

# **Military Prerogatives, Authoritarianism and the Prospects for Democratic Consolidation in Nigeria**

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## **Abstract**

This paper explores theoretical explanations and empirical evidence for the prospects for democratic consolidation in Nigeria after more than a decade of civilian rule. The past decade in the country has witnessed an apparent increase in cases of authoritarianism directed by the political elites in Nigeria, who have justified their actions based on the rise of domestic ethno-religious terrorist groups, wide-spread kidnapping, sectarian violence and the general struggle between the haves and have-nots in the country. Part of the analysis of this paper is based on the author's field research in Nigeria during the first half of 2011, during which he interviewed serving and retired Nigerian military officers, and also analysed media reports on the military over the past decade, utilizing national archival collections. The paper explores the degree to which extensive military prerogatives accorded to the Nigerian military after their handover of power in 1999 have further helped to strengthen authoritarian tendencies in the period following military dictatorship, and argues that a thorough democratic consolidation requires effective civilian oversight. It examines the degree to which such oversight has been legislated and implemented and the possibility that shortcomings in this area explain the apparent recurrent and rising incidence of authoritarianism in Nigeria today.

Keywords: Nigerian politics, military prerogatives, military intervention, authoritarianism, civil-military relations, democracy

## **Introduction**

The post-independence Nigerian political system has been fundamentally affected by two noticeable phenomena: military intervention in politics (the country has a long tradition of military intervention in politics since 1966, when the military first intervened in politics); and the challenges of democratization—the country is in the Fourth Republic after failures in the previous democratic experiments.<sup>1</sup> Since the return of elected civilian rule to Nigeria on May 29, 1999, after more than a decade of military dictatorship, it is increasingly apparent that the nature and character of the Nigerian state have not significantly reversed its authoritarian tendencies.

Authoritarianism is defined for the purposes of this paper as a common characteristic of societies that are aspiring democracies, with dictatorial histories, and describes systems that remain unable to achieve the basic requisites of democracy. One category of authoritarian systems is that of *competitive authoritarian systems*, where elections through the ballot box are conducted within the context of a nominally democratic constitution (Levitsky and Way, 2002; Linz, 2000). This generally describes the post-1999 period in Nigeria. Authoritarian tendencies in Nigeria have further helped in a significant way to increase the rise of several ethno-religious crises, sectarian

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<sup>1</sup> The civil-war of 1967-1970 is the most significant period of violence in Nigeria's half century of independence, between five hundred thousand to a million people lost their lives.

violence, and the agitation for the absolute control of natural resources that are embedded in several states in the federation.

The paper hypothesizes that perceived significant military prerogatives within the civilian government have impacted democratic consolidation in Nigeria in the post-1999 period. Military prerogatives according to Alfred Stepan (1988: 93) in a Latin American context, one that appears to be highly applicable to the case of Nigeria, as

those areas where, whether challenged or not, the military as an institution assumes they have an acquired right or privilege, formal or informal, to exercise effective control over its internal governance, to play a role within extra military areas within the state apparatus, or even to structure relationships between the state and political or civil society.

Causal explanations for the perceived<sup>2</sup> retention of significant prerogatives of the Nigerian military after 1999 include the view that after repeated interventions in politics between 1966 and 1999, the military has been able to maintain and even increase its sphere of influence in the political arena, and that the military at the end of the transition to civil-rule was therefore assured by the incoming elected government that such prerogatives would not be challenged. Ruth First (1970) observed in general terms that after an initial military intervention in sub-Saharan African countries, it was likely that the military would move out of the barracks and into government in successive phases. This has been due primarily to the continuing inability, well-documented since First's 1970 work, of civilian governments in Africa to deal decisively with social and economic conflicts. The military thus steps in partly to mediate, partly to guard its own interests, and partly to reinforce a system that it supports and judges to be in its own interests. National military budgets are also important in this regard.

Based on the foregoing, it is logical to assume that perceived significant military prerogatives would also impact democratic consolidation in Nigeria. This paper will therefore use qualitative analysis of the author's field research to explore this hypothesis. It is hoped that my findings on contemporary Nigerian democracy and civil-military relations will shed new light on African civil-military relations in general, and be useful in more comparative analyses of civil-military relations in sub-Saharan Africa.

