

Institutional Control of the Armed Forces in Nigeria's Fourth Republic

By

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Abstract

This study examines civil-military relations in Nigeria's Fourth Republic. It aims to determine the challenges of institutionalizing civilian control over the armed forces in the country and the consequences of failure for the consolidation of democracy in Nigeria. Since the return to Civil Rule by many African states late in the twentieth century, African leaders have employed various strategies to "coup-proof" their armed forces. There is increasing acknowledgement by experts, however, that if emerging democratic states in Africa are to consolidate their democracies, civilian control will have to move beyond simply "coup-proofing" the military to the adoption of institutional mechanisms for control.

This thesis analyzes Nigeria's legislature and Ministry of Defense, two institutions responsible for the development of institutional control in the country's fledgling democracy. It finds that multiple factors are responsible for weak institutional control in the Fourth Republic. These include the lack of knowledge by civilian leaders of military affairs, weak democratic practices within the institutions due to pervasive corruption, and the lack of political will by civilian leaders to institutionalize civilian control effectively. Moreover, this study also examines Nigeria's civil society. While not an institution, it too plays a key role in institutionalizing control. Similar to the formal institutions, civil society's contribution is also weakened by its lack of knowledge of the military. All of these factors have allowed the military to maintain its privileges in the post-military period. Weak institutional control in the Fourth Republic also negatively affects the armed forces, as it has reduced the forces' effectiveness to address the security challenges that Nigeria has encountered since the return to Civil Rule in 1999.

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Chapter 1 – Introduction

Nigeria, like many African nations, has a long history of military rule during the country's post-independence period. Civil Rule, however, returned to Nigeria on May 29, 1999, with the swearing in of the former military ruler, Olusegun Obasanjo, as the President and Commander-in-Chief of the Federal Republic of Nigeria. Shortly after assuming office, President Obasanjo embarked on several projects of military reform to ensure civilian supremacy over the armed forces. As one of his first actions, the president retired ninety-three officers who held political offices in the past. President Obasanjo then established a Human Rights Investigation and Violation Commission to investigate the causes and extent of all gross violations of human rights in Nigeria dating back to the first military coup in the country in 1966. Additionally, he initiated a program of re-professionalization for the military—coupled with a series of other efforts, such as conferences and workshops—to promote the transformation program within the military. The reform measures were intended to integrate Nigeria's transition process from military dictatorship to Civil Rule. However, they have not led to a strong or comprehensive institutionalized civilian control or to effective oversight of the armed forces in Nigeria.

Overview

The topic of civil-military relations has received increased attention by scholars over the last three decades. This attention has followed the dramatic decline in coups and military governance around the globe. Today, it is no longer internationally acceptable for soldiers to take the mantle of government. As we have seen, particularly in Africa, in Mali (2012), Burkina Faso (2014, 2015) and Burundi (2015), the African Union and the rest of the international

community immediately denounced the coups d'état in the respective countries and called upon the coup leaders to relinquish control of the government to civilian leaders. However, as Gavin Cawthra and Robin Luckham (2003) suggest in their work, *Governing Insecurity: Democratic Control of Military Security Establishments in Transitional Democracies*, the absence of coups in new democracies does not imply that the balance of power between the military and civilian leadership has shifted in favor of civilians.

Cawthra and Luckham (2003: 14), both leading scholars on security studies, argue that in the post-Cold War era in which open military governance has been delegitimized, military politics may continue behind the formalities of civilian and democratic governance. Often times these politics perpetuate military and other state security services' privileges and prerogatives; entrench active military personnel or ex-military men in politics, administration, or business; continue to assert military 'guardianship' of the national interest; continue military impunity for human rights violation; perpetuate secrecy of the military; or insulate military and security issues from the public. The absence of open military intervention in politics, according to Cawthra and Luckham (2003: 11) presents a new problem for analyzing civil-military relations in emerging democracies. When military power vis-à-vis civilian leaders are no longer flagged by open military intervention, the international community has increasing difficulty deciphering underlying shifts in military power relations.

Maria-Gabriela Manea and Jurgen Ruland (2013) suggest in their work, *Taking Stock of Military Reform in Nigeria*, that civil-military reform in Nigeria's post-military period has not moved beyond first-generation reform. They note this stagnation occurred because President Obasanjo's reform measures were largely superficial and mainly concentrated on technical aspects geared to increase the professionalism and improve the effectiveness of the armed forces.

However, these measures have led to only a modicum of civilian control, which is mostly exercised through the executive branch of government. Manea and Ruland (2013) maintain that Nigeria is still far from achieving the necessary reforms in civil-military relations and gaining democratic control of the armed forces required for the consolidation of democracy in the country.

In their work “The Second Generation Problematic: Rethinking Democracy And Civil-Military Relations,” Andrew Cottey, Timothy Edmunds, and Anthony Forster (2002) developed the concept of generations of reform largely from their examination of the post-communist transition of the countries of central and Eastern Europe. The authors argue that emerging democracies face two generations of problems in their attempt to reform civil-military relations and democratic control of the armed forces. In the first-generation reform, emerging democracies struggle with reforming the core institutions for the political control of armed forces. The second generation problem, however, centers on democracies struggling to establish effective organizations and structures to entrench and consolidate its governance of the military or defense sectors (Cottey, Edmunds, and Forster 2002).

Like Cawthra and Luckham, Cottey, Edmunds, and Forster argue that the debate on democracy and civil-military relations, nevertheless, has been distorted by the assumption that the primary problems of these relations are the threat of praetorian military intervention in domestic politics and the resultant need to enforce civilian executive control of the armed forces. The authors instead suggest that debate on civil-military relations should be conceptualized in terms of democratic governance of the defense sector (Cottey, Edmunds, and Forster 2002). While the work of Cottey, Edmunds, and Forster centers primarily on the transition to democracy in Eastern European countries, their observation on the study of democracy and civil-military

relations still applies to Nigeria and many other African states. Undoubtedly, as evidence from the recent military coups in Africa, the threat of military usurpation of the state's polity remains a concern for some African states. Increasingly, however, scholars call for studies of civil-military relations in Africa to move beyond the narrow focus of 'coup-proofing.'

