

Parliament, Civil Society and Military Reform in Nigeria

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Introduction

Nigeria marked her 50 years of independence in October 2010. More than three decades of this period were under autocratic military rule. The current experiment with democracy, the Fourth Republic, which commenced on 29 May 1999 when retired General Olusegun Obasanjo was sworn-in as president, is the longest attempt of practicing democratic governance in the history of the country. Indeed, the successful transition from one democratic government to another in 2007 and the peaceful transmission of political power following the death of President Umar Musa Yar'Adua, a Muslim from the North to his Vice President, Goodluck Jonathan, a Christian from the South, in controversial circumstances without the intervention of the military marked a watershed in the institutionalization of democratic processes and the subordination of the military to civil control.

Yet, the democracy of the Fourth Republic was much less resilient than on first sight appears. It was faced with several crises in which fears of a military intervention were looming. The first drama reflecting anxiety over a military coup occurred in the first year of the return to civil rule in 1999 when a motion was tabled in the Senate calling for a pact with the United States to secure Nigeria's nascent democracy against military incursion (Abiodun 2000:25).¹ The second was a call by Senator Joseph Kennedy Waku in an interview with *Tell* magazine on the military to take over power (BBC 2000). While the first instance attracted strong protest from the public opposed to the suggested dependence on a foreign power to secure democracy against the military, the second case earned the senator a suspension from the Senate and a threat of recall from his constituency. The third came when former Chief of Army Staff (1999-2001), retired General Victor Malu, made a statement on 30 January 2006 that he regretted not mobilizing the army to overthrow President Obasanjo. This provoked a crucial meeting of the leadership of the ruling People's Democratic Party (PDP) although it went without consequence (Madugba 2006:1). The fourth was the secret return of terminally ill President Yar'Adua into the country in March 2010 under the cover of night with the mobilization of about 500 military personnel to provide security at the airport at Abuja, without the knowledge of Acting President Goodluck Jonathan. These incidents have kept alive the possibility of relapse into military rule. Indeed, in March 2010 the Chief of Army Staff, Lieutenant General Abdulrahman Dambazau, had to restate the commitment of the military to its constitutional role, assuring the public and the government that the military will resist all efforts by politicians to drag it into politics (Soriwei 2010:7). While the debate about the prospect of a return of the military has been rekindled by the above incidents, there have been moves by the various governments in the last decade of democratic rule to promote the consolidation of democracy by promoting military reform.

Military reform has been influenced by a number of factors including the practical need to ensure the subordination of the military to civil control, the influence of the global movement to address security concerns and the commitment of donors to military reform as part of the agenda to advance the democratization process in the country. While numerous studies have linked security sector reform to the democratization wave that swept Africa in the 1990s (Chutter 2000; Le Roux 2003), few of these studies have focused on non-executive involvement in the reform process and

¹ A similar attempt in the First Republic by the Tafawa Balewa government (1960-1966) to enter into a defence pact with the United Kingdom was abandoned because of public opposition.

those that have, were largely preoccupied with legislative control over the military budget and with developing appropriate mechanisms for civil society engagement in issues of security sector reform (National Democratic Institute for International Affairs 2000; Ball & Fayemi 2004; Omitoogun & Oduntan 2005; Griffiths 2006). Few studies (for instance, Garba 2008) have thus provided a detailed investigation of the actual role of legislatures and civil society in other areas of military reform like deployment, appointment of the military service chiefs, doctrine, human rights issues and training curricula.

This chapter seeks to contribute to closing this gap by addressing the following questions: What are the powers and competences of the legislature in the reform of the military and what can civil society contribute to it? What are the challenges and obstacles to effective involvement of the legislature and civil society in the reform of the military? And what are the prospects of the reform for civil-military relations and democratic consolidation? The chapter argues that the legislature is constitutionally empowered to play critical roles in the reform of the military. However, due to lack of competence, interest and commitment to military reform, parliament and civil society have employed their powers and watchdog roles only to a very limited extent. Only gradually, over time, certain issues have emerged which have generated interaction between the military and civil society, and between parliament and the military. Such issues arise from the activities of the armed forces when they are called upon to act in aid of civil authority and from the conflicts between military personnel and civilians in the streets. These may have positive effects on parliament's and civil society's perception of military reform and their role in the reform process.

The democratization process in Nigeria was a protracted effort to remove the military from politics. Military rule has always meant the abolition of parliament and the emasculation and repression of civil society. Thus, military reform means a lot to a variety of actors, from the abolition of the military to the establishment of traditional military subordination to democratic civilian control. The deep-seated distrust of the military by parliament and civil society naturally complicates meaningful and serious engagement with the military. Therefore military reform has been largely an executive affair and part of the effort of the military to transform itself in order to improve its image of a predatory institution. The relatively marginal role of parliament and civil society in the reform process has rendered it a very elitist and exclusive affair without significant input of citizens and thereby limiting the effect on public perception of the military.

