

## Security is Amorphous in the Constitution of Nigeria

The Constitution of the Federal Republic of Nigeria 1999 contains not less than fifteen (15) and not more than seventeen (17) references to security. The first substantial reference is found in Section 14 2b in Chapter II Fundamental Objectives and Directive Principles of State Policy. Section 14 2b says "the **security** and welfare of the people shall be the primary purpose of government."

The other reference to security of substantial import is the Third Schedule Part I Federal Executive Bodies (established by Section 153): 25 National **Security** Council.

The question "what is security" was not answered in the references. In other words, there was no philosophy of security. The references merely insinuated the meaning of security. Security as the verb in section 14 2b did not connect to security as noun in the Third Schedule 25.

Indeed in the order and manner security is used within the context of section 14 2b and the Third Schedule 25, the federal body called the National Defence Council (see 16 of the Third Schedule) packed more punches than the National Security Council.

This leaves the conclusion that when one connects the 16 Third Schedule with Sections 214-216 and 217-220 providing for the police and the armed forces, DEFENCE dwarf SECURITY in the Constitution as far as legislation and policy are concerned in the Nigerian context. Should this be the case? Of defence and security, which is all encompassing and which is specific? Security is all encompassing because it is the UMBRELLA portfolio that includes defence. Defence is specific. Defence accomplishes one of the objectives of security in an ideal situation.

Examine closely the character and institutional composition of the National Security Council and National Defence Council in order to understand the ambiguity and amorphous position of security vis-à-vis defence in Nigeria. While there is a clear understanding of defence in legislation and in policy, there is no such clear understanding of security in legislation and in policy. Thus security is geared towards the attainment of the defence objectives of the government rather than defence geared towards attaining the security objectives of the state.

What is security? What is defence? Which of the two – security and defence – is all encompassing? What are the relevant agencies of security? What are the relevant agencies of defence?

The framework of "security" created by military rule that makes no distinction between security (political) and defence (professional) and that preferred defence (professional)

when it conflicts with security (political) remained the framework of the civilian rule in place since 1999. This is the reason "security" failed, is failing and will continue to fail each time it is invoked. This failure called attention to the need for the civilian rule underway since 1999 to distinguish security from defence. This they can do by aligning security to governance. Governance is the responsibility of the elected legislatures and executives. It is their discharge of these responsibilities to the satisfaction of most electorates that translates into security. To do this, it is important they answer the question: what is security?

This informed my contention that the democratic process in place beginning from 1999 should create<sup>1</sup> the enabling environment to begin the conversation on security<sup>2</sup> in Nigeria. The first point of departure for these elected men and women, in the face of the overwhelming and convincing failure of "security", is to pose this question: WHAT IS SECURITY?

It was this nagging question and the urgency to resolve this question by the elected legislatures in particular and the executives in general that informed the view I expressed in one of my articles thus:

"If the military define security within their job description of defence, how should the political class define security? Should the political class not define security within their job description of governance that encompasses most things beginning with the foundation of security, the economy? Should the political class not follow the security type advocated by Anthony Burke that "security should not be seen as one good among many. Security should be the good that guarantees all others". Should the Nigerian political class define security in the context of their difficult experience in the hands of the military as the quid pro quo that security is today? Where is the difference between the political class and the military class in the definition of security? Of the military and political class, who owns security?<sup>3</sup>

If the armed forces had justified its "security" role as the governing elite on sections of the Constitution but with the coming of civilian rule had been confined to Section 217, what is the justification for the "security" role of elected members of the legislature and executive at national and states levels saddled with the operation of the entire

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<sup>1</sup> See the article "In Search of Platforms for the Governance of Security in Nigeria: Constitution, Act, Policy and Strategy", on the sub link "Adonostra" on <http://adoyionoja.org>

<sup>2</sup> See the link "Stripping" for 'Beginning the Security Conversation in Nigeria' on <http://adoyionoja.org>

<sup>3</sup> See the link "Stripping" for 'The 1999 Constitution, the Political Class and Resolving Security by "WE THE PEOPLE"' on <http://adoyionoja.org>

constitution including the aspect that concerned the armed forces? What is their security role? What is security under elected civil rule as different from the unelected or military rule?

