

Security's Losing Run is the 1999 Constitution

There are two views I would like to tap into as I grapple with "security's losing run in the 1999 Constitution." By the way, the 1999 Constitution and its position on security is the subject of this article. Of the prominent Nigerians that have found foundational fundamental issues with the Constitution, Chief Wole Olanipekun stands out.

Chief Olanipekun has maintained conscientious, consistent, and coherent arguments against the 1999 Constitution. The 1999 Constitution is the foundation of Nigeria's problems. Chief Olanipekun, therefore, called for the suspension of all amendments to the 1999 Constitution and for a referendum to create a new, people-driven constitution. This position, according to Chief Femi Falana, will come about only a revolution. This is because the political class is comfortable with the Constitution as it is.

The first view was from the article written by Mr. Lasisi Olagunju. Mr. Olagunju is a columnist whose style tapped into the wisdom of his culture and aspects of western culture to argue into the essence of governance in Nigeria. One of Mr. Olagunju's Monday Lines was titled "Tinubu, matter don pass be careful". The article centred on the worsening conditions of most Nigeria under President Tinubu's administration's policies and the make-believe views fed the President by people around him that all was well with his policies. The President's policies do not imbue feeling of being secure, provide something which secure, create conditions of being secure and/or reduce or eliminate feeling of apprehension amongst the generalities of Nigerians.

The second view was from President Bola Ahmed Tinubu during the swearing in of his new service chiefs. This was amidst the persisting unclear development around an alleged attempt by some military personnel to topple his government. On this occasion, Mr. President urged the service chiefs to work with no excuse. The central issues underlining Mr. Olagunju and Mr. President's views are governance and security. Governance works to deliver security as its end-state.

The two personalities' view on governance which unleashed security chimed with the prevailing failed and failing conception of security. Mr. Olagunju's views conjure up the governance type whose security is denied most Nigerians, while Mr. President position was tied to the security that is the name and work of the military.

I doubt if there is agreement, from the point of view of ideas, whether borrowed and/or imported, amongst most Nigerians particularly the intelligentsia, on what is governance and what is security. I will not bother with the intelligentsia's views as by their nature, they are a conflictual and rancorous bunch. One only needs to check the records to draw this conclusion.

For the purpose of this exercise, I will define governance and security that appeals to me. Governance, from the World Bank's timeless and ageless definition, is the effective and efficient

utilisation of human and material resources for the benefit of people. In the case of Nigeria, what counts as governance is the effective and efficient utilisation of human and material resources for the benefit of most Nigerians across all levels of governments in the short, medium and long term. Security, on the other hand, is wellbeing in all of its forms for most Nigerians.

However, there is a problem of reconciling the positions of Mr. Olagunju and Mr. President from the point of view of their contentions. Mr. Olagunju's arguments burrowed into the existence and prevalence of the ineffective and inefficient utilisation of human and material resources by President Tinubu's government for the benefit of most Nigerians. Mr. President mandated his service chiefs to tackle without excuse the consequences of his administration's poor governance.

President Bola Tinubu is not the primary issue at the base of the problem that defined the views of Mr. Olagunju and Mr. President. The President's administration's role is a quarter of the problem. A third of the matter falls on the desk of the 1999 Constitution. The Constitution preceded the president and his administration. However, the problem with the Constitution is not beyond the power of the President, his Party, and the National Assembly to fix. Therein lies the view that the buck stops on his desk.

The President, his Party, and the National Assembly's insensitivity and/or selective sensitivity to the Constitution ensured that governance failed and continued to fail to deliver security. The result of the failure of governance is to unleash the task which the President saddled his service chiefs – task the Constitution describe/associate as security and thus the prevailing security. There is confusion on the idea of security in vogue in Nigeria that requires the infusion of sense, sensibility, and sensitivity to the yearnings of most Nigeria.

I have advocated for the jettisoning of the prevailing conception of security which I argued was built in the image and mandates of the military, intelligence and law enforcement (MILE). In place, I have called for the construction and institution of security in the image and mandates of civil rule democracy and governance. This is because this is the proper course to follow if we are interested degrading, destroying and dismantling the disgrace that is the orchestrated crisis and conflict that define the landscape of Nigeria courtesy of the military-inspired framework called the 1999 Constitution.

Of the not-so-farfetched reasons for this position, there are two very fundamental ones that require mention. The first reason is that this is a civil rule democracy where elected officials have the constitutional mandate to govern the entire country. Therefore, their conception of security cannot be similar to the one they inherited from the military. The military built its security based on its limited constitutional mandate, which it transferred into governance after it usurped political power. The second reason and arising from the first is that the prevailing

security failed and is failing every day. This security is failing because it is not in tandem with security's founding etymologies, histories and philosophies, civil rule democracy governance framework and Nigeria's history, experience and reality (HER).