Governance Reform and the Military

The reform of the Nigerian military has been linked to local and continent-wide concern with security sector reform in Africa. Security sector reform has in turn been part of a larger reform of governance as African leaders must come to terms with the need to collectively organize security and defence under the African Union (AU). The series of crises and civil wars that ravaged many countries in the various sub-regions of the continent had forced sub-regional organs like the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) to intervene with some success in the civil wars in their respective sub-region. In West Africa, security sector reform is informed by the effort to address the violent conflicts, security crises and instability problems that characterized politics in countries like Liberia, Sierra Leone, Nigeria and Côte d'Ivoire which have been attributed to previous and ongoing mismanagement of the military, poor governance, ethnic tensions and state fragility. Prior to reform, the armed forces had been used to protect repressive governments, compromising the public security and justice systems and forcing people to turn to self-help and vigilantism (on the effect of vigilant groups and militia on military reform, see the contribution of Christian Lutz in this volume). ECOWAS began to insist on the intrinsic relationship between security and political good governance and to promote security sector reform in the region in the 1990s. Since then, ECOWAS adopted the Declaration of Political Principles to promote multiparty democracy and representative institutions that set

guarantees for personal safety and freedom. The Dakar Protocol on Democracy and Good Governance (2001) defined the prerequisites for peace and security covering armed forces, police and other security agencies in a democracy, the 2003 Declaration on Sub-regional Approach to Peace and Security stressed a commitment to democratic consolidation and rejection of force as a means to pursue or maintain power (Bryden, N'Diaye & Olonisakin 2005).

The reform of the military has also been influenced by the activities of the Western donor community's interest in promoting democratic governance and human security. In this sense, military reform is part of the larger process of governance reform and the strengthening of democratic institutions. The donor community has invested in security sector reform initiatives of which military reform has been an integral part. The goal is to define a clear role for the military under democratic governance, and to subject the military, especially the management of military expenditure, to democratic accountability. For Ball, the reform of the security sector involves establishing the legal framework and sector policy based on democratic principles, developing effective civil management and oversight mechanisms, ensuring that security institutions are affordable and accountable, and ensuring that culture and attitudes of the security institutions, especially their leadership, are supportive of good governance (Ball 2006).

Donor community involvement has driven several efforts to define an appropriate framework for reform that can achieve a stable and effective governance of the security sector based on the established traditions of stable civil-military relations in advanced democracies. The roles of non-executive organs of government and civil society in the governance of the security sector are more broadly emphasized in the engagement with accountability and affordability. In countries like Nigeria, where democratization involves a process of withdrawal of the military from politics, and re-establishing military subordination to civil authority, the role of parliament and civil society is particularly important. Parliament is a crucial organ for democratic governance and public scrutiny is critical for securing inclusive political representation, accurate information of the public, competent law-making and vigilant executive oversight. Parliament's role in military reform includes laying down the legal framework of democratic security-sector governance, reviewing and approving defence policies and budgets including the conditions of service of the military. It is also to oversee sectoral expenditure, procurement, operations, and deployment within the military. In some constitutions parliament is empowered to approve the declaration of war and oversee the intelligence and security agencies (National Democratic Institute for International Affairs 2000, Pantev et al. 2005).

The Local Context and General Character of Military Reform

A major political crisis was triggered by the annulment of the 12 June 1993 presidential elections in Nigeria by military President Ibrahim Babangida. The election was supposed to conclude a protracted transition program designed by the ruling military government to return the country to democratic rule. It was considered the freest, fairest and most peaceful election in Nigeria and the released results showed that Mushood Abiola, a Muslim from the South would win the election. The annulment of the election provoked civil society protests, deepened divisions among the various ethno-linguistic groups and generated conflictive calls either for the reconstitution or the decomposition of the military.

Although the crisis forced Babangida to step down as the president, the interim government he left behind was declared illegal by a court ruling and later removed by General Sani Abacha in a bloodless coup. Abacha sought to provide his tyrannical rule with a democratic façade by announcing a transition to democracy which served the only objective to transform him into a civilian president. Abacha died before this could happen on 8 June 1998. The unexpected death of Abacha paved the way to democracy and military reform. The reform of the military began

symbolically on 18 August 1998 when General Abdulsalam Abubakar, who became the interim head of state, led senior ranks of the military at the parade ground of the Army's 82nd Division in Enugu, South Eastern Nigeria, to make a voluntary voice oath of honour to be law abiding citizens, to play by the rules of the new political game, to protect lives and property of Nigeria, to safeguard the territorial integrity of the country and to return to the barracks on 29 May 1999.² General Abubakar kept his words and eventually handed over government to democratically elected President Olusegun Obasanjo as scheduled on 29 May 1999.

Preceding General Abubakar's move was a public debate about the political interest of the military in 1994. The dominance of the military by officers of northern extraction and the annulment of the 1993 presidential election won by a Southerner had provoked open calls in the media for restructuring and reform of the military to reflect Nigeria's ethno-political composition. In the event of the debates by delegates to the 1994 constitutional conference and in the media, questions were also raised with respect to military budget, procurement, promotions, deployment, staffing and military doctrine. Three issues were particularly dominant relating to military reforms.

The first and central issue relates to how to keep the military permanently in the barracks, that is, how to prevent military seizure of power, once the country successfully returns to democratic rule. The human rights movement and other civil society groups voiced concern that military officers had an entrenched interest in politics because of the privileges, rapid promotions and stupendous wealth that political office confer on soldiers. Military officers were believed to be no longer content with the drab and unspectacular life in the barracks (Adekanye 1997). The ostensible corporate interests of the military thus raised the question how civil-military relations in Nigeria should be organized.

The second major issue had to do with the ethno-regional structure of the military institution. It was argued that the North's dominance of the officer corps has enabled it to use the institution as an instrument for perpetuating its hold on power at the centre. The situation was described by retired General Chris Ali in this way: "With the Northern control of the Army thus established and consolidated, it was not long for the vital interests of the North to dominate the incipient political inversion of the Army into a political arm of the Northern hegemonic resurgence" (Ali 2001:210).