### **Theoretical Underpinnings of Civil-Military Relations**

The primary literature of civil-military relations in Africa can be divided into two parts: analyses of the causes or reasons why military intervention is so prevalent; and examinations of the means and processes for attaining civilian supremacy over the military *qua* institution. As to the former, it is well established that in post-colonial Africa, military intervention has remained a successful avenue for changing government. Between 1963 and 2000, Africa had over ninety military interventions, not counting unsuccessful attempts (Howe, 2001: 2). Interventions have continued to occur since then despite increasing discouragement by the international community. Various reasons have been postulated as to why military intervention is prevalent in Africa, and these can be

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<sup>2</sup> There are some academics and social commentators in Nigeria who believe that the only reason that the military has not intervened since 1999 is because the government does not tamper with their general welfare, and allows the military to have significant autonomy.

categorized according to Kposowa and Jenkins (1993: 127) and O’Kane (1983: 28) under four main themes. Briefly, they are:

### ***Political Development Theory***

The basic assumption here is that military intervention follows from weak institutions—political and social institutions that are weak are therefore vulnerable, and create a high likelihood that the military will intervene in the polity. This approach suggests that “new nations”, mostly countries in Latin America and Africa, are confronted with participatory crises stemming from the tension between an increasingly mobilized citizenry and weak political institutions (Huntington, 1968).

Writers in this perspective have noted that state-building and industrialization have been occurring in these countries since gaining political independence from colonial metropolises, and coupled with increased social mobilization and, along with it, growing mass participation in politics, these changes have tremendously increased demands on the political system. However, due to the fact that these “new nations” lack strong social and, more importantly, political institutions, such as broad-based political parties not tied to specific ethnic groups, and dynamic legislatures with sufficient strength to articulate and regulate mass participation, the resulting participatory overload generates political unrest and civil-disobedience, and this tend to provoke military intervention in the political processes (Jenkins and Kposowa, 1990: 129).

### ***Military Centrality***

The main argument of military centrality theorists is that resourceful and cohesive militaries are more likely to intervene in the polity (Andreski, 1968; Finer, 1975; Janowitz, 1977). It is argued that since colonial and early post-colonial times, the military institution was the only agent of modernization for largely underdeveloped societies still characterized by primordial loyalties (Pye, 1962).

The reason for this is that military institutions in new nations had access to advanced technologies, practiced meritocracy, tended to be highly institutionalized, army discipline and *esprit de corps* among officers was manifest, and lastly, military establishments in new nations had well-articulated and defined organizational structures. The military institutions in these societies were confronted with the failure of civilian institutions and often reckless excesses of political office holders, and all-too-often felt that they had no choice but to intervene in order to help salvage the disorder that they perceived to be created by the civilians. Their principal rationale was usually that they were, continuing to participate and even ‘drive’ the modernization of society.

However, often these military establishments evinced deep ideological and tactical divisions. Some observers have argued that factionalized and divided militaries are more prone to military interventions (Kposowa and Jenkins, 1993). They argue that inter-service rivalries, training school loyalties, and ethnic tensions stemming from colonial staffing policies have created tensions within military establishments that ultimately caused military interventions.

Janowitz (1964: 40) argued further that factionalized and recently ‘professionalized’ militaries are more likely to engage in coup plots and attempts, and a more cohesive officer corps is more likely to mount successful seizures of power. Others, like Jenkins and Kposowa (1990) have observed that the larger the military budget and the size of the military, the greater the likelihood of military intervention.

### **Ethnic Antagonisms**

There are at least three perspectives to this approach. First, there is the situation of *Ethnopolitics in Deeply Divided Societies*: One branch of this body of literature posits that for developing countries, the fewer the number of groups, and the larger their overall size and cultural heterogeneity, the greater the likelihood of domestic ethnic tensions within states, and consequently less ability to form political coalitions, which is one of the essential components of democracy (Rabuska and Shepsle, 1972). Hence, this creates a tendency for military intervention. The argument is almost geometrical: when there are only a few major ethnic groups that dominate a large system, there is greater vulnerability to inter-ethnic competition, tension, and ultimately conflict.

*The Ethnic Dominance Thesis*: Jackman (1978) argues that large and politically powerful groups provoke military intervention, usually because they exclude smaller groups from power. They fall into this by monopolizing access to political offices. Such monopolizing acts include, but are not limited to, fostering single ethnic domination of key cabinet posts in government, and in the military and state-owned public enterprises. Such acts stir up ethnic hostilities and provoke military intervention from subsections of the military which are less dominant ethnic groups that are being marginalized at any given time.

*Ethnic Competition*: The central theoretical argument behind this aspect of ethnopolitical theory is that state building and economic development simultaneously increase the competition between groups and provide greater opportunities to compete for resources from the state (Bates, 1983). With the end of colonialism, diverse ethnic groups that were geographically and traditionally isolated, some of them because of lack of Western education and modernization suddenly became competitors for jobs, housing, schools and social services. State-building thus created a centre-point for political competition as well as an arena for ethnic mobilization. Rapid urbanization and industrialization in post-colonial societies tended to bring different groups into greater competition, simultaneously creating more proximity and intra-ethnic political mobilization (Kposowa and Jenkins, 1993). National-level competition in these societies had never been fair or democratic, and thus, in many cases, political tensions escalated to bloody conflicts between these groups. Unresolved competition of this kind has been used in many cases in Africa, and in Nigeria in particular, to justify military intervention.