In Nigeria's Fourth Republic, the challenges of consolidating democracy, as it relates to civil-military relations, are not the result of the threat by the nation's armed forces to retake control of the country's polity. Rather, the challenges to reforming civil-military relations in the post-military period are a direct result of the continued privileges and prerogatives that the military has maintained following the transition to democracy; the continued military impunity for human rights violation; the perpetuation of secrecy around military activities; and the insulation of military and security issues from the public. Scholars agree that in democracies, governments effectively control the military when civilians institutionalize the control mechanisms (Trinkunas 2005, Manea and Ruland 2013, Bruneau and Tollefson 2006, Bruneau and Trinkunas 2008, Cottey 2001). Harold Trinkunas (2005), in his work, *Crafting Civilian Control of the Military in Venezuela a Comparative Perspective*, notes civilian control of the armed forces is consolidated when elected officials craft institutions that permanently shift power away from the military towards the bureaucracies controlled by civilians.

Since Civil Rule returned to Nigeria, a significant percentage of the literature on civil-military relations in Nigeria has noted the phenomenon of retired military officers as emerging powers in Nigeria and their potential to obstruct the consolidation of democracy in Nigeria (Adekanye 1999, Amaike 2007, Mormoh 2006, Badmus 2005, Ntiwunka 2012). In his article "An Assessment of the Relevance of Adekanye's *The Retired Military as Emergent Power Factor in Nigeria* to Contemporary Nigeria," Gift Ntiwunka (2012) argues that retired military

generals have hijacked the political politics in Nigeria. According to Abubakar Mormoh's article, "Democracy and Sustainable Development in Nigeria," the large presence of former military officers in politics has merely led to the imposition of a new dictatorship in the form of de-democratization (2006: 12-21). Although the authors mentioned above emphasize the power of the retired military generals in the politics of Nigeria's Fourth Republic, additional research emphasizes other factors that are more relevant to the lack of institutional control of the armed forces in Nigeria.

Other scholarly research on civil-military relations in the post-military period in Nigeria has been informed by an historical approach (Jega 2007, Ojo 2006). As Manea and Ruland suggest, many of these studies have devoted more space to the period of military rule and its impact on current civil-military relations rather than to the current factors influencing civil-military relations (2013: 51-52). Additionally, some scholarly work has focused on the military's role in Nigeria's democratic stability (Ehwarieme 2011) and the transformation of the defense sector itself (Magbadelo 2012). Nevertheless, it was not until attention given to the security sector reform in emerging democracies increased over the past decade that scholars examining civil-military relations in Nigeria showed interest in studying the formal and informal institutions charged with controlling and overseeing the armed forces in democracy (Aiyede 2012, Garba 2008, Omitoogun and Hutchful 2006, Izukanne 2006). Many of the studies, however, are descriptive in nature and detail the requirements for effective democratic governance of the security sector instead of analyzing how Nigeria's civilian leadership and elements within civil society have attempted to institutionalize democratic civilian control of the armed forces in the Fourth Republic.

Thesis Objectives and Outline

In this thesis, I intend to examine the formal and informal institutions in Nigeria's Fourth Republic that are charged with controlling and overseeing the armed forces in the country. Through a comprehensive analysis of the three components, I will demonstrate how each component is integral to the institutionalization of democratic civil-military relations in a democracy. The two formal institutions examined in this study are Nigeria's legislature and its Ministry of Defense. Although the third component, civil society, is not a formal institution, its engagement with defense and security issues, according to scholars, is also critical to the development and maintenance of institutional control in democracies. I will analyze how civilian involvement in defense and security issues at an official level, unofficial level, or through popular engagement adds both a wider, non-institutional level of accountability and oversight to the defense policy. Furthermore, the expertise on defense within think tanks or other nongovernmental organizations also provide alternative, unofficial sources of information as well as expertise that policymakers and the public can use. As such, I have also included an analysis of civil society in this study. While it is not a formal institution, it still contributes to the institutionalization of civilian control in the post-military period.

The thesis is divided into five chapters. The first chapter begins with the introduction. Chapter 2 surveys the literature written about the institutionalization of civilian control in emergent democracies. This chapter highlights the various points made by scholars on this topic. Chapter 3 discusses the historical overview of civil-military relations in Nigeria. History, as most would agree, affects contemporary society. Although an abundance of literature exists dedicated to the military period of Nigeria's post-independence history, a review of the history of civil-military relations enables understanding the factors that have influenced Nigeria's current

state of relations between civilians and military forces. However, just as history influences the contemporary environment, other factors of the contemporary environment also affect the state of relations today. Chapter 4 accordingly, examines Nigeria's formal and informal institutions to determine its challenges to institutionalizing civilian control of the armed forces in its democracy. This chapter then extrapolates the factors that contribute to the weak institutionalization of civilian control in Nigeria's post-military period. Chapter 5 briefly summarizes the thesis and discusses the impact of the lack of institutionalized civilian control on the process of democratic consolidation in Nigeria today.

Methodology

Due to the dearth of information on the contemporary pattern of civil-military relations in Nigeria, this thesis relied heavily on secondary resources such as books, journals, and newspapers. This study began with a review of scholarly work on the institutionalization of civil-military relations in emerging democracies. For this, I used the extensive research database and library catalog at the University of Kansas library and narrowed my search by using key phrases such *civil-military relations*, *institutionalizing civilian control of the armed forces*, *democracy and the armed forces*, and *armed forces in emerging democracy*. Since my thesis primarily focused on interrogating Nigeria's institutions and its civil society to determine the cause for the weak institutionalization of civilian control in the post-military period, I implemented a format more of a case study rather than a specific theory on civil-military relations. As such, the information derived by surveying the scholarly work on civil-military relations guided me throughout my examination of Nigeria's institution and civil society.

A comprehensive examination of the Nigerian entities responsible for developing institutional control of the armed forces was complicated by the lack of information published on

the relationship between civilian leadership and the armed forces. Therefore, during my analysis of the institutions in particular, I relied extensively on interpreting information derived from several Nigerian newspapers for a fuller understanding of the relationship between Nigeria's institutions and the military. The lack of information on this subject is exacerbated by the secrecy surrounding military activities in Nigeria. Few published reports exist in the media that discuss events in sessions between members of parliament and the military. Additionally, almost no information exists in any publications concerning the activities of the Ministry of Defense. Hence, the lack of information available in any media limited my research on military activities, parliament and military relationships, and on Ministry of Defense activities.

Chapter 2 – Survey of Literature on Civil-Military Relations and the Institutionalization of Democratic Control

This chapter focuses on the literature on civil-military relations and the institutionalization of democratic control. The literature varied from some discussing the challenges of civil-military relations, some discussing the process taken by civilian leaders to subordinate their armed forces in emerging democracies, and others talking about the need for the institutionalized civilian control. The topic of civil-military relations gained increased attention following the end of the Cold War as the world witnessed democracy spread across the globe.