The third issue is the concern of some serving and retired officers of the military about the professional status and poor image of the military in society. The military was continually blamed for Nigeria's developmental failures and the highhandedness and lawless behaviour of troops in their interaction with civilians under military rule. This is reflected in the words of the first minister of defence under the Obasanjo presidency, a retired general in the army, T.Y. Danjuma, who told senior military officers that the behaviour of military personnel has "so tarnished our image that many of us are ashamed to walk the streets in uniform. These are the real challenges we have as professionals and it is my duty to reverse this trend" (Ugbolue 1999:14).

Three suggestions were offered to address these concerns by the various representatives of Nigeria's ethnic groups, scholars and the leadership of the military. The first was the call for a complete overhaul or disbanding of the military in favour of an enlarged police and civil defence force – an arrangement that is cheaper, more democratic and less favourable to coups (Ake 1996:15). The second called for the decentralization of the military structure into zonal commands. This was to ensure that no particular region or ethnic group could dominate the military institution. The third is the reform or transformation of the military by reprofessionalizing and depoliticizing it. With no consensus on these issues, General Abubakar and his cohorts managed the withdrawal of the military from politics by handing over power through an electoral process to a retired general and former military Head of State, Olusegun Obasanjo, a Southerner. Thus, governance and military reform in the immediate post-military era effectively began under President Obasanjo.

² *The Guardian*, 19 August 1998.

Shortly after he assumed office, President Obasanjo retired ninety-three generals and officers across the forces who held political offices in the past. The latter included ministerial posts, positions as military administrators and heading notable task forces. Additional retirements were effected based on health grounds, issues of discipline, failure in promotion examinations or attaining the specific age limits of a particular rank. The reforms included military re-professionalization and refocusing the military to its constitutional role, an effort to transform the defence sector into an effective and efficient force capable of deterring external aggression and maintaining internal security within the framework of democratic civilian control (Anifowose & Aiyede 2005; Adekanye 2005).

To achieve these objectives President Obasanjo sought American and British assistance. A private corporation, Military Professional Resource International (MPRI) began the process of reform under the United States Government's International Military Education and Training (IMET) programme, with additional support by the British Defence Advisory Team (BDAT).³ President Obasanjo had set up a local working group on security and defence to examine the state of security and defence and evolve policies to address the issues. The committee consisting of seven senior military officers and three civilians noted that an absence of an integrated policy document or framework for security and defence limited the capacity of the security and defence community. Observing that elements of security and defence policies were currently scattered in the constitution, legislative acts and administrative orders, the committee recommended the production of a comprehensive policy on security and defence drawn up in an inclusive and open manner to deal with the problems. It also recommended that Nigeria should provide leadership in the initiation, formulation and implementation of a security and defence policy for ECOWAS and the African Union (Security and Defence Policy Group n.d.).

In 2001, a defence policy document was drafted, drawing from the proposals of the Defence Policy Group by a defence policy committee set up by the president. The 2001 document suggested a new unified command structure for the armed forces to reflect an envisioned joint operations structure that does not change the present organizational structure of each service of the military: Navy, Airforce and Army. According to the document, Nigeria would have five unified commands: the Eastern Command, the Western Command, Coastal Command, Air Defence Command, Training and Doctrine Command. In this way, the Training and Doctrine Command (TRADOC), was to be organized as a tri-service establishment, although each service was to conduct the training of its personnel to ensure that they were ready to fit into the joint training/exercises of the unified commands. The Defence Headquarters was to be responsible for funding and administration of the unified commands and military formations were to be grouped functionally into each of the unified commands to reflect their assigned roles and a tri-service structure. This new structure was abandoned in the 2004 policy paper which the president presented to the National Assembly as the National Defence Policy.

The 2004 document was strongly criticized for the lack of inclusiveness in the drafting process by the federal legislature and other stakeholders, including the Ministry of Foreign Affairs, the Ministry of Finance and the states. As a result, the president withdrew the document and circulated it for comments and inputs from stakeholders before the final document was produced. The National Defence Policy document eventually approved by the Federal Executive Council and signed by President Obasanjo in 2006 nevertheless did not include significant changes of the 2004 document. The 2006 document became the major guide for military reform in Nigeria. It rests on a human

³ The activities of MPRI included help with redefining the role, missions and procedures in the Ministry of Defence, professional development of doctrine, training management, including the establishment of an Armed Forces Simulation Centre at the Command and Staff College Jaji, and civil military coordination, especially relations with the legislature. The British Defence Advisory Team's activities included training in the various armed forces schools and providing infrastructure for the Peacekeeping Wing in Infantry Corps Centre and School, Jaji, and the Nigeria Army Training Centre, Kontangora.

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security perspective and envisages military contribution to matters related to intelligence, operations and logistics and accorded a more prominent role to civilians in policy formulation and defence spending. It also emphasized the need to reform the military along the following principles: supremacy of the constitution and rule of law, role of the military in defence of democracy rather than in the government of the day, civilian control of the military including the national parliament and military professionalism (Federal Government of Nigeria 2006).

However, by the end of the second term of the Obasanjo presidency in 2007 structural and institutional change was modest. Under Obasanjo's successor Umaru Musa Yar'Adua, the reform of the military became a matter for the Ministry of Defence, largely driven by the military itself. The interest in reform within the armed forces was kept alive by some leading officers like Lieutenant General Martin Agwai who introduced change management in the army as chief of Army Staff. Change management was later extended and modified into a comprehensive Armed Forces Transformation program.