### **World Systems/Dependency Theories**

The literature on this subject primarily focuses on “neo-colonialism”, which is often defined as *export dependence* and *foreign capital penetration* (Rodney, 1972; Wallerstein, 1979). Export dependence centres on the persistence of colonial trading patterns, especially export concentration, and the continued reliance on the exporting of (inexpensive) primary products and the importing of expensive manufactured goods (Kposowa and Jenkins, 1993). This dependency creates low and unstable returns to the developing country, which in turn leads to economic stagnation and poverty, and thus provides the basis for political turmoil and social instability. This pattern is also frequently linked to a coercive labour system that requires a strong military, and involves an ethnic division of labour (Rodney, 1972; Wallerstein, 1979). Since there are few economic opportunities for the middle-class in most developing countries, and specifically in Nigeria, economic competition is focused on the state, which subsequently

encourages military intervention and corruption as vehicles of upward social mobility (Thomas, 1984).

On the other hand, our understanding of the dynamics of establishing civilian supremacy over the military comes originally from the classic works of Huntington (1957, 1995) and Janowitz (1960). Huntington argued that only military professionalism can guarantee “objective civilian control” over the military (Huntington, 1957: 83-85). He further stated, in later work, that the main features of civilian control over the military are:

I. A high level of military professionalism and recognition by military officers of the limits of their professional competence.

II. The effective subordination of the military to the civilian political leaders who make the basic decisions on foreign and military policy.

III. The recognition and acceptance by that leadership of an area of professional competence and autonomy for military (Huntington, 1995: 9-10).

The key consequences of military professionalism according to Huntington (1957: 83-85) are that it provides an avenue for the military to be systematically weakened politically (keeping it out of political matters), while ensuring at the same time that it is strengthened militarily. This then assures both civilian control and military effectiveness.

In contrast, Janowitz (1960) argued that based on the fact that the distinction between war (the ‘orthodox’ military mission) and peace (largely relegating the military to ‘police’ functions) was becoming increasingly blurred, with the former declining in frequency, modern world military forces were increasingly becoming “constabulary forces” rather than the traditional war fighters of old. This, he argued, led the professional soldier to become politically involved with corporate (military) interests, while remaining uncomfortably dependent upon civilian politicians and budgets. As this sense of corporate solidarity within the military grew, according to Janowitz, and military professionalism in developing countries increased, so did the likelihood of military intervention. The common characteristics of both scholars as regards civil-military relations are that civilian control of the military is affected in some way by military professionalism. For Huntington, this is assured through civilian non-interference in the military realm, while for Janowitz submission of the military is based only on shared institutional, cultural and social values (Baker, 2007: 118), and in developing countries the corporate solidarity that accompanies military professionalism actually intensifies the tendency to intervene politically.

In more recent literatures civilian supremacy, works by Cohen (2002), Desch (1999), Feaver (2003), and Howe (2001) have also sought to explain the dynamics of civilian supremacy over the military, and how this might be achieved. These studies are relatively similar and suggest diverse means of achieving civilian control.

In summary, the research on civil-military relations that has sought to explain military intervention in politics (Huntington, 1957; Janowitz, 1964; Nordlinger, 1977) has tended to focus on the role of the military in democratic transitions, since in most regions of the world over the past thirty years the transition from military regimes to civilian rule has been in continual process. However, there have been far fewer studies on the role of the contemporary African military in the democratization process. The literature has tended to focus, where it focuses at all, on Africa, and on past African military regimes—their justification for intervening in politics, and the asymmetric relationship between colonialism and military regimes (Bruneau and Matei, 2008). Since the demise of the bi-

polar world, and especially in the past fifteen years, the emphases in the literature, rather, has been on how to achieve civilian political supremacy over the military (Cawthra and Luckham, 2003; Ehwarieme, 2011; Feaver, 2003; Ojo, 2006). While there are a number of challenging and interesting lacunae in the articles on African civil-military relations, this paper is going to concentrate on one limited understanding gleaned from Latin America and the writings of Alfred Stepan (1988), that of *military prerogatives*—and on Nigeria as a case study, particularly concerning the degree to which the Nigerian military establishment can be said to interfere directly with current civilian rule, and will explore whether such prerogatives endanger the prospects for democratic consolidation.

### **Background to the Military Institution in Nigeria**

The modern military in Nigeria traces its roots to a British incursion and colonization of West African territory in the Nineteenth Century. The first seed of what later became known as the Nigerian army started in 1862 when Lieutenant Glover of the Royal British Navy and Governor of the Colony of Lagos organized a group of 18 armed Hausas into a militia, known as “Glover Constabulary” and the “Glover Hausas” (Momoh, 2000: 443). The pre-eminence of the military in post-Independence Nigerian politics came relatively soon after 1960 with the direct military intervention of 1966. Up till that time, the military was largely an insignificant factor in Nigeria politics, with strength of approximately 10,000 army personnel, and a role that was mostly ceremonial—in line with its British heritage, and because of a lack of any external threat.<sup>3</sup> But from 1962 onward, the military was used more frequently by the political elites in power to address government concerns, most of the time legitimate ones, regarding opposition groups, and popular uprisings (Ademoyega, 1981; Siollun, 2009).