Before the Cold War, the narrow focus on coups d'états dominated the study of civil-military relations. Scholarly opinions wavered frequently as some scholars argued for the benefits of military rule while others argued against the dangers of persistent military rule on a country's polity. When the Cold War came to an end, the international community no longer recognized military rule as a legitimate form of government. The literature on emerging democracy and civil-military relations reflected this change in focus.

Summary of Literature

In their work "Ministries of Defense and Democratic Control," Thomas Bruneau and Richard Goetze (2006) point out that one of the biggest challenges for many emerging democracies has been finding the proper balance between civilian leaders and the military sectors. On the one hand, they note, if the balance of power favors the military, which occurs when military leaders continue to enjoy prerogatives left over from the previous nondemocratic regime, then the democratic process for the young democracy is still in the process of

consolidation. However, if civilian leaders subsume the military by politicizing it or crippling it through severe budget cuts, then the young democratic state is left with armed forces unable to meet the security challenges of the state (Bruneau and Goetze 2006).

The very problem of civil-military relations, Peter Feaver (2003) argues in “*Armed Servants: Agency, Oversight, and Civil-Military Relations*,” is a simple paradox. Societies create an institution of violence because they fear others, but then society fears the same institution that it created to defend itself against the others. In essence, Feaver (2003: 4) suggests “the very institution created to protect the polity is given sufficient power to become a threat to the polity.” The problem of civil-military relations therefore is so vexing because societies need the military to protect the nation and ward off potential aggressors. It serves no purpose, Feaver (2003) points out, to create a protection force and then debase it to such point that it can no longer perform its function. The problem for many democracies, but especially in emerging ones, is to balance armed forces strong enough to meet the tasks assigned to it by civilian leaders with armed forces subordinate enough to only do what the civilian leaders ask of them.

Generally, civil-military relations in democracies are understood as civilian control of the armed forces. However, how this control is exercised continues to be the topic of debate in civil-military literature. In his seminal work *The Soldier and the State; the Theory and Politics of Civil-Military Relations* that continues to influence the study of civil-military relations today, the renowned political scientist, Samuel Huntington, provides two primary patterns of civilian control: subjective and objective (Huntington 1957). Under subjective control, political elites protect themselves by molding the military into an image of itself. Subjective control also ensures that the armed forces share the common values and objectives of the elites—often by politicizing the armed forces. Conversely, under objective control, which Huntington suggests is

the most ideal form of civilian control, the military is subordinated to civilian leaders through the professionalization of the armed forces. Objective control envisions a separate sphere from which both civilians and the military operate. Thus, the military in this context is self-directed through strong norms of professionalism that include the subordination to the constituted state authority.

Scholars, however, have challenged Huntington's promotion of objective civilian control as the ideal pattern of civilian control in a democracy (Feaver 2003, Schiff 2012, Bruneau and Tollefson 2006, Trinkunas 2005, Bland 1999). Harold Trinkunas (2005) persuasively argues that Huntington's objective control of the armed forces promotes a division of labor among civilians and the military. This in itself is not bad as long as the military's share of the division of labor narrowly focuses and centers on external defense. Indeed, Trinkunas suggests that it is conceivable that a form of democratic control of the military by containment, in which elected civilian leaders leave the military alone as long as it does not interfere in civilian prerogatives, may work. This concept, however, assumes that military professionalism is compatible with democracy. As Douglas Bland (2001) points out in "Patterns in Liberal Democratic Civil-Military Relations," there are several instances—even in Western democracies—that military officers who are assumed to be professionals have not adhered to the principle of civilian control or have done so begrudgingly. Moreover, in Africa, J'Kayode Fayemi (2003) suggests that objective civilian control is treated as an event, a fact of political life that flows from every post-military transition. As long as civilian leaders provide the military with its own sphere in which to work and the military does not interfere in politics, these leaders assume that this alone will professionalize the force. Fayemi argues that civilian control, particularly in countries emerging from prolonged authoritarian rule, should be viewed as a process negotiated within a continuum.

These countries have an especially urgent need for increased oversight of their armed forces transitioning from military to Civil Rule.

Given the long history of military rule in Africa, the literature on civil-military relations has historically been dominated by the topic of coup d'état. However, in recent decades following many countries' transitions to democracy, the literature has shifted to focus on the various strategies civilian leaders use to subordinate their armed forces under Civil Rule. In his work "Modalities of Civil-Military Stability in Africa," Samuel Decalo (1989) suggests that african states have pursued seven concrete control strategies to subordinate the military to civilian authority. The first strategy pursued involves the preferential recruitment of members of a specific ethnic, religious, or regional group into the officer corps or a specialized unit. This was evident under Kenya's first president, President Kenyatta, and has continued to be adopted by successive civilian leaders in Kenya.

According to Decalo (1989), the second strategy to subordinate military to Civil Rule involves establishing or controlling structures—such as presidential guards, general service units, paramilitary units, or intelligence units—that monitor potential plots against the state or that act as counterweights against a possible assault from the armed forces or the police force. This second strategy is also typically ethnically-skewed to ensure loyalty to the elites occupying the seat of government. The third strategy taken by African civilian leaders has the head of state appointing direct family members to key command posts in the senior officer corps, such as in the military intelligence unit, republican guard, or paramilitary unit. This strategy was adopted by the first president of Botswana when he inserted his son, Ian Khama, into a key leadership position in the Botswana Defense Force.

Recruiting or retaining expatriates in the officer corps is another strategy adopted by various states in Africa. Although uncommon today, many Francophone African countries adopted the strategy long after independence. Francophone countries also possess virtual guarantees of external military support from France, which is the fifth strategy of civilian control in Africa. The sixth strategy involves a state simply moving to legitimize its regime. The seventh and last strategy adopted by civilian leaders in Africa to subordinate their military according to Decalo (1989), involves a state paying officers high salaries to buy the loyalty of its armed forces.

