

Between Special Adviser on Security and National Security Adviser and the Need to Govern Security in the Image of Civil Rule Democracy

For weeks now, the social media and other media outlets have been awash with developments around Mr. President's choice of his new national security adviser. Of the choices rumoured to be under consideration, Mr. Nuhu Ribadu topped the list. Owing to the interests on the choice of the new national security adviser and the growing support and opposition to Mr. Ribadu's candidature, the President announced Mr. Ribadu as one of the special advisers and assigned him the portfolio of security.

The announcement of this seemingly new office and portfolio has generated lots of interests as well. This is because the development put on the spotlight the fate of the office of the national security adviser. Of the many questions entertained, the one that bothers most Nigerians was whether the new office would replace the office of the national security adviser, the two offices would coexist together and/or whether there was precedence in having the two positions in place.

There are three possible scenarios on the unfolding developments following the announcement of the office of special adviser on security. One, there exist precedence and people pointed to President Buhari's appointment of a retiring Assistant Inspector General of Police as this precedence. However, this particular case was different since the appointment of AIG Garba Baba Umar as a senior security adviser on international police cooperation was to circumvent his retirement and its impact on his job with the INTERPOL.

The President may choose to use this as precedence should he chose to retain the office of the national security adviser and the new office of the special adviser on security. Two, this has never happened before and the president's decision to appoint the special adviser on security may be the death nail on the office of the national security adviser. Three, the president may choose to have the two advisers with one on national security and the other on security. This is to take advantage of the prevailing dichotomy between national security and security in the 1999 Constitution and in the prevailing practice in Nigeria.

Is there a relationship and difference between the position of Special Adviser on Security and the National Security Adviser? It should be observed that security is the independent variable in the two positions – national security adviser and special adviser on security. Thus the resolution what is security, whose security, what is a security issue and how can security be achieved is at the centre of the ongoing debate.

The place to answer this question is in the 1999 Constitution and in the practice of the phenomenon called security in Nigeria. The position of Special Advisers to the President enjoyed constitutional backing to the extent that the constitution allows the president to appoint individuals as special advisers. Section 151 subsections 1, 2 and 3 addressed the powers of the president as regards the appointment of special advisers, their remuneration as dictated by laws or the national assembly and the fact that they serve at the pleasure of the president and cease when the president ceases to hold office.

As to the portfolios to be assigned to these special advisers, this is at the discretion of the president to create and assign. The constitution did not have provision for portfolios let alone a portfolio called security. So, what is security in the 1999 Constitution?

There is provision in the 1999 Constitution (see Third Schedule Part 1, K- (25) National Security Council) for a National Security Adviser. The National Security Adviser, in terms of role, is first an adviser to the president and falls under the Section 151. The National Security Adviser is also one of the members of the National Security Council. This is the only place in the Constitution where the portfolio called security was attached to an adviser that goes by the designation National Security Adviser. So, what is national security in the 1999 Constitution?

The 1999 Constitution did not define, chart and govern security. Thus the Constitution is not only vague on what is security. The Constitution and/or the authors of the Constitution did assume security is known to most if not all Nigerians. There are two distinct and ambiguous references in the Constitution to national security and security. The 1999 Constitution did not give their meanings except to discern the practice refer to as national security and security.

Under Nigeria's undefined, uncharted and ungoverned security particularly under civil rule, there are confusions in national security and security and national security adviser and special adviser on security. The special adviser on security will advise the president on security. However, since security has not been codified under civil rule, what should be the security that he should advise the president on? Assuming the practice of security of the type bequeathed by military rule subsist to mean the name and work of the military, intelligence and law enforcement, which of the security – national security and security – should the adviser advise the president on? What is the line separating national security and security in the schedule of the special adviser on security and in the schedule of the national security adviser?

The Special Adviser advises on security. The National Security Adviser advises and "coordinates" security and/or national security. The word "coordinate" has been used to describe the job description of the national security adviser. There is difference between advising and coordination. The special adviser not only "recommends" or "gives information." The special adviser offer "opinion" or "recommendation as guide to action." The security that the special adviser should advise Mr. President can be gleaned by the profession of person appointed to the position.

The national security adviser, in his coordination role, "brings the different elements of an organisation into a harmonious or efficient relationship" and advises Mr. President as well. The schedule of the national security adviser coordinates security and going by the practice of security of the military type, it will mean work of agencies of the military, intelligence and law enforcement. The national security dimension of the coordinating work of the national security adviser would include the particular domain of the army, navy and air force in relations to external development on land, sea and air.

According to the 1999 Constitution, written by the military in their image, for the civil rule underway beginning in the 1999, there is difference – unstated but implied – in the use of national security and security. The first mention of security in the Constitution began in Section 5 subsections 5 and it is national security. The provision argues that the president, in consultation with the national defence council, shall deploy the armed forces on a limited combat operation outside Nigeria, if the "national security" is threatened. The armed forces refer to the three services of the army, navy and air force. The president and the national defence council make the determination of whether the "national security" is threatened. This is an affair exclusive to the military without the input of the police. This is the implied meaning and this is the way national security is understood as the exclusive domain of the military.

The second mention of security in the 1999 Constitution is in Section 14 subsection 2B. The provision argues that the security and welfare of the people shall be the primary purpose of government. What do they mean by this security? This is most likely the work of the police as it involves development inside Nigeria in containing crimes and public disorders. The Constitution charged the so-called chief security officers of the states with this onerous task first and foremost prior to the issue of welfare. Again, with the advent of the orchestrated castration of the police capacity by the military under military rule, the military, following its hurried disengagement from governance in 1999, latched on the provisions contained in Section 217 subsections 2C to find a role for itself, in the absence of sufficient justifiable

national security threats, thus completely displacing the police in its traditional sphere. This development was with the tacit understanding and agreement of the executives and legislatures in what I described as the political economy of security that benefits elite of the military and these institutions. Their interests span political and economic spheres and seek to mitigate the military's sense of loss of political power and fortunes and the political class's sense of fear of the dangling threat of the military consequent on the enthronement of democracy.

There are constitutional and operational issues involved in the two offices – office of the special adviser on security and office of the national security adviser. The 1999 Constitution created this problem. The development calls for the resolution of security, in philosophy and in legislation, within the civil rule democracy framework. Security cannot be the name and work of the executive agencies of the military, intelligence and law enforcement. Under civil rule, security should mean more than this. Resolving security's philosophy is necessary to banish for good the prevailing dichotomies and ambiguities of national security and security under civil rule.

The time is now to begin to build ideas, institutions and persons within civil rule democracy culture. Security is free from care, something which secure, condition of being secure and feeling no apprehension. This is the one idea that is the vision and mission of all other ideas. Civil rule governance alone has the responsibility to deliver this security type to most if not all Nigerians.