In all, Nigeria has witnessed six successful military interventions: the coup of January 1966, the counter-coup of July 1966, and coups of July 1975, December 1983, August 1985 and November 1993. The country has also witnessed four unsuccessful attempts at toppling an incumbent military regime in power—that of February 1976, August 1985, April 1990, and the still controversial attempt of 1995.<sup>4</sup>

### **Military Prerogatives in Nigeria**

Civil-military relations in Nigeria after the military relinquished political power on May 29, 1999, suggest that there seems to be significant civilian control over the military institution. Since then, the country has had its longest period of uninterrupted civilian rule in its political history. One of the most significant reasons put forward by scholars for this was the ability of President Obasanjo (1999-2007), himself a former senior military officer and former coup conspirator before his election as a civilian candidate, to force the retirement of military officers who had been directly involved in political office or administration. In all, the retirement exercise saw the exit of 53 officers from the army, 20 from the navy, 16 from the air-force and 4 from the police (Fayemi, 2003: 67).<sup>5</sup> This observation is supported by some of the serving and retired military officers who were

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<sup>3</sup> The military did take part in peacekeeping activities in the Congo from 1960-1964. It also helped the government of Tanzania in 1964 to train a new army after the Tanzanian army mutiny of February 1964.

<sup>4</sup> The supposed coup plotters claimed it was entrapment.

<sup>5</sup> With the exception of Lt. General Victor Malu, who was Chief of Army Staff (1999-2001) and the ADC's of officers who had held senior political positions.

interviewed in the course of my field research. A majority of these high ranking active and retired military officers asserted that the military did not retain any prerogatives for itself after May 29, 1999; rather, any perceived prerogatives inquired about during the interviews were said to have merely minimised operational conflicts, and allowed for greater accountability in security issues in a society where virtually all things are politicised.<sup>6</sup>

Empirically, and in a broad context that includes Latin America as well as Africa, every military prerogative acquired by a military regime after its formal hand-over of power can be contested by a new civilian government. Such prerogatives, as enumerated by Stepan, include, the Constitutional sanctioned role of the military, the role of the legislature in major policy issues such as military budgets, force structure and weapons procurements. Also, the role of senior career civil servants and political appointees in military affairs (Stepan, 1988: 93). If the military strongly resist any attempt by the civilian government to curtail this prerogatives, such resistance could lead to a conflict between the civilian political elites and the military. And if this is not properly addressed, it could lead to another military intervention (Stepan, 1988: 92). However it is conceivable that the military could go from a position of high to low prerogatives<sup>7</sup> without any significant contestation. Under such conditions it is much more likely that there is a general consensus from both sides for genuine civilian oversight of the military and that would invariably lead to the process of re-democratization and democratic consolidation. It is also possible for there to be high military prerogatives while not being challenged by the civilian political elites—probably because there has been no articulated/agreeable policy alternative being tabled by the civilian political elites. The situation may cause the civilian political elites to accommodate the military prerogatives—hesitation by the civilian political elites may or may not be due to the consequence of military intervention (Stepan, 1988: 98).

On the eve of hand-over to the civilian government, the regime of General Abdulsalami Abubakar (Head of State, 1998-1999) repealed some decrees that guaranteed high military prerogatives and continuing authoritarianism within the state. Any other decrees left by the regime were automatically considered as acts (laws) after the hand-over to the civilian government. The military decrees that consequently ceased to have any effect from May 29, 1999, are as follows:

Year	No	Title
1979	Cap.62 LFN	Constitution of the Federal Republic of Nigeria (Enactment) Act, including the Constitution of the Federal Republic of Nigeria 1979.
1984	1	Constitution (Suspension and Modification) Decree 1984.
1984	2	State Security (Detention of Persons) Decree.
1984	6	Banking (Freezing of Accounts) Decree 1984.
1984	13	Federal Military Government (Supremacy and Enforcement of Powers) Decree 1984.
1984	16	Civil Service Commission and Other Statutory Bodies, Etc. (Removal

<sup>6</sup> One serving Brigadier-General, however, agreed that the military did retain prerogatives for itself after 1999. But there after refused to be interviewed. Zaria (April 7, 2011).