While scholars have acknowledged that the above discussed strategies deployed by various African regimes have enabled African states, and particularly emerging democracies, to ensure regime survival as well as to subordinate their military to civilian rule, many scholars argue that the strategies in the long-term are unsatisfactory compared with the institutionalization of civilian control (Luqman 2011, N'Diaye 2001, 2010, 2002, Williams 2003). Boubacar N'Diaye (2002), who remains one of the leading scholars on security sector reform in West Africa, points out that modern Africa has an atmosphere of unbridled pluralism in which ethnic and other ascribed identities are easily manipulated. N'Diaye ascribes that many of the civilian control strategies adopted by various African leaders will not only hinder the process of consolidating democracy in the emergent democratic states, but will also lead to highly ethnicized and politicized armed forces, which directly contradicts with the notion of democratic consolidation. N'Diaye drives his points using Cynthia Enloe's warning against manipulating the ethnic composition of the armed forces. Enloe (1975: 103) writes:

When the ethnic composition of the military is ostensibly manipulated, the image of the military in the minds of the civilian population is affected. For if the military is the institution most closely identified with, and symbolic of, the

nation-state, then the perception of a military ‘belonging’ to one or two ethnic communities rather than to the populace as a whole cannot help but undermine the legitimacy of the nation-state itself

N’Diaye (2002) and other scholars suggest that if emergent democracies in Africa are to successfully consolidate their democracy, keep the military out of the political game, and insulate the military from the manipulation by politicians, then young African democracies must institutionalize the process of civilian control (Luqman 2011, Bruneau and Trinkunas 2008, Trinkunas 2005). However, institutionalized control of the armed forces does not mean that civilians make all decisions on defense matters while the military simply executes it. On the contrary, as Bland (1999) points out, civil control of the armed forces is managed and maintained through the sharing of responsibility for control between civilian and military leaders.

Institutionalized civilian control therefore means that civil-military relations, or civilian control, is managed through various democratic institutions whereby both military and civilians interact to formulate and execute defense policies. However, as Feaver (2003: 7) states, in all actions civilians must remain the political masters. In essence what this means Feaver argues, is that “while decisionmaking may in fact be politics as usual—the exercise of power in pursuit of ends—it is politics within the context of a particular normative conception of whose will should prevail.” This goes to the heart of what Carl von Clausewitz (1976) suggested when he argued that war is an extension of politics by other means. Institutional civilian control is accordingly established when formal or informal procedures, routines, norms, and conventions are embedded in an organizational structures of the polity; that polity ensures that civilian leaders have the ultimate decisions in defense policies and oversight of all military activities.

Thomas Bruneau and Scott Tollefson (2006) suggest that civil-military relations themselves should be understood as a set of institutions. Accordingly, the conditions under

which the various institutions are formed in many emerging countries prove important in determining the structures, hierarchies, and powers within those institutions. Peter Hall (1996) adds to the centrality of institutions in structuring the relations of power by persuasively arguing that institutions shape the preferences and goals of the actors in the decision-making process and, by distributing power among the players, help shape the outcomes of this process. The two main variables are the institutional distribution of power and the formation of strategies to obtain desired goals by individuals given the institutional context.

Ideally, in emerging democracies, the institutionalization of civilian control of the armed forces in the various bureaucracies is conceptualized in terms of civilian authority over institutional control mechanisms, oversight, and the inculcation of professional norms. According to Florina Matei (2013: 150), institutional control mechanisms involve “providing directions and guidance for the armed security forces, exercised through institutions that range from organic laws and other regulations that empower civilians leadership to civilian-led organizations with professional staff.” Conversely, according to Matei, civilian leadership exercises oversight regularly to keep track of the activities of the armed forces to ensure that these forces are following the direction and guidance provided to them by the civilian chain of command. Matei submits that the two institutions largely responsible for institutionalizing civilian control of the armed forces in democracies is the legislature and the Ministry of Defense (MoD).

The legislature, according to N’Diaye (2010), has an important role in the institutionalization of civilian control in emerging democracies. Enhancing its role in controlling the armed forces, however, is often a neglected dimension in the transition process. N’Diaye points out, for example, that in many post-authoritarian states, the decisions affecting the military

are often initiated by the same security establishment that has always been entrusted to make decisions, usually without any input from other institutions or even individuals outside a certain group. The legislature fails to take initiatives to address linking the governance and oversight of the security sector with democratic institutions. Instead, the reforms are, as N'Diaye (2010: 57) argues, “often tantamount to rearranging chairs on the deck of a more or less rapidly sinking ship.” They are not the holistic transformation required of the security apparatus in fledgling democracies.

Scholars contend that the participation of the legislature in the defense realm not only enhances the accountability and transparency of the armed forces, but it also enhances the quality and legitimacy of the resulting policies. Legislatures in a democracy are responsible for formulating and passing legislation, policies, and budgets as well as monitoring their implementation. Accordingly, Jeanne Giraldo (2006) asserts in her work “Legislatures and National Defense: Global Comparisons” that when legislatures get involved in issues of defense, it strengthens the democratic accountability. Involved legislatures receive input from all democratically elected officials, as well as other stakeholders from civil society, not just from those in the executive branch. The policies produced tend to be better as well because interested parties in both the executive branch and the military are forced to defend their positions publicly. Moreover, in exercising its oversight functions, the legislature can determine whether laws are being effectively implemented and whether they do in fact work in the way they are intended.

The participation of the legislature in the defense realm can also help inform and educate the public on issues relating to defense. For example, as Giraldo (2006) notes, legislative debates on defense issues can help increase the public’s knowledge of security issues, which can help contribute to the public’s constructive participation in future policy discussions. Open

consultation on defense matters in the legislature can point the national consensus in the direction that the defense policy should take and decrease the chances that the policy will suffer serious modification with a change in government.

If the legislature is empowered to exercise its authority and functions vis-à-vis the armed forces, it ultimately plays a powerful role in controlling the armed forces as Richard Khon (1997) points out. As the institution constitutionally vested with the authority to make laws and approve budgets, the legislature determines the mere existence of the military, which is usually done through budget appropriation. The legislature also determines the strength of the armed forces because it makes policies on the size and resources of the nation's military. Furthermore, the legislature implements its investigative authority to ensure that the armed forces remain accountable to the people.

