fulfill the responsibility of effective and efficient utilisation of human and material resources for the benefit of most people or governance in all its forms. Thus the primary purpose of government is the provision of qualitative and quantitative wellbeing for the people in all of its forms. This is security – security is the absence of apprehension, feeling of being secure and/or something that secure and free from care.

This wellbeing includes the role of the MILE which should come at the bottom of the peoples' Hierarchies of Security Needs (HSN) or Security Scale of Preference(SSP). The role of the MILE should never come at the top of the HSN or the SSP as if we live in the times before the evolution of the state system, the period of state formation and/or on continents such as Europe that fought among one another prior to the intervention of the United States. The process of state formation on the continent which would have created this condition was arrested by European intervention. Nigeria since it was birthed by the British never experienced such existential threat to warrant the role given to the MILE. These are the only reasons that should prioritise the MILE's first line role in governance.

The military succeeded in creating versions of these conditions – crisis and conflict –inside Nigeria with their 1999 Constitution to justify their "security" role. The military succeeded in

socialising the people into "security" and their role in this "security". The military succeeded, above all else, in instilling fear into the breed of civilian political class of their numerous political reengineering. The military presided over different transition programmes through years of dominating politics. This resulted into the blind compromise the elected civil class reached with the departing military and/or evolved in the course democratic rule where in the last two decades they acquiesced to the MILE controlling "security" for their mutual benefit.

No individual or institution- not even the MILE - made this "'security'... is the primary purpose of government" to resonate everywhere in the country more than the elected representatives in the executives and legislatures and the civil societies that should have known better. There is something transparently dishonest in the rendition of members of the executives and the legislatures that "security" of lives and property is the essence of government. And with this dishonesty, nothing else in the lives of most Nigerians matter to them except the pursuit of this "security" - their "security".

If the MILE, for reason of class preservation and eternal relevance post-Cold War world, made itself indispensable in governance with the carefully orchestrated 1999 Constitution's provisions and if after twenty years of the failed experience associated with the Constitution and with Section 14 subsection 2b's "security" that deliver death and pain only to most people, what is the expectation of most Nigerians from the operators of civil rule?

The expectation of most Nigerians is to reconstruct the framework of the country to meet civil rule requirements. This is thus about the constitution and its provisions and in particular Section 14 subsection 2b. Security in its etymology, epistemology, philosophy and in its country-specific construction adhering to history, experience and reality (HER) especially those of the United States of America from which we imitated so blindly and in the context of the latest addition from China prioritised Americans and Chinese first and principally and not the political class and the MILE as is the case of Nigeria's undefined, uncharted and ungoverned security type under civil rule.

For the construction of security as qualitative and quantitative wellbeing of individual Nigerian to happen, the legislatures in particular must admit the prevailing conception of security failed, is failing and will continue to fail even with their latest call for memoranda; they must admit that the prevailing conception of security was not their creation and they have nothing to do with it and knew nothing about this security even if they succeeded in building their interest into this security; they must admit that the prevailing conception of security represented a worldview that belong to the military, intelligence and law enforcement and that this worldview no longer governs Nigeria in the last two decades.

They must admit that they have failed most Nigerians in their criminal and conspiratorial refusal to come up with conception of security reflecting the yearnings of most Nigerians when they chose to abandon the security type of the military in 1999 for the security type of civil rule; they must apologise to Nigerians for their failure and misleading believe in a security type that secure them and their collaborators in the MILE and; they must proceed to define security in tandem with Nigeria's history, experience and reality (HER) and within the democracy rule framework.

Section 14 subsections 2b's first word as "security" which in Nigeria's colloquial is the name and work of the military, intelligence and law enforcement (MILE) cannot be the primary purpose government and governance for the elected leadership in the executives and legislatures under a democracy framework. This FALSEHOOD must stop.

Now is the time for the executives and in particular the legislatures to construct their own philosophy or nature, meaning and purpose of security as framework for their governance and commence the process of socialising Nigerians into this framework of security.

Civil rule's appeasement of the military through the continuation of their failed and failing security tradition will not insulate the democracy framework from potential disruption by the military. The democracy framework will continue only when security as qualitative and quantitative wellbeing in all of its forms begin to permeate the lives of most Nigerians. This is when most Nigerians will make the sustainable defence of this democracy their business. This is the ONLY antidote against military rule.

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