<sup>7</sup> See Stepan, Alfred. 1988. *Rethinking Military Politics, Brazil and the Southern Cone*. N.J: Princeton University Press.

		of Certain Persons from Office) Decree 1984.
1984	17	Public Officers (Special Provisions) Decree 1984.
1984	23	Military Courts (Special Powers) Decree 1984.
1984	34	Regulated and Other Professions (Private Practice Prohibition) Decree 1984.
1985	8	Judgments of Tribunals (Enforcement, Etc.) Decree 1985.
1986	1	Treason and Other Offences (Special Military Tribunals) Decree 1986.
1987	2	Civil Disturbances (Special Tribunals) Decree 1987.
1989	12	Constitution of the Federal Republic of Nigeria (Promulgation) Decree 1989, including the Constitution of the Federal Republic of Nigeria 1989.
1990	6	Forfeiture of Assets (Miscellaneous Provisions) Decree 1990.
1990	27	National Council of State Decree 1990.
1990	28	Executive Power (Constitution Amendment, Etc.) Decree 1990.
1991	9	Tribunals (Miscellaneous Provisions) Decree 1991.
1992	21	Association of Individuals (Dissolution and Proscription, Etc.) 1992 Decree.
1992	24	Academic Staff Union of Universities (Proscription and Prohibition from Participation in Trade Union) Decree 1992.
1993	29	Treason and Treasonable Offences Decree 1993.
1993	63	National Guard Decree 1993.
1993	107	Constitution (Suspension and Modification) Decree 1993.
1994	12	Federal Military Government (Supremacy and Enforcement of Powers) Decree 1994.
1996	2	Transition to Civil Rule (Lifting Ban on Politics) Decree 1996.
1996	27	Ahmadu Bello University (Appointment of Sole Administrator) Decree 1996.
1998	3	Constitutional Court Decree 1998.
1998	34	Transition to Civil Rule (Political Programme) Decree 1998.
1998	35	Political Parties (Registration and Activities) Decree 1998.
1998	36	Local Government (Basic Constitutional and Transition Provisions) Decree 1999.
1999	3	State Government (Basic Constitutional and Transitional Provisions) Decree 1999.
1999	5	National Assembly (Basic Constitutional and Transitional Provisions) Decree 1999.
1999	6	Presidential Election (Basic Constitutional and Transitional Provisions) Decree 1999.

Source: [www.nigeria-law.org](http://www.nigeria-law.org) (April 16, 2012)

From the above list, it is important to highlight that only four of those decrees repealed had anything related to the military. Of those, one, Federal Military Government (Supremacy and Enforcement of Powers), dealt with the *modus operandi* of the regime—which consisted of the exercise of unlimited powers of policy articulation, direction and implementation. The other three dealt with internal operations. These included use of a power of arbitrary arrest and detention of civilians without trial in a civil court, the



supremacy of verdicts from the military courts and the special tribunals, and lastly, the abolition of the National Guard—this was a parallel quasi-military body that General Ibrahim Babangida (Head of State, 1985-1993) tried unsuccessfully to establish. It was meant to guard him and his closest aides (Babarinsa et al., 1990: 10-17) from, perhaps ironically, threats from the military.<sup>8</sup>

Contrary to previous military transitions programmes, the 1999 Constitution (as amended, 2011), which is the current law of the country, was not deliberated upon before it was promulgated in 1999. It was only immediately after the swearing-in ceremony of the civilian president that media speculation began to describe the type of Constitution that the military had “super-imposed”. The perceived reason why the military took this position was to guard its prerogatives after several decades of military rule. A Constitutional debate on a new Constitution for Nigeria was most likely going to curtail its prerogatives.

It was therefore by design that General Abubakar in 1998 had a private luncheon parley with most of the country’s ex-military heads of state, top retired generals, and ex-police chiefs within three months of taking over from General Abacha (Guardian 1998).<sup>9</sup> There were two notable persons absent at that luncheon: Generals Obasanjo and Buhari. By the time of the luncheon, it had already been agreed that Obasanjo would declare his interest to run as a civilian for the presidency, under the People’s Democratic Party (PDP). The major financiers for Obasanjo’s presidential campaign in 1999 included high ranking ex-military officers including Lieutenant-General T.Y Danjuma, Major-General Ali Mohammed Gusau, Lieutenant General Mohammed Wushishi, and General Ibrahim Babangida (Adekanye, May, 2005: 11).

According to Stepan’s selected prerogatives of the military in a civilian government, those that are perceived to be applicable to the Nigerian context post-1999 include: the constitutional role and function of the military; the level of legislative oversight; and the level of civilian expertise of the military.

### **The Constitutional Role of the Nigerian Military**

The primary role of the Nigerian military has expanded from an institution guarding against external threats to that of a quasi-police force providing soldiers for internal security duties. Scholars have argued that the military in colonial Africa had never been intended to fill a role in any external duties. Rather, during colonial rule the military was an instrument of conquest and oppression (most especially as a police force) against the different nationalities (Ubah, 1998). The British West African colonial military institution, the West African Frontier Force, did have one pivotal, if minimal, external role, contributing to the European wars—especially the Second World War.<sup>10</sup> At Independence, the military did not have any specified role in the first two Nigerian constitutions (1960, 1963). The enabling laws for the military were initially derived from the British Army Act of 1955, which later evolved to be the Nigerian Army Act of 1960, while subsequent

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<sup>8</sup> One of the key plotters of the unsuccessful April 1990 coup attempt against General Babangida, Major Gideon Orkar, alleged that one of the reasons why they decided to take over the reins of power was to prevent the establishment of the National Guard.