The second institution that plays a critical role in controlling the armed forces is the Ministry of Defense (MoD). Thomas Bruneau and Richard Goetze (2006) argue that as emerging democratic states continue to consolidate their democracies, the MoD has become widely viewed as the best solution to the classic paradox, "Who guards the guardians?" Bruneau and Goetze (2006) provide five main purposes for the MoD in democracies. The first and most obvious purpose of the MoD, they argue, is to structure the power relationship between the armed forces command and the democratically elected civilian leaders. In an emerging democracy where the military previously exercised complete control of defense policies and activities, establishing civilian control over these activities is critical to the consolidation of democracy. As David Pion-Berlin (2009) points out in "Defense Organization and Civil-Military Relations in Latin America," the purpose of defense institutions is to prepare the armed forces to serve the policy goals of the government, and not the other way around. As emerging states continue to transform

their defense institutions to conform to democratic norms, civilian leaders in the MoD use control strategies to ensure that the armed forces do not dictate defense policies or activities and instead give civilians the final say in all of these matters.

In addition to structuring the power relationship between the military and civilian leaders, Bruneau and Goetze (2006) note that the second purpose of the MoD is to define and allocate responsibilities between and among civilian and military leaders. Admittedly, effectively dividing responsibilities between civilian and military leaders is a complex task even for those nations with a long history of civilian control of the armed forces. Bruneau and Goetze (2006), however, rationalize their argument by addressing the role as a buffer between politicians and the armed forces that the MoD fills. A clear division of responsibilities can serve two purposes. First, the division helps to ensure that military leaders are kept out of politics. Second, clearly delineated responsibilities helps to prevent unscrupulous politicians from using the military to enhance their positions. Bruneau and Goetze (2006) suggest the MoD's role is to negotiate on behalf of the armed forces to mitigate any danger of the armed forces becoming politicized and to ensure that the armed forces stay away from politics.

The fourth purpose of creating the MoD, according to Bruneau and Goetze (2006), is to maximize the effectiveness of employing the armed forces. The fifth purpose is to maximize the efficiency in their use of resources, according to Bruneau and Goetze (2006). The authors note that in the pre-democratic phase of many emerging democracies, the different branches of the armed forces enjoyed tremendous independence. The missions of the various branches of the armed forces often overlapped, yet they maintained separate supply and training programs. Cooperation among the branches of the armed forces was only to ensure that each branch of the military received the greatest amount of resources possible. Budgets were secret and ordinary

citizens had no mechanisms by which to exert influence over allocations. In emergent democracies, the MoD strives to bring transparency to defense activities and to ensure that the state employs the armed forces efficiently and effectively.

Aside from the formal institutions of the state, scholars suggest that the institutionalization of civilian control in emergent democracies requires a wider element of non-state or civil society input into debate on armed forces and defense policies. In his examination of civil-military relations in post-communist Europe, Andrew Cottey (2001) notes that civil society activity in the post-communist European countries provided an additional means for public oversight of the armed forces and the political institutions controlling them. The activities of civil society also disrupted excessive political influence of the armed forces and prevented civilian leaders from political abuse of control of the military.

The concept of civil society itself remains ambiguous and prone to multiple interpretations. Ernest Gellner, in his work *Conditions of Liberty: Civil Society and its Rivals*, defines civil society as “that set of diverse non-governmental institutions, which is strong enough to counterbalance the state...whilst not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests” (Gellner 1994: 5). In his work, *Turning in, Turning Out: The Strange Disappearance of Social Capital in America*, Robert Putnam treats civil society as “features of social life—networks, norms and trust—that enable participants to act together more effectively to pursue shared objectives” (Putnam 1995: 664-665). Conversely, Juan Linz defines civil society as an arena in which “self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests” (Linz 1996: 7-8). All three scholars interpret civil

society differently, yet they agree that civil society, however it is defined or conceptualized, can help reveal the abuses and weaknesses of state institutions.

Furthermore, in her work “Civil Society, Good Governance and the Security Sector,” Nicole Ball (2009) asserts that civil society can play a key role in promoting dialogues among stakeholders, both civilian and military, to foster change where needed in the armed forces. Civil society can also help in the development of norms within the armed forces. Ball highlights the South African Defence and Security Management (SADSEM) Network that has played a key role in developing both norms and capacity in the security sector in South Africa. The organization has not only sought to build local research and policy capacity in South Africa, but the SADSEM Network has also engaged in promoting the contributions of civil society in issues of peace and security to regional governments as well.

Cottey (2001) points out that when an emerging democracy has certain dimensions, then civil society can play an integral role in the institutionalization of civilian control in the emergent democratic state. The first dimension is a free media that is interested and able to investigate defense issues. The second dimension consists of think-tanks and academic expertise that can contribute to informed debate on defense policy. The freedom for citizens to organize non-governmental activity and protest in relation to the armed forces is the third dimension. The final dimension an emerging democracy has is the existence of an independent research institute.

Conclusion

In conclusion, the literature on civil-military relations in an emergent democracy reveals that institutionalization of civilian control is an important dimension of the transition process. First and foremost, the legislature, as a body representative of the people, plays a key role in

controlling and overseeing the military. In emergent democracies where the military previously held significant prerogatives, it is important that the legislature passes bills and exercises oversight authority to limit or overturn the prerogatives. Similar to the legislature, the MoD also plays a key role in controlling the armed forces. This is done primarily by placing civilians in key positions at the MoD to ensure that policies formulated on defense-related topics are linked to the government's goals. The MoD also plays an integral part in the day-to-day oversight of the armed forces. The most important role that the MoD plays, however, is to act as a buffer between the military and civilian leaders. This buffer ensures that the military is not politicized by unscrupulous civilian politicians and that the military does not engage in politics. Lastly, because democracy is representative of the people, civil society is part of the foundation for establishing or ensuring an additional layer of oversight of the armed forces and the political institutions controlling them. A strong civil society can be far reaching with its impact on promoting dialogue, creating policies, and lastly institutionalizing civilian control of the armed forces.

Before examining the institutionalization of civilian control of the armed forces in the post-military period, the next chapter will provide an historical overview of civil-military relations in Nigeria before the inauguration of the Fourth Republic in the country.

Chapter 3 – Historical Overview of Civil-Military Relations in Nigeria

This chapter summarizes the evolution of civil-military relations in Nigeria before its return to civil rule in 1999. The pattern of civil-military relations that Nigeria inherited at independence reflected what Samuel Huntington (1957) defined as “objective civilian control.” Nigeria’s former colonial government, however, did not set up conditions to enable sustainment of this pattern of civil-military relations in the post-independence era. The inclination of Nigeria’s armed forces to intervene in politics largely resulted from the volatile political environment that opened the space for military intervention. The Nigerian Civil War (1967-1970), which saw a great expansion in the size of Nigeria’s military, had a lasting impact on civil-military relations in the country. After the war, the military saw itself as the single institution capable of keeping the nation whole and as the only organization able to guide Nigeria on the path of political and economic development.