To this end, I have built my scholarship based on my framework of security that addresses the four fundamental questions of security. They are what is security, whose security, what is a security issue, and how can security be achieved. My framework defined security as wellbeing in all of its forms for most Nigerians. This is in tandem with security's founding etymologies, histories, and philosophies on the one hand and, on the other hand, civil rule democracy framework and Nigeria's history, experience and reality (HER).

Security is wellbeing in all of its forms, for most Nigerians are not on the card in the prevailing security type. The 1999 Constitution made sure of this. The 1999 Constitution is not just a legal framework. The Constitution embodies economic, political, social, cultural, ideological, and philosophical objectives. As a legal framework, the Constitution gives vent to the ideals embodied in these ideas. In summary and from a philosophical perspective, the Constitution embodies the vision of the Nigeria envisioned by the military post military rule.

Of this vision of the military for Nigeria, under civil rule post military rule, the aspect on Chapter, particularly section 5 subsection 5, section 14 subsection 2b and the rest of Chapter II are defining. The Constitution did not envision security to be wellbeing in all of its forms for most Nigerians. The Constitution envisioned security is wellbeing in all of its forms for the elite leadership of the military, intelligence and law enforcement, and the civil political elites presiding over the ship of the transient state. To achieve this security for these elites, most Nigerians are consigned into endlessly endless crises and conflicts in order to keep the fund flowing into their pockets.

The first two defining sections were taken from Chapter II itself. They are section 5 subsection 5 (national security) and section 14 subsection 2b (security). They contained and carried the exclusive affairs of the military, intelligence and law enforcement and their civil political counterparts. These issues are given the number one priority place in governance. Section 14 sub section 2b captured this essence when it declared that the "security...of the people shall be the primary purpose of government."

This security is the name and work of the military, intelligence and law enforcement, and those of the governing civil political elite. The rest of the objectives of the Constitution proceeded to create the conditions that prioritise this security first. This included the ouster clause that not only made "the welfare of the people shall be the primary purpose of government" part conditional on the attainment of this branded security first. This provision equally made the rest of the provisions in Chapter II or Fundamental Objectives and Directives Principles of State Policy non-justiciable and thus unattainable intensifying the conditions that made the security

aspect central in its resolution. Security is wellbeing in all of its forms is not the purpose of the 1999 Constitution.

It is therefore self-serving when the newly minted Chief of Defence Staff argued for the making of the police effective in order to remove the military from playing their roles so as to concentrate on external defence or section 5 subsection 5. There is symbiotic relationship between the police and the rest of Nigerians. The day the police become effective is the day most Nigerians become effective. The military, during military rules, presided over the systematic destruction of the police and most Nigerians. They created the legal framework, in the 1999 Constitution, that made this irremediable after the left power. The descent of the police began in 1983 after the military toppled the Second Republic government. Their actions against the police not only included confiscating their equipment. They launched deliberate and sustained assaults against the police in most spheres, including destroying police psychology and psychosocial conditions of the people that make policing effective.

This was in order to pave the way for the military's entrenchment in the internal affairs of Nigeria, which, from the point of view of law enforcement, was managed by the police. The military did this because there was nothing to defend outside Nigeria. Nigeria is unlike the United States with national security interests all over the world. The military doubled this up by creating the conditions that made them indispensable inside Nigeria, including the 1999 Constitution. They have succeeded in enlisting the civil political class into their orbit. The civil political class has since insisted on the military remaining entrenched in Nigeria's internal affairs. Their insistence is not about police ineffectiveness only.

The civil political class are afraid of the destabilising potential of the military on the political system and thus made them partners. The military may not be in power directly. The civil political class is aware the military hold the veto, and in order to assuage their losses, they retained them in the scheme of power and largesse sharing. They may have lost direct political power, but through their 1999 Constitution, poor governance, and the political economy of security, they continue to benefit from the resources devoted to their work of security. This ensure they benefit from security is wellbeing in all of its forms.

Their – the civil political class and the leadership class of the military, intelligence and law enforcement – security and my security will continue to be on the losing run as neither is working. This is as long as the 1999 Constitution remains the way it is in spite of the selective amendments by the legislators. They want the Constitution to remain this way. This is the only way to guarantee security is wellbeing in all of its forms for their kind.

But, for how long?

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