An Armed Forces Transformation Committee consisting of military civilian and military officers of the Ministry of Defence was subsequently formed to provide a guide for transforming the military. The committee documents published in 2008 conceptualized military transformation as a process of restructuring the Ministry of Defence for enhanced management of national defence. It also includes the development of a National Military Strategy and Joint Operational Doctrine, providing ways and means for achieving a highly professional and motivated defence force, and establishing joint acquisition and maintenance processes of minor and major military hardware. In addition, establishing a Military Research and Development and Defence Industrial Base programme and establishing a credible force structure with capabilities that would meet current and future challenges are important elements of military transformation. The output from the committee included a national military strategy document, two volumes of joint doctrine for the armed forces and a proposed structure for the higher management of defence. The latter sought to integrate both civilian and military leadership for the control, coordination and management of resources for the defence of the country. According to these documents, it is envisaged that the military strategy will be revised every 5 years, while the joint doctrine will be reviewed every 2 years.

These doctrines emphasized the primacy of political leaders, elected officials and their appointed subordinates in making broad national policies and procedures in defence as reflecting the sovereignty of the people. Military officials are responsible for rendering advice and making recommendations on professional matters, which include military capabilities, limitations and projections with timely, complete and accurate information to the National Assembly whenever required, to enable the latter to fulfil its constitutional responsibilities in the domain of military affairs. Military leaders are to be responsive to public opinion in the course of any assigned mission, especially while employing force by providing timely and accurate information to citizens (Ministry of Defence 2008b vol 1&2).

A series of efforts have been made to promote the transformation program within the military establishment. Several seminars, tours, conferences and workshops have been organized to explain and move the change process forward. The military has drawn on the resources of independent think tanks and private organizations such as FUTeLIV Konsult and Impact for Change and Development to educate its officers on how to improve relations with the media and civil society (Onwudiwe & Osaghae 2010), while the three services have developed their own public relations directorates.⁴

⁴ The military continues to draw on the services of academics and civil society think tanks and members of the academia to develop its capacity in a range of areas relevant to its peace-building and other activities in aid of civil authorities.

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Although the military reform and transformation process has been informed by the general need for governance reform and initiated by the presidency under the Obasanjo administration, the process has subsequently been taken over by the military itself with the consent of the executive, especially the Ministry of Defence. A survey conducted in 2009 on the perception of military officers on the military transformation program showed that 71.1 percent of the officers believe that the transformation program has had a positive impact on their service; only 1.5 percent think it has had a negative effect. For 65.8 percent of respondents, the programme is good, while only 5.8 percent think the program is poor (Oladeji 2010).

The Parliament in Nigeria

At independence in 1960, Nigeria adopted the Westminster model of parliamentary government. The First Republic however collapsed with the coup on 15 January 1966. When the military returned the country to civilian rule in 1979, the parliamentary model of government was replaced by an American presidential system. But the Second Republic ended abruptly on 31 December 1983 by another military coup, three months after a second general election. The country only returned to democratic rule in 1999. Under the military regimes parliamentary functions were fused with executive functions and performed by the military junta in power. Thus, Nigeria's parliamentary development has been the prime casualty of military rule.

The 1999 Constitution established a presidential system of government characterized by the principles of separation of powers and checks and balances and a bi-cameral national parliament. The Senate is composed of 109 senators elected from the thirty-six states of the Federation (three from each state) and the Federal Capital Territory, Abuja. The House of Representatives is composed 360 members. While the distribution of membership of the Senate is based on equal number per state, membership of the House of Representatives is based on the population of each state of the Federation. There are no reserved seats for the military or any professional body or association in both chambers of the National Assembly.

The Constitution also provides a very elaborate description of the functions and broad powers for the national parliament in governance and specifically defence and security matters. Section 4 (1&2) of the Constitution confers to the bi-cameral national parliament the power to "make laws for peace, order and good government of the Federation, or any matter included in the exclusive legislative list of the Constitution." Within the federal distribution of responsibilities, the national government has exclusive rights over defence and security (arms, ammunition and explosives), the armed forces (military, police) and other government security services.

For the purpose of law making, a bill may originate from the Senate or the House, but the president has to give assent to it for it to become law. Most bills, however, originate from the executive. The president is obliged to signify that he assents or will not assent to a bill within 30 days. The National Assembly is empowered to override the presidential veto regarding a bill by a two-thirds majority of members of both houses passing the bill in a joint sitting. The National Assembly has also powers to impeach the president if he or she is involved in "gross misconduct" which means "a grave violation of the Constitution" or "a misconduct of such nature as amounts in the opinion of the National Assembly to gross misconduct" (Section 143).

The Constitution particularly empowers the legislature in budgetary and tax matters, while the responsibility for budget proposals is with the executive. Public spending shall be done only as stipulated by the Constitution or through the Appropriation Act or any other Act of Parliament. Such spending must be in a manner as prescribed by the National Assembly. The oversight powers of the National Assembly are clearly elaborated in this regard. For this purpose, Sections 88 and 89 grant the Assembly power to conduct investigations as well as powers to take evidence and summon any person in Nigeria to give evidence.

Formally, the Constitution also vests sizeable powers in the National Assembly to facilitate military reform. It empowers the Parliament to pass legislation on military reform and to supervise the management and transformation of the security sector. It empowers the legislature to determine the conditions under which the president may deploy the military to suppress insurrection and act in aid of civil authorities (Section 217, 2c). Furthermore, "the president cannot declare war between the Federation and another country except with the resolution of both Houses of the National Assembly sitting in a joint session" (Section 5, 4). Although the president is permitted to deploy forces outside the country in consultation with the National Defence Council if he believes that national security is under imminent threat, he must seek the consent of the Senate within 7 days of actual combat. The Senate must then give or refuse consent within 14 days (Section 5, 5). Section 218, 4) empowers the National Assembly to make laws for the regulation of the powers exercisable by the president as commander in chief and for the appointment, promotion and disciplinary control of members of the armed forces.