This is the point at which the examination of the theory and practice of security becomes absolutely essential. This is because in the last nineteen years of civil rule, the armed forces and not elected rulers have come out as managers of "security" necessitating the questions: What is security? Whose security? What counts as security issues? How can security be achieved? Indeed what is security? What is the role of civil rule in this security?<sup>4</sup>

Therefore defence is one of the objectives of security albeit the least objectives of security in the umbrella metaphor of security. This is particularly the case when defence is defined in the Nigerian context as the attempts by Military, Intelligence and Law Enforcement (MILE) to safeguard the state against the dissatisfaction of most nationalities with the failure of the governments to satisfy their yearnings for improve and better living.

This perspective of security – the law and order perspective – is the least of the three perspectives or routes<sup>5</sup> to attaining security. The others are "security route to security" and "governance route to security". I had argued that the civilian rule in place was not aware of these routes let alone trying these routes and had instead relied on the expertise of the MILE who knew only the law and order perspective of security. I described this action of the civilian rulers as self preservation in what was evidently an emerging blind consensus between civilian rule and the MILE.

There is the temptation particularly from officials inside and out of service to speak and connect Nigeria's ungoverned security with the external or foreign affairs. Again it is a residual of the imitation of the Globalised Western Security Philosophy (GWSP) whose foundation was dictated by inter state relation. It is also the attempt to safeguard and advance entrenched interest in this area. This connection was not spurred by the needs of most Nigerians; it was not spurred by a careful understanding of the History, Experience and Reality (HER) of Nigeria; it was not spurred by Studying, Thinking, Observing and Comparing (STOC) the ungoverned security space of Nigeria with the GWSP imitation tied to the needs of the state; it was not spurred by any indigenous security philosophy. It is spurred by the need to advance the cause of the state by the ruling political/ethnic/regional/religious/MILE coalition in control at any given moment.

This lead to the question: what is Nigeria's foreign policy and objectives? Is there domestic content to this policy and objectives? For instance, President Bill Clinton, in his first pre-inaugural meeting with the diplomatic corps after his election as president, listed three

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<sup>4</sup> See Ibid

<sup>5</sup> See the article "Defining Security and Charting Security Routes for Nigeria" on the sub link "Aoviews" on <http://adovionoja.org>

pillars, as his foreign policy objectives. They are economic security at home, restructuring the armed forces to cope with the new post Cold War world and supporting and promoting democratic values globally.

The first point to note in Mr. Clinton's foreign policy pillars and America's number one foreign (and domestic) policy goal is economic security at home (economic security is coalesced into the larger issue of national security). The implication of this goal is that the purpose of America's foray beyond her borders is to explore and exploit resources to maintain and advance the quality and quantity of lives of most Americans. The major purpose of national security as Americans call security is to guarantee that the United States has the capacity and capability to ensure the delivery of economic security for Americans.

What is Nigeria's status vis-à-vis the preceding example? The upshot is that what is or should be security in Nigeria is DOMESTIC. There is little or no external content to what is or should be security. Settling the domestic front of security will create the enabling environment for the external front of security.

The United States of America started with the domestic front of securing most Americans first. America's performance in the Second World War convinced America that the new frontier of security is the rest of the world. To be able to source and deliver security to most Americans, it is important to have military, intelligence and law enforcement that is invincible. Thus was born the National Security philosophy by the act of the Congress of the United States in 1947.

This is the beginning of what I described as the logistic phase of security that enables the sourcing of resources of all types everywhere in the world in order to secure most Americans. Unfortunately, this logistic phase represented by the MILE became the Globalised Western Security Philosophy (GSWP) that translates into security for not just Nigeria's ungoverned security space but most countries of the Third World.

National security has as its prime goal the continuation of the *American Dream* for most Americans by ensuring that the United States of America is strong militarily. National Security institutions and team that ensures America's capability to accomplishing this goal include the Departments of State and Defence (army, air force, navy and marine), National Security Advisor, Ambassador to the United Nations, Central Intelligence Agency and the Foreign Intelligence Advisory Board. The team is led by the president and includes the vice president, secretaries of state and defence, National Security Advisor, Director, Central Intelligence Agency and Director, Foreign Intelligence and Advisory Board. This is the composition of America's National Security Council. We seldom hear anything about the National Defence Council, if there is one.

What is security in Nigeria? What are the institutions of security? What is the security team of the president in Nigeria? What is the National Security Council about in Nigeria?

These are questions that the enabling laws including the constitution and policy have not addressed. These are the questions that the elected civilian in the legislatures and executives since 1999 must address to distance them from the MILE that defined the face of security in Nigeria.

Not doing this leaves "security" amorphous and ambiguous in the constitution (1999), act (NSA), policy (none) and strategy (the *NSS*, 2014).