<sup>9</sup> See The Guardian Newspaper (Lagos) 1998, October 5

<sup>10</sup> The Nigerian Regiment fought in the Anglo-Asante of 1900. They also fought against the Germans (in their African colonies) in East Africa and the Cameroons during the First World War.

military formations like the Navy and Air-Force derived their laws from the Navy Act of 1964 and the Air-Force Act of 1964. The emergency powers Act of 1961 and the royal military Act gave the Governor-General (through the Prime Minister) powers to deploy the military only on certain conditions and subject to approval from parliament (Mwalimu, 2009: 950).

By the 1979 and 1999 Constitutions, the military's role had expanded to include not only external roles, but a broad role in internal security. This internal role, unlike in the earlier two constitutions (1960, 1963), was enshrined in these newer constitutions. The internal security duties of the military, in particular, are now enshrined within two sections of the 1999 Constitution. First, Section 217 (2) c states that: "suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the president, but subject to such conditions as may be prescribed by Act of the National Assembly". Second, the Chief of Defence Staff is a member of the National Security Council, a federal executive body responsible for internal security.

Alfred Stepan (1988: 15), writing at the end of a period of authoritarianism, explicitly contrasted the old and new professionalism of the military in Latin America within the state sphere and the political outcomes of such role expansion. This he itemized in the table below:

	Old Professionalism	New Professionalism
<b>Function of military</b>	External security	Internal security
<b>Civilian attitudes toward government</b>	Civilian accept legitimacy of government	Segments of society challenge government legitimacy
<b>Military skills required</b>	Highly specialized skills incompatible with political skills	Highly interrelated political and military skills
<b>Scope of military professionalism</b>	Restricted	Unrestricted
<b>Impact of professional socialization</b>	Renders the military politically neutral	Politicizes the military
<b>Impact on civil-military relations</b>	Contributes to an apolitical military and civilian control	Contributes to military political managerialism and role expansion

Source: (Stepan, 1988: 15)

The new professionalism involves the inclusion of the military in what primarily should be the function of other institutions responsible for law and order. This dynamic, which appears to apply well to the African as well as the Latin American environment, has apparently given the military an esteemed position within Nigeria, as an aspiring democracy. One of the serving military officers interviewed boasted that in other parts of the world, civil society, or "the people," were perceived to be the custodians of democracy, but as far as Africa and especially Nigeria is concerned, the military is the custodian of democracy. This is an important point of comparison with Stepan's analysis of Brazil, a country in a similar position after the promulgation of its 1988 Constitution. In this circumstance it is the military that is mandated to keep the nation together, not the

civilians. My interviewee further stated that the military did have the capability to topple the civilian government if they wanted to, but have refrained voluntarily from such tactics during the last decade in Nigeria.<sup>11</sup>

The effects of this role expansion have not only institutionalised the authoritarian tendencies of the Nigerian state, but have included a significant increase in cases of human rights abuses. Since 1999, there have been many such incidents, including the Odi massacre of 1999, the Jos crisis, the Niger-Delta crisis, and, more recently, the Boko Haram menace, to mention only a few.

### **Legislative Oversight over the Military**

The enabling law that empowers the National Assembly to have oversight functions over the military are categorised under four areas as specified by the Constitution. Namely they are:

- a) Budgetary control; in terms of allocation provided through the ministry of defence.
- b) The president cannot unilaterally engage the military in any internal or external duties without formal approval from the legislative chamber.
- c) The National Assembly ensures that the composition of the officer's corps of the military reflects the federal character principle of the country.<sup>12</sup>
- d) The National Assembly has powers to make laws as regards the appointment, promotion and disciplinary control of the military (Section 217-218).

In terms of budgetary allocation to the Ministry of Defence, the *de jure* process passes through four phases, namely: the formulation stage, approval stage, implementation stage and that of auditing and reporting (Omitoogun and Hutchful, 2006: 158). It is expected that during this processes, the civilian minister of defence, the permanent secretary in the defence ministry and other civilian experts within the ministry would be significantly involved, and that the committees in charge of defence within the National Assembly would scrutinize defence expenditures when the budget is submitted as a draft to the House. After that, the Minister of Defence would be invited to a public hearing of the committee to explain and clarify any issues regarding the anticipated funds that would be allocated. From there the committee in charge of defence would evaluate the expenditures. The budget would then be debated in the House before it is approved.

Despite the appearance of being a rigorous process, the reality is that approval of defence expenditures is more or less a "rubber stamping" of the draft submitted to the legislative house, with insignificant adjustment. This revolves around a lack of civilian expertise in military matters, and is partially due to a lack of understanding of what Nigeria's defence priorities are, as well as the lack of knowledge of the committee members in charge of defence in the House.