The Constitution also makes elaborate provision for the smooth running of the National Assembly. Each House enjoys independence in determining its internal regulations and procedures, including procedures for summoning officials and recess of the house. Both chambers have a term of 4 years, except in a situation where the Federation is at war or it is not feasible to conduct elections. In the latter circumstance, the period may be extended for 6 months at any one time by a resolution of the National Assembly. The president however issues the proclamation or dissolution of the National Assembly. The National Assembly elects its own leadership. It recruits its own staff and disciplines it.

The National Assembly operates a committee system in performing its responsibilities. There are four classes of committees: the special committees, standing committees, *ad hoc* committees and committee of the whole house. There are also joint sittings of both arms of the National Assembly. The special committees and the standing committees are the life wires of the parliament. The number and leadership of these committees have generated a lot of controversy both within parliament and among the larger Nigerian population. The choice of leadership for these committees is usually identified as a major source of conflict within parliament. Leadership of legislative committees is currently viewed as a major means of legislative patronage. As a former Senate President put it "Everybody wants to become a committee chairman so as to attract projects to his constituency. This has led to the abuse of the committee system and instability in the National Assembly" (Anyim 2007:122).

The fact that committees are havens of political patronage explains why the Fourth Senate (1999-2003) had thirty-nine standing committees and six special committees, bringing the total number of committees to forty-five. The Fifth (2003-2007) and Sixth Senate (2007-2011) had sixty-three and fifty-five committees, respectively. The Fourth House of Representatives (1999-2003) had five special committees and forty standing committees, the total number of committees being forty-five. In the Fifth (2003-2007) and Sixth House of Representatives (2007-2011) the number of committees surged to seventy-one and eighty-five, respectively. The fragmented committee structure of both Houses also extends to the defence sector. The Senate maintains a Committee on Defence and Army, a Committee on Navy, a Committee on Air Force and another Committee on National Security and Intelligence. The House of Representatives has a Committee on Defence, a Committee on National Security, a Committee on Army, a Committee on Navy and a Committee on the Air Force.

However, the substantial formal powers of Parliament have not made the National Assembly an effective agent of reform. This is partly because of the huge capacity gap and infrastructural challenges that the legislature had to surmount at inception. The president of the Sixth Parliament identified inadequate access to research and information; dearth of parliamentary facilities, inadequately trained and prepared legislators, near absence of trained and professional staff, poor public perception and lack of understanding of the work of the National Assembly, and an overbearing executive as major challenges to the legislature (Nnamani 2006:75).

Parliamentary capacity-building has been hamstrung by a series of conflicts with the presidency over the nature of its oversight powers during the Fourth and Fifth Parliament (Aiyede 2005). The committees suffer from lack of office accommodation for both junior and senior staff, lack of basic infrastructure such as telephones, photocopying machines and other vital working equipment. Secretariat activities of the committees are poorly funded and friction between committee staff and political aides of members of the committees are common (Ojaghohunmi 2005:6).

In the bid to strengthen its budgetary and oversight capacity, in conjunction with the African Capacity Building Foundation, a Policy Analysis and Research Project (PARP) commenced in 2004 to build capacity of both legislators and legislative staff. Also, an Act to establish a National Assembly Budget and Research Office (NABRO) was passed in second reading on 14 December 2010. NABRO is expected to improve the skills and capacity of legislators and legislative staff in understanding the technicalities and processes of budgeting, and bring together experts and civil society budget groups to improve the process. Similar efforts had been made since 2000 to establish a budget office for the National Assembly but the processes were not concluded before the end of term of the fourth and fifth assemblies. Due to the low re-election rates of parliamentarians, which has been less than 30 percent, and the slow institutionalization of parliamentary procedures and practices, capacity-building measures have met with little success (Hamalai 2009). Recurrent infighting, corruption and excessive preoccupation with personal emoluments and gratification have rendered its relationship and engagement with civil society and the media very poor. The legislature suffers from a highly unfavourable public image as a result of a series of financial scandals and remains very unpopular as an agent of accountability (Abimboye 2010; Ayorinde 2010). This poor image further worsened in a recent exchange between the Governor of the Central Bank of Nigeria (CBN), Lamido Sanusi, and the legislators. The CBN governor had declared in a public lecture that the National Assembly gulps 25 percent of the Federal Government expenditure on overhead in 2010 and was subsequently summoned by both houses of the National Assembly to apologize for misinforming the public. At the Senate, where the governor first appeared, he insisted that his figures were accurate. This was repeated at the House of Representatives. The event was followed by an outcry in the media for the legislators to scale their salaries downwards and publish their salaries and emoluments to inform the public (Ameh & Soriwei 2010:2; Ameh & Adepegba 2010:2).

Parliament and Military Reform

Parliaments usually perform three core functions, that is, representative, legislative and oversight functions (see also the introductory chapter of this volume). Accordingly, studying the contributions of the legislature to military reform entails scrutiny as to what extent the military is represented in the legislature, to what extent it is involved in initiating constitutional changes and legislation facilitating military reform and how effectively it scrutinizes the defence budget, procurement, military doctrine, troop deployment, respect for human rights and many other operational issues.