Nigerian Army Under Colonial Rule

Like many African militaries, the Nigerian armed forces are the creation of the country’s former colonial masters. During the colonial period, the Nigerian military remained relatively small vis-à-vis the total area for which it was responsible. Its responsibilities primarily focused internally as it served to accent the power, authority, and legitimacy of the British colonial rule (Nwagwu 2002). Moreover, for most of its colonial history, the Nigerian military remained completely independent from the departments of the Nigerian colonial government. Internal control of the Nigerian forces was typically exercised through the commanding generals at district headquarters in Lagos where the governor-general of Nigeria was officially the

commander-in-chief of the Nigerian Military Forces (Miners 1971). The command however was largely in name only. As late as 1956, Nigerian units remained part of the West Africa Command under the British Army whose headquarters was located at Accra in the Gold Coast. Accordingly, the commanding generals of Nigerian units reported directly to the command in West Africa and hence to the war office in London and not to the government in Lagos.

During the colonial period, the relationship between the Nigerian armed forces and the Nigerian people was characterized more or less by mutual antipathy. The Nigerian people regarded the military for most of the colonial period as the instrument of colonial power, fashioned by the British Crown to destroy any political independence of the various ethnic groups in Nigeria (Ukpabi 1976). The presence of Nigerian forces in villages, towns, or neighborhoods was not seen as a positive sign by Nigerian people. Instead, many citizens felt the presence of Nigerian forces often signified trouble or outright disaster. The Nigerian people's negative perception of the Nigerian military was further exacerbated by unruly soldiers. Many soldiers often abused their authority by taking the law into their own hands, imposing fines, and inflicting levies on inhabitants. These actions did not foster a good relationship between Nigeria's military and its people.

Civil-Military Relations After Independence

When Nigeria gained independence from Britain in October 1960, it inherited a pattern of civil-military relations that was long entrenched in the British tradition of civilian control. However, British officers predominantly occupied most officer and noncommissioned officer posts in the Nigerian armed forces at the time. In fact, by 1960, only 18 percent of officers in the Nigerian military were Nigerians, and most of them served in administrative positions rather than leadership positions. Additionally, of the Nigerian officers serving in the armed forces in 1960,

68 percent were Easterners while the rest were divided amongst Northerners and Westerners (Miners 1971).

Moreover, besides discussing indigenizing the armed forces and implementing a quota system for the officer corps, Nigeria's newly elected civilian leaders did not discuss in depth the role of the Nigerian armed forces in the newly independent state. Only because the military consumed part of the budget did some debate take place. Some members of the Federal House of Representatives argued that Nigeria needed a sizable and adequately equipped army to safeguard the long land frontier. They expressed concerns of their neighboring countries' increasing insecurity potentially spilling into Nigeria's territorial boundaries. Others argued that Nigeria needed a force large enough to exercise the country's influence in the region and the continent, as well as to act as a stabilizing factor in Africa (Miners 1971). For the first years of independence, the Nigerian government made no decisions on the role of the armed forces. Instead, the country's armed forces remained relatively small and were largely left alone.

Five years after independence and without any national deliberation, the size of the military and the pattern of civil-military relations in Nigeria shifted dramatically. In his work *Soldier and State in Africa*, Claude Welch (1970: 17-18) provides eight significant factors that helped promote African military intervention in politics:

1. Declining prestige of the major political party, as exemplified by:
 - a. Increased reliance upon force to achieve compliance,
 - b. A stress upon unanimity in the face of centrifugal forces,
 - c. A consequent denial of effective political choice,
2. Schism among prominent politicians, thus weakening the broadly based nationalist movement that had hastened the departure of the former colonial power,
3. Lessened likelihood of external intervention in the event of military uprising,
4. "Contagion" from seizures of control by the military in other African countries,
5. Domestic social antagonisms, most obviously manifested in countries where a minority group exercised control,

6. Economic malaise, leading to “austerity” politics most affecting articulate, urbanized sectors of the population,
7. Corruption and inefficiency of government and party officials, a corruption especially noticeable under conditions of economic decline, and
8. Heightened awareness within the army of its power to influence or displace political leaders.

In examining the list advanced by Welch, one could argue that many of these factors could describe the state of Nigeria during its formative years. Peter Baxter (2014) notes that the constitutional framework that the British put in place in Nigeria before it departed could hardly contain the ethnic cleavages in the country. In the years following independence, it quickly became clear that the Westminster-style parliamentary system that the British had left would fail. The differing agendas of the three main ethnic groups coupled with the deep-rooted social polarities and peculiarities of power politics in the region would prove detrimental in a country that needed a miracle.

Claude Ake and Peter Ekeh add that as each group moved within its ethnic culture into the civil arena without any synthesizing process, the civil arena became a cultural garage tense with conflict (Ake 2001, Ekeh 1975). Consequently, the civil institutions suffered so greatly that they allowed the military to succeed in establishing its political weight in the country shortly after independence. As the political elite postured to capture government power and resources, the Republican Constitution, which ushered in the First Republic in 1963, lasted only three years before it was overthrown by the first military coup in January 1966.

Moreover, the Nigerian ministers lived extravagantly while they urged the people to accept austerity for the sake of economic development and starved the government of any moral authority amongst the public. When law and order collapsed to the point that the Nigerian government heavily relied on force to secure its perpetuation in office, the January 1966 coup

plotters believed that they were acting in the interests of all Nigerians to end a corrupt and discredited despotism by removing the civilian government. One conspirator, Major Nzeogwu stated, “We wanted to get rid of rotten and corrupt ministers, political parties, trade unions and the whole clumsy apparatus of the federal system” (Miners 1971: 240). Additionally, in a radio broadcast, the leader of the group announced, “The military has taken over to bring an end to gangsterism and disorder, corruption and despotism. My compatriots, you will no longer need to be ashamed to be Nigerians.” Emeka Nwagwu (2002) notes that the first coup was well received by the Nigerian populace who believed that it was a legitimate instrument of regime-change in the country.