Another issue that hinders legislative oversight over budgetary issues of the military is the extra-budgetary spending and funds allocated to the military from the presidency. Under military rule this method was effectively used to undermine the functions of the Ministry of Defence (MOD). Also, peacekeeping allocations under the military were never channelled through the MOD and were inadequately accounted for.

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<sup>11</sup> Personal interview with a serving Colonel, Ibadan (May 12, 2011).

<sup>12</sup> Federal character principle in theory means equal representation of people, (36 states and capital territory) to federal institutions and cabinet positions.

An example of this was the estimated US\$12 billion that successive regimes spent through ECOMOG<sup>13</sup> on attempting to end the civil wars in Liberia and Sierra Leone. Under the present civilian rule, this method of allocation has not significantly changed. Funds are allocated to the military under “security votes” in the budget, and allocation for peacekeeping duties is still catered for through funds not allocated by the MOD.

The engagement of the military on external and, most importantly, internal duties has gone unabated without any significant scrutiny from the national assembly. Cases of alleged human rights abuses by soldiers on internal duties are frequently reported in the media. Also, extra-judicial killings of individuals alleged to be perpetrators of anti-social activities are rarely investigated by the National Assembly. Regarding these alleged cases, two serving officers interviewed observed that the military were not to be blamed for any such incident. They further elaborated by stating that the military is guided under three laws which are,

- a) Their own internal laws sanctioned by the military courts or tribunals,
- b) Civil-law and,
- c) International law.

Thus, whenever the military is deployed in a particular area of the country for internal security duties, the rules of engagement are always clear, that is, to try and stop the crisis as quickly as possible without causing greater hardship on the people. This is taking into consideration that the military is only called into a crisis when other enforcement agencies are not able to handle a particular civil disturbance.<sup>14</sup> Accordingly, the military’s mind-set whenever deployed is said to be an emphasis on stopping the emergence of a war-like situation. Examples of this have included the Niger-Delta crisis and the menace of Boko Haram in Northern Nigeria. It is significant that the only way that the military can address such crises is to deal with them as war-like situations.

As for the absence of legislative enquires on alleged cases of human rights abuses, an ex-military officer candidly said that:

...it’s the government’s choice. The military is always subject to the government of the day. The point remains is how aware or how willing is the government to try such cases. Even if it’s an instrument of government, it’s an agency of government, the military does not just come out... it’s unlike the mobile police. The mobile police are a riot police, the military does not go out to arrest offenders, they go out to kill and suppress uprisings. So to move out, government called them out.<sup>15</sup>

Finally, the recruitment and selection of officers to the military is purely a military affair. There has not been any significant allegation that the process does not abide by merit along the lines specified in the Constitution.<sup>16</sup> This process of recruitment is usually advertised in reputable print and electronic media outlets. The advertisement usually

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<sup>13</sup> The Economic Community of West African States Monitoring Group is a West African multilateral armed force established by the Economic Community of West African States (ECOWAS).

<sup>14</sup> Personal Interview a serving Colonel and Lieutenant-Colonel, Zaria (April, 7 2011).

<sup>15</sup> Personal interview with a retired Brigadier-General, Lagos (May 27, 2011).

<sup>16</sup> Any claims of irregularity in the recruitment process are however hard to verify because it is classified as an issue of national security by the military.

specifies the number of prospective officers that will be taken from each state of the federation and the Federal Capital Territory (Abuja)—usually in equal numbers. In terms of the National Assembly’s oversight functions in the appointment, promotion and disciplinary control of the military, at the moment it is only applicable to the appointment of the service chiefs. However, under the tenure of Presidents Obasanjo and Umaru Yar’adua, the appointments of the service chiefs were never sent to the National Assembly for formal ratification. This constitutional process only started under the current presidency of Goodluck Jonathan. The Armed Forces Act of 1993 (Decree No 105 of 1993) does not provide for legislative oversight functions. Section 26 of the Armed Forces Act states that:

the president may make regulation governing the commissioning of officers, their terms of service, promotion, retirement, resignation, dismissal and such other matters concerning officers of the Armed Forces as may seem to him necessary.

Similarly, Section 23 of the same Act states that:

no person shall be appointed to a commission in any of the services of the Armed Forces unless he is a citizen of Nigeria and has been recommended by a board of officers set up by the appropriate service chief.

In sum, the military in Nigeria remains wholly responsible for this particular area of its institution.

### **Civilian Government Expertise in Military Affairs**

The level of civilian government expertise regarding the military appears to be significantly lower than necessary to assure on going civilian control. The core of civilian expertise in military matters should be located in the committees related to defence at the National Assembly, and those from the ministry of defence.