The National Assembly and Military Representation

Due to the suspension of the legislature during Abacha's military rule, there was no need for the National Assembly elected in 1999 to initiate constitutional amendments or to pass laws that would abolish reserved seats for the military and terminate military representation in the legislature. However, the absence of reserved military seats does not mean that the military is not represented in the legislature. As a result of the high attrition rate of armed forces personnel in Nigeria due to early and often abrupt involuntary retirement, there is a large pool of former military officers who enter politics at various levels of the political system. Many of them have joined political parties, vied for parliamentary seats and have been elected as Senators or House members. Although the defence related committees in both Houses have been headed by civilians without military backgrounds, every committee has at least one a senior retired military officer as member. But it is

not clear what effect this has on the competence and effectiveness of the committees. Yet it can be argued with some confidence that the presence of retired military officers in the legislature does not imply that they act as extended arms of the incumbent military leadership. In fact, many of them are alienated from the military institution as a consequence of the often humiliating circumstances of their early retirement. Some of them have taken positions in public debates which are at variance with the military's corporate interests. One such example is retired Major Stanley D. Ngadda who together with other members of the House of Representatives called for the removal of military barracks from Abuja to border towns because of the fear of coups (Izukanne 2006:53). Many others, however, as a result of their socialization through military training and many years of service in the armed forces, continue to uphold the military's claim of superiority in Nigerian society and hence only reluctantly pave the way for a greater role of civilians in the military reform process.

The National Assembly and Military Legislation

The National Assembly has not been a very effective legislator in the past decade. Between 1999 and 2005, it passed only ninety-two bills, of which eighty-two were assented by the President (Nnamani 2006:8-12). Even less active was the legislature in the field of military legislation. Four military reform bills initiated by the Fourth House of Representatives (1999-2003) could not be passed before the end of the legislative term. But subsequent Houses were no longer interested in them and did not table them again (see also the contribution of Elaigwu in this volume). The bills sought to entrust developmental missions to the military which is in the view of Western concepts of security sector reform a quite controversial proposal given the fact that developmental tasks are normally performed by civilian agencies and that they would entrench the military to an even greater extent in Nigerian society than hitherto.

In general, thus, one may argue that neither the Senate nor the House of Representative committees have demonstrated enough interest and competence in military reform. Throughout the National Assembly's existence, the issue of reviewing the 1999 Constitution was on the legislature's agenda. But except for the question of how coup plotters may be sanctioned, democratizing the military was never an issue. Of much greater concern for the legislators were ceremonial issues such as the question of who heads the Joint Committee of both houses set up for conducting the constitutional review. As a result, the process of reviewing the constitution was paralyzed for months. In the end both houses carried out independent reviews and later set up a conference committee to harmonize the proposals of the two chambers (Adisa 2010:42).⁵

Military activities in aid of civil authorities, such as the deployment of the military to police duties in several trouble spots in the country, which are not likely to cease, put the military in public spotlight through the media and Parliament is increasingly forced to intervene as these missions generate public debates and controversies. In 2008, a bill for the Suppression of Insurrection Conditions passed second reading and was referred to the Defence Committee of the House of Representatives. The bill defines conditions under which the president may deploy troops and provide guidelines for the conduct of troops so deployed. A public hearing was conducted on the bill by the House on 24 February 2009. However, the outcome of the debates and subsequent comments by some members of parliament show that Parliament is likely to leave the deployment of troops to the discretion of the president (Osunde 2009). In an interview with Sufuyan Ojeifor of *This Day* newspaper, the Chairman of the Senate Committee on Defence and Army, Ibrahim Ida, stated that the decision to participate in peace-keeping or the deployment of troops to quell domestic unrest is purely the responsibility of executive. In his words "The decision of where to go is exclusively that of the executive. They need, however, the concurrence of the National Assembly before they can deploy

⁵ See also Editorial, *Nigerian Tribune*, 2 July 2010.

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troops outside. Sincerely speaking, we leave that to the executive. They interact with the political environment on the continent and the world at large.”⁶

Most recently, in 2010, the legislators have conducted public hearings on the proposed amendment of the 2004 Pension Reform Act. The envisaged amendment seeks to remove the military from the contributory pension reform system to the abandoned “pay as you go” defined benefit pension system (Yobolisa 2010).⁷ A bill seeking to establish a Maritime Security Agency, including the formation of a coast guard, is also under consideration in the National Assembly, although the Navy strongly opposed the establishment of the body during a public hearing in the House in January 2010 (Ekott 2010).

The National Assembly and Military Oversight

More tangible but still quite weak were the legislature’s activities in supervising the military. To some extent this was due to the often tight-lipped attitude of the military which provided legislators little insight into its operations. The military justified its restrictive information policy with the argument that defence matters are vital for national security and should therefore be treated in a secretive way.

This pattern of legislature-military interaction also hardly changed with the establishment of an Office of Legislative Affairs, a liaison with the National Assembly, the Office of the President and the National Security Agency. The office was set up as part of the Military Professional Resources International (MPRI) program to improve the relations between the legislature and the military. Unfortunately, though, neither the legislature nor the military was seriously committed to the effective operation of the office. Although in a first step a military officer in the rank of colonel was attached to the National Assembly in 2000, the office was closed in less than 6 months. It was reopened in 2005, with a group captain of the Air Force currently heading the office. Only after reopening the office became more effective and is now coordinating inquiries on defence matters, facilitating official visits and tours of defence committees to military establishments in Nigeria as well as units deployed to other countries such as the Sudan. It also handles petitions on military matters submitted to the Senate and the House of Representatives, and arranges for military witnesses and testimonies at committee hearings. Another function is to assist the professional staff of Parliament on research issues relating to defence. With all these functions, the office may indeed play a catalytic role in improving the interaction and cooperation between the Ministry of Defence (including the Defence Headquarters and Tri-Service establishments) and the two chambers of the National Assembly.