General J.T.U. Aguiyi-Ironsi took over the government in 1966, promising the Nigerian people that the military’s stay in power would only be temporary. His attempt to impose a military government in Nigeria, however, would turn out to be a disaster largely because of the manner in which the first coup took place. During the first coup, many Northern officers and leaders were killed while Southern officers’ lives were spared. As a result, heightened ethnic division fomented in the military and exacerbated the ethnic tensions, ultimately leading to a counter-coup later that year. This chain of events worsened the national crises. As the new head of state, Colonel Yakubu Gowon attempted to ease tensions; however, this too failed to pacify the mistrust and suspicions within the government and the military. Differences between the military governor of the Eastern region, Colonel Ojukwu, and Colonel Gowon sparked off another chain of events that led to the Eastern region seceding from the Nigerian federation and eventually to the Nigerian War, which lasted from 1967 until January 1970.

When the war ended, two important consequences would continue to influence civil-military relations in Nigeria. First, the Nigerian military ballooned from nearly 10,000 to

250,000 soldiers after the war. Such a large armed force raised scholarly debate which questioned the legitimacy of such a sizeable military presence. Second, when the Nigerian military emerged from the war with the nation still intact, the military leaders came to see the armed forces as a symbol of national unity. These leaders felt it was their responsibility to intervene whenever violent and fractious politics threatened the country's integrity (Ehwarieme 2011). Interestingly, however, the Nigerian armed forces saw military rule itself as an aberration and necessitated only by social crises. As such, in the period following the end of its civil war, Nigerians witnessed several transition plans by various military governments in which the military junta vowed to lead the country toward democracy and remove the military permanently from politics.

In the post-civil war period, the Nigerian military intervened in the polity of the country six times of which only two led to a successful military led transition to Civil Rule. Each time the military intervened, it justified its actions by stating that it was necessary to eliminate the massive corruption in the country by civilian leaders or that the previous military leader was not committed to the transition process to military rule. For example when General Murtala Mohammad and his deputy General Olusegun Obasanjo overthrew General Gowon, the first military leader after the war, General Mohammad announced that the coup was necessary because General Gowon's regime retracted its commitment to transitioning the country to Civil Rule (Dare 1981). Similarly, when Major General Buhari overthrew President Shagari (the first democratically elected civilian leader in the post-war period), Buhari justified his action to remove Shagari's corrupt and incompetent administration after he perceived the election as rigged. According to Buhari, he led the coup to continue the corrective policies of the Murtala-Obasanjo military era.

During the first era of military rule (1966-1979), most Nigerians perceived the military as an agent of order and stability in contrast to the institutional chaos that accompanied civilian politicians. For most of this period, the military governed with popular appeal and with few oppositions. Soillun (2013) suggests that among the Nigerian public, military rule was an attractive alternative to civilian governance. During the 1970s, scholars agreed with the popular opinion. They believed that the discipline in and the perceived absence of ethnic or regional divisions in the military institution made the military the best alternative to ensure stability and economic development in Nigeria. Accordingly, the Nigerian populace received each military government with great jubilation and great optimism. The military did not disappoint as it reciprocated the optimism with grandiose promises of reform and an end to the ills of its predecessor.

Public optimism for military governance quickly dissipated during the second period of military rule (1983-1998). The military itself, whose size ballooned largely by accident precipitated by the civil war, became a burden on government finances. With no external risk, the military's role in society was largely devoted to suppressing communal riots and international peacekeeping missions. Moreover, with the lack of any real external enemies to fight, military heroism during this period tended to be sought in the political arena rather than on the battlefield. In his description of the second period of military rule, Soillun (2013: 13) writes:

The military doctor became infected by the ills it came to cure. Soldiers were corrupted by politics as quickly and absolutely as civilians had been. Although the military came to bring in law and order, communal, criminal, and religious violence increased under its watch. It continually promised to eradicate corruption, yet military officers were indicated for corruption....As the military became politicized, ethnic and religious cleavages in civil society replicated in the officer corps.... Ultimately, the military became overburdened by its workload of governance, political reform, and transitioning back to democracy,

while simultaneously trying to keep its own house in order and protect itself against coups from within.

The second period of military rule profoundly affected the Nigerian society. Beginning under the next regime, Babangida, by changing his title to President Commander-in-Chief, consolidated all power of the state around him, and essentially became the executive leader. He then re-organized the military in such a way that ensured that his loyalists manned the strategic commands. Institutions were also created to increase the military interests in society. Next, the Babangida regime moved to co-opt the Nigerian elites, traditional rulers, businessmen, politicians, and senior military officers by condoning the increase in corruption. For those who could not be co-opted—professors, labor organizations, civil society organizations, and individuals who opposed his rule—Babangida passed several decrees that allowed his regime to remove, harass, or jail any opposition (Ihonvbere 1991). Even the media—historically independent in Nigeria—could not escape the wrath of the Babangida regime. Cyril Obi (2000) notes that through a convoluted program of military disengagement, Babangida sought to wear out, discredit, and delegitimize the political class in what he rationalized as “political engineering.” At the time, political scientists intellectually justified the political engineering as a solution to the recurring cycles of transition, a political crafting directed at ensuring that democratic break downs did not occur, and a democracy to dismiss.

Gift Amuwo, Daniel C. Bach, and Yann Lebeau argue that what Babangida started, Abacha deepened and consolidated (Amuwo, Bach, and Lebeau 2001). When he took office from a committee of civilians to whom Babangida hastily handed power, Abacha—like previous military rulers—justified his coup by describing his government as necessary. Throughout his rule, however, Abacha continuously battled for political stability and legitimacy. Like his predecessor Babangida, he availed himself of all the instruments of control. Also like his

predecessor, Abacha suppressed political organizations. Outspoken opponents of the regime were harassed, jailed, assassinated, or driven into exile. To further increase his power, Abacha created a parallel security and intelligence structure to serve as a counterbalance to the armed forces (Lewis 1994).

When Abacha died, the Fourth Republic entered Nigeria. Lewis (1994) notes, the death of Abacha in June 1998 signaled a decisive shift in the nature of politics in Nigeria. When Abacha's replacement, General Abdulsalam Abubakar, took over, the declining national stability, eroding unity, and lack of faith in the armed forces convinced the military leadership to implement a genuine political reform. General Abubakar therefore began a 10-month program to transition the country to Civil Rule. But, in true military fashion, Abubakar's transition process followed the pattern of past transitions to "liberal democracy" in Nigeria in which the military dictated and controlled the process. General Abubakar's successful transition to Civil Rule started in July 1993 and terminated on May 29, 1999. Obi (2000) argues that General Abubakar's successful transition to military rule, however, must be put in perspective. "In more ways than one, it underscored the desperation of the soft-liners in the military to get out of the firing line as well as their calculation that a short and sharp transition would appeal to the International Community, while giving the democratic forces no time to interrogate the transition on terms that could threaten the material and class interests of the Nigerian establishment" (Obi 2000: 68).