As at the time of writing, the Senate has committees for the Air Force, Defence and Army (combined). Similarly, the House of Representatives has committees for the Air Force, Defence and Army (combined). The jurisdiction of these committees basically comprises the following:

- a) Payments, promotion, retirement and other benefits and privileges of members of the army.
- b) Size and composition of the army.
- c) Defence headquarters.
- d) Ammunition depots, forts, arsenal reservations and establishments.
- e) Scientific research and development in support of the army.
- f) Barrack projects.
- g) Military application of nuclear energy.
- h) Disarmament.
- i) Army cadets.
- j) Resettlement scheme for serving officers of the army.
- k) War graves, monuments and memorabilia.
- l) Peacekeeping operations.
- m) Consideration and appropriation of annual budget estimates for the army.

Likewise within the MOD, it is also expected that there should be experts on military matters. Virtually all of my respondents agreed that civilian expertise (National Assembly and the Ministry of Defence) was lower than would be desired.<sup>17</sup> Regarding the level of expertise at the National Assembly, an officer was of the following opinion:

I would give you an instance: the Nigerian Air-Force went to defend their budget [at the committee level of the National Assembly]... usually a particular senior officer goes but on that particular day another officer went... He [is] a general and this was his particular field of expertise [the item to be purchased]... There was a professor who was a committee member... the professor [was of the opinion that the proposed aircraft that was budgeted was not needed]. The general stood up and said with due apologies 'who are you? You don't have a clue as to our [particular] need'.<sup>18</sup>

On the Ministry of Defence, this officer stated that:

I want to agree with you that we have a rather huge defence ministry with [civilians]. [I] am not very competent to talk about their [academic] qualification[s], but there is a need for a higher level of cooperation in order to have a more functional Ministry of Defence, so that they operate on the same page. So there [is] need [for some kind of re-training] so that persons working there [MOD] must have value to add and we have a lot of Nigerians who can do it...<sup>19</sup>

### **Level of Contestation**

The level of contestation by the civilian political elites has not been significant since 1999. The only significant case was in 2004 when Chudi Offodile, Chairman of the House Committee on Public Petitions, submitted a proposed bill that sought to establish an Armed Forces Commission.<sup>20</sup> The bill if it had been passed into law would have provided for constitutional legislative oversight function over the military. This bill was vehemently opposed by the then service chiefs and retired army generals who were invited to air their views regarding the bill (Guardian 2004). Commenting on the bill, the service chiefs noted that:

- a) Promotions are done strictly on merits and based on reports on and recommendations from each officer's supervising officer and not by the whims of any civilian authority.
- b) The effect of the application of federal regulations to the military would be "better imagined than experienced" as it has "the potential to obviate the unit of command in the armed forces. Such a measure would be detrimental to the sustenance of discipline and principle of the hierarchy in the force". The introduction of the federal character principle would usher in mediocrity in the

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<sup>17</sup> Only one disagreed, a serving colonel. Ibadan (May 12, 2011)

<sup>18</sup> Personal interview with a serving Lieutenant-Colonel, Zaria (April 5, 2011)

<sup>19</sup> Same officer

<sup>20</sup> The Constitutional Drafting Committee (CDC) of 1975, whose mandate was to draft a new Constitution for Nigeria, had earlier recommended the establishment of this body but was opposed by the military. It was not included in the 1979 Constitution.

- armed forces. The achievement of efficient and proper military operations demanded the continuation of the status quo.
- c) The service chiefs also identified the proposed Armed Forces Commission bill as “an adoption of the Police Service Commission”. For this reason they said that a comparable commission for the Nigerian armed forces would be impossible to implement given the fact that there was in existence a military service system, and also because the army was combat-oriented while the police was a civilian force.
  - d) Another reason given by the Nigerian military chiefs for their opposition to the commission was their fear that it could usurp the “powers already vested in the president and commander-in-chief of the Nigerian armed forces and that there were boards for the various forces already performing functions designed in the bill for the commission<sup>21</sup>.

### **Conclusion**

This paper has sought to explain the inability of the Nigerian state to achieve democratic consolidation after more than a decade of civilian rule. It suggests that perceived significant military prerogatives have contributed to more authoritarian tendencies within the state. This runs contrary to the beliefs of pre-1999 scholarship, which assumed that formal regime change from military to civilian rule was sufficient impetus for Nigeria to achieve its full potential. However, political and socio-economic events after 1999 have suggested that the political climate has not changed much, and that the military presence as a political actor within the Nigerian state has not diminished significantly.

This study does not claim to be a complete work. Further research on prerogatives of other coercive apparati should be examined—most especially those of the police force and intelligence agencies. The *de-facto* level of civilian oversight of these organizations, and how this affects the proper functioning of the state, should also be examined. Also, further research should be done on the civilian political structures of the country—the 36 states and more than 776 local government areas. Over emphasis by scholars on regime classification have tended to focus more on the federal level in their analysis, hereby given a false impression of the current situation of Nigeria.

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<sup>21</sup> See The Guardian Newspaper (Lagos) 2004, June 10, 22

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