The rules of procedure of both chambers of the National Assembly require the Committees on Defence to oversee the size and composition of the armed forces, but Parliament is only able to provide a manpower ceiling through the process of budget approval. The military authorities at Army depot in Zaria politely turned down the attempt by the House committee to participate in the recruitment of non-commissioned officers in 2004 (Garba 2008: 185).

The Committees on Defence in the Fourth and Fifth Senate have been headed by influential senators such as Adolphus Wabara (Chairman) and Pius Anyim (Vice Chairman) who both later became Presidents of the Senate. The current Senate President (2007-2011, Seventh Senate), Senator David Mark, a retired Brigadier General, was a member of the Senate Committee on Defence in the Sixth

⁶ *This Day*, 27 March 2010.

⁷ During the public hearing organized by the House of Representatives, labour unions opposed the removal of the military from the contributory pension system arguing that it can undermine the sanity the scheme has brought into pension administration in Nigeria by triggering off similar agitation from other sectors of the economy. The unions suggested that the government should opt for making full contributions for the military as against the current payment of some percentage for them (Shittu 2010). [The bill was passed by the National Assembly on April 1, 2011 and signed into law on April 7, 2011 by the President.](#)

Senate. In spite of the heavyweights in the Defence Committees, the Senate has not demonstrated more engagement in terms of military oversight than the House. By contrast, it is the House which has been more active in engaging the military based on the number of investigations it has carried out on military-related events. This might be the result of the fact that it has more committees than the Senate that deal directly with security and defence matters.

Parliament has played only a limited role in supervising the drafting process of the 2006 National Defence Policy. Nor has it been active in overseeing the ongoing military transformation process. When the initial draft copy of the defence policy was presented to the National Assembly in 2004, the document was rejected on the ground that the legislature and other stakeholders (such as the Ministry of Foreign Affairs and the Ministry of Finance), were not involved in the process. The president withdrew and then circulated the draft to these stakeholders such as the legislature, the state governments and other federal government ministries for comments. But only few or even no comments were received from them. Hence, the final document signed by the president and published in 2006 was not significantly different from the one presented to the National Assembly in 2004.

The comparatively weak oversight capacity of the Nigerian legislature is most evident in the way it actually exercises its formally extensive powers over the budget process. Omitoogun & Oduntan identified a general lack of experience, frequent changes in membership of the committees, corruption and the absence of a defence policy to provide the guiding principles for both civilian and military leaders in the scrutiny of budgetary proposals as factors accounting for this weakness (Omitoogun & Oduntan 2006). Defence matters were not discussed openly and in its examination, the Defence Committee relied chiefly on retired military personnel among its members. Military budget estimates presented to Parliament were rarely reduced, and funds for personnel costs were approved without knowledge of the real personnel strength of the armed forces. Omitoogun and Oduntan thus criticized that “[...] the National Assembly colludes with the executive to hide information on the defence sector from the general public” (ibid.:175). They called for publication of a defence policy, strengthening of the Ministry of Defence, educating legislators on military matters and broadening of the defence policy discussions to include civil society (ibid.:179).

There are indications that after 2005 the legislature has become more active in military and defence matters, even though most of these investigations have not markedly curtailed military autonomy in Nigeria. The House Committee on Navy, for instance, investigated the case of the missing ship *MT African Pride* in 2004, a ship that was allegedly involved in oil bunkering in which senior naval officers were indicted (Ogbu 2005). The House Committee on Defence summoned and questioned the Minister of Defence in the deployment of military personnel without the knowledge of the acting president to receive President Umaru Yar’Adua after his return from Saudi Arabia in February 2010. In a meeting with the Minister of Defence in April 2010 over petitions from aggrieved officers, who were retired in the armed forces, a member of the Committee on Defence, Umar Bature, even asked for a review of the defence policy, albeit without consequences (Owete 2010).

The formal institutional powers of Parliament have not been fully realized in practice not just because of the absence of the required competence by the relevant committees. Parliament lacks the confidence and willingness to draw on the expertise in civil society and the academia to enable it to play a positive and active role in the military reform process. Garba argues rightly that the major challenge of the national parliament in performing oversight is attitudinal. “They do not appreciate the enormous role they have in possessing the authority to fully scrutinize all aspects of defence, including deciding on items/weapons to be procured [...] Members see their role as limited simply to budget approval and monitoring budget implementation” (Garba 2008:195). Indeed, despite the efforts from donor agencies to support parliamentary interaction with civil society, the predatory orientation of politics and the immersion of Parliament in the struggle for patronage has rendered it unpopular and made it the focus of civil society antagonism. There is however ground to expect

competencies of parliament to increase with exposure to military affairs over time if the current turnover rate among parliamentarians reduces. Even so, these advantages can only be realized if legislative orientation and attitude is transformed so that lawmakers act more in the public interest instead of the current self-serving attitude that defines the character of parliament.

Civil Society and the Reform Process

The concept of civil society denotes voluntary associations, including the universities and research institutes, non-governmental development organizations (NGOs), social movements and a pluralistic media, as well as the public expression of the interests, priorities, grievances and values around which these associations are based. They seek to ensure that government executes its responsibilities transparently and accountably. Civil society often seeks to influence policy, provide an alternative analysis and help educate and inform policy makers and the wider society. The range of functions includes advocacy, education, informal oversight, independent monitoring, policy support and service delivery. Civil society can act as a watchdog, monitoring the development, use and activities of the military; promoting dialogue in order to generate change without being co-opted by the government, and help develop norms of democratic behaviour. It can provide technical knowledge and expertise for policy-making and policy implementation in the defence sector (Ball 2006). Ball cautions however that civil society involvement may vary according to context and is dependent upon the overall state of democratic governance in that particular context (ibid.). There are both internal and external constraints to civil society involvement in the security sector. Internal constraints include a lack of expertise and lack of confidence or even unwillingness to engage. External constraints include government suspicion and donor policies that give inadequate attention to strengthening democratic governance.