Conclusion

In a democracy, the pattern of civil-military relations is typically understood as civilian control of the armed forces. However, in Nigeria, with the exception of the short interregnum that ushered in the Second Republic as well as the first few years following independence, the

country's pattern of civil-military relations has been characterized by the inverse relationship that saw the military in control of civilians. The military justified its pervasive intrusion into the country's polity because it saw itself as the only institution capable of effectively leading the country to stability and economic development. The Nigerian civil war was the catalyst that provided the perfect platform for the military to assume such a prominent role.

Ironically, the long period of military rule in Nigeria emasculated the very institutions required for an effective and functioning democracy. The legislature in particular ceased to exist under military rule, as all legislative and decision making was conducted within the Armed Forces Ruling Council or its equivalent depending on the military regime. The increasing use of military decrees to bypass the judiciary branch also weakened this important institution, especially under Generals Babangida and Abacha. Under the two aforementioned generals, the regimes created ad hoc tribunals to try certain offenses. For example, the Miscellaneous Offences Tribunal, as Max Soillun (2013) points out, became the exclusive venue for the trial of drug traffic offenses, Defendants tried before such tribunals usually had no right to appeal against their convictions. Such acts by the military government left institutions ill prepared to execute their functions. Moreover, the weakening of the legislative and judiciary branches of the government only served to strengthen the executive branch, which gravely impacted the separation clause that advocated Nigeria's democracy.

The rampant abuse of power by the state's security service under various military rulers undermined the democratic transition as it silenced opposition and blocked civilian participation in the transition process. Under the Second Republic in particular, Nigerian civilians witnessed the state security apparatus imposed massive suppression, intimidation, and jailing among other actions. Those civilians who stood against the regime's prevailing wisdom were summarily dealt

with in secret trails. Such an environment does not foster a culture in which citizens participate in informed debate or learn to deal with the challenges facing their country. The long military rule in Nigeria has instead militarized the country in such a way that those who wish to express their grievances do so with violent tactics.

Lastly, the long military rule damaged the military institution itself. Not only did the military elites become thoroughly corrupt and politicized, but the military also emerged from military rule with its own corporate interests that hindered any future attempts to transition to civilian control. The manipulation of the military by the various military rulers left the military divided and favoring ethnic groups. Under Abacha's regime, the military institution widened the ethnic polarities, undermined the *esprit dé corps*, and divided the military between two broad factions: the hawks and the doves. The hawks favored an arrangement in which the military would rule through a pseudo-democratic transition, and the doves wished for the military to return to its professional calling. Ultimately, by the end of the Second Republic, the military institution was systematically emptied of its former nationalistic, puritanistic, and altruistic characteristics. Instead, military rule left the Nigerian military institution an empty organizational shell that lacked military *esprit dé corps*.

In the next chapter, I will analyze the institutionalization of civilian control in Nigeria's post-military period.

Chapter 4 – Institutionalizing Civilian Control of the Armed Forces in the Nigerian Fourth Republic

This chapter examines Nigeria's attempt to institutionalize civilian control of the armed forces in the Fourth Republic. Before Civil Rule returned to Nigeria, the country's armed forces had little oversight by civilians. The consolidation of democracy requires that the privileges once held by the armed forces during military or authoritarian rule be reversed. Reversing the privileges of the military as well as establishing and exercising control of the armed forces remains a challenging task for emerging democracies. In a true democracy, the legislature and the MoD are charged with developing institutional control mechanisms to control and oversee the armed forces. Civil society has the responsibility to fulfill an oversight role over the civilian institutions for two reasons. First, it can expose any attempt by the institutions to abuse power regarding the armed forces. Second, civil society can expose any attempt by the military to increase its power vis-à-vis the civilian leadership. This chapter analyzes the Nigerian legislature, the MoD, and civil society to elucidate their challenges to institutionalize civilian control in the post-military period.

Parliamentary Oversight

The 1999 constitution adopted at the beginning of the Fourth Republic provides the National Assembly with a broad range of functions and authorities from which Nigeria's legislative branch may exercise oversight of the armed forces. First and foremost, section 4(2) of the constitution endows the National Assembly with the power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter included in the Executive Legislative List set out in Part 1 of the second section of this constitution (Ukase

2014). Specifically, Part I of the second schedule states that the National Assembly can legislate on the following military matters: (1) arms, ammunition, and explosives procurement; (2) defense; (3) military (Army, Navy, and Air Force) including any other branch of the armed forces; and (4) any matter incidental or supplementary to any matter mentioned elsewhere in this list. This section, Ukase (2014) suggests, ties the very existence of the armed forces to the National Assembly. This is primarily because the National Assembly, through the power vested in it by the constitution, may choose to legislate for the mere existence—or not—of the armed forces, depending on how it deems fit. Moreover, by way of legislation, the National Assembly can also control the capability of the armed forces because it is the legislature which determines the appropriation of resources for the Nigerian armed forces.

The legislature's responsibility to approve the national budget highlights the power the constitution vests in the National Assembly allowing the legislature to exercise oversight of the armed forces. The 1999 constitution requires the president to present an appropriation bill to the National Assembly every financial year requesting the legislature to approve funds for the armed forces by way of an Appropriation Law before the legislature can expend funds. Essentially, this constitutional provision gives the National Assembly the authority to determine the budget of the nation's defense agencies. In doing so, the legislature can leave the military comatose or ensure it maintains—or increases—its strength simply by approving or rejecting the proposed military budget. This gives the National Assembly great oversight power of the armed forces.

The National Assembly also has the power to direct investigations into any matters over which it has the power to make laws. In accordance with its investigative authority, Section 89 (1) of the 1999 constitution provides the National Assembly with the power to collect evidence, written or oral. It authorizes the National Assembly to summon any person in Nigeria to provide

evidence at any place and to require the person to produce any document in their possession.

The National Assembly may also issue a warrant to compel the attendance of any person, who, after having been summoned to attend, fails, refuses, or neglects to do so. Moreover, Section 85 of the constitution establishes an auditor-general position for the Federal Republic. The auditor-general can conduct checks on all government statutory corporations, commissions, authorities, and agencies, including all person and bodies established by an act of the National Assembly.

Moreover, the National Assembly operates a committee system to