In Nigeria, the return to democratic rule was one of the declared goals of the country's pro-democracy groups which championed the rule of law, human rights and other democratic norms since the late 1980s. They raised public awareness of human rights issues and abuses, demanded the release of innocent detainees, facilitated prison reforms and the fought for the amendment of obnoxious decrees. They spearheaded the mass protest and civil disobedience that hounded General Babangida out of power. Their activities served to delegitimize military rule and to support Nigeria's return to democratic rule in 1999 (Diamond 1995; Enemuo & Momoh 1996). Yet, their activities depended strongly on the political space permitted to them by the military rulers. Especially the Abacha regime severely curtailed the activities of pro-democracy organizations which subsequently went into disarray. Not surprisingly, thus, they played only a minimal role in the design and implementation of the short transition program through which the General Abubakar-led military government returned the country to civilian rule. In general, the military governments shaped civil society more than civil society has shaped political events during the struggle that forced the military out of politics; this is because it was constrained by the overarching character of the state as the dominant employer, bearer of opportunities for upward social mobility and manipulator (Agbaje 1990; Aiyede 2003, 2005).

As I have shown earlier, the initial steps taken by the Obasanjo presidency to reform the military, and the process of developing the 2006 National Defence Policy included little if any input at all from civil society. With the exception of few organizations, such as the Centre for Democracy and Development (CDD) and the African Strategic and Peace Research Group, there are few civil society organizations with expertise in military reform. Even these have not played a significant role in public oversight of security institutions.

Civil society has thus also played little or no role as a source of ideas for the reform of the military. Defence and foreign policymaking remain a domain of the executive and the administrative elite. While the idea of broader inclusion of civil society organizations (CSOs) in the monitoring and control

of security institutions is considered essential to democratic control of the armed forces by experts, existing military-civil society partnerships tend to favour organizations that support state policy. Civil society continues to raise a strong voice against any sign of a return to military rule during moments of crisis such as the breakdown of law and order in the case of inter-communal violence. The series of religious or election-related conflicts in Jos and Bauchi, or the military operations in the Niger Delta have been cases in point. Civil society was also active during the confusion that attended the failure of President Yar'Adua to transfer power to the Acting President, Goodluck Jonathan, after leaving the country for over 80 days for medical treatment in disregard of Section 144 of the Constitution, and the subsequent deployment of troops to the airport in Abuja during his nocturnal return to the country in February 2010.

Since the return to democratic rule in 1999, the media has covered military activities arising from security decisions, especially military activities against militants in the Niger Delta and the deployment of troops to quell recurrent violence in Jos, Odi, Zaki Biam and Onitsha. In these instances the military has been accused of excessive use of force, looting, rape and torture of citizens (Nwolise 2007). In the Jos case the commanding officer was accused of taking sides with Muslims by the governor of the state (a Christian and retired air force officer) and the media. The distrust of the military arising from the repression under military rule reflects on the way the media sometimes present these activities to the public. The media has also reported regularly on issues such as promotions and retirements in the military arising from the reform process without linking it to the broader agenda of reform. This is because it is largely ignorant of the transformations going on within the military. Thus, the antagonistic relations between the media and the military under military dictatorship continue to affect contemporary media-military relations. Media reports on the military often emphasize corruption in the army, controversies over ethnic background in the deployment of officers and welfare issues such as military pensions (Adegbamigbe 2008; Agbo 2010). There is a dearth of analysis and information to the public of key issues relating to military reform.

Conclusion

The reform of the military in Nigeria is an integral part of the transition from military dictatorship to civilian rule and was given momentum by the Obasanjo presidency especially in its early stages. The process has been owned and taken over by the military itself and has been accepted by the larger executive branch, especially the Ministry of Defence. While the need to ensure that Parliament and civil society participate in the reform process is emphasized by advocates of security sector reform, the military seem to prefer a secretive and guarded process.

Parliament has extensive formal lawmaking and oversight powers over defence and security issues but lacks the required competence, confidence and political will to draw on the limited expertise in civil society and the academia to enable it play a positive and pro-active role in the military reform process. Nonetheless, Parliament is increasingly forced to intervene in issues relating to military activities in aid of civil authorities and fall out from the military transformation process. As a result, the consciousness and involvement of Parliament in the reform process may gradually deepen in the long run. However, with the reliance on the Military Liaison Office as a major source of information apart from public hearings, parliamentary perceptions of military affairs are likely to be influenced more by the military than other informed views from non-military sources in the short run.

Civil society involvement in military reform process is also relatively weak in Nigeria. This is largely because few organizations have interest and expertise in security issues in general and military affairs in particular. Members of the National Assembly have so far failed to systematically draw from the limited expertise in academia and civil society to carry out effective oversight and to exert public pressure on the military to give up its guarded reserved domains. Nigeria has had limited

donor intervention in the reform process, and the interventions did not incorporate civil society involvement because of the focus on institutional reforms and direct capacity-building and training assistance to the military. As suggested by Fayemi, military reform must be viewed as part of a larger security sector reform and as a process of dialogue and consensus-building in order to contribute to the process of recapturing the culture of compromise and dialogue that was lost during three decades of authoritarian military rule and social exclusion (Fayemi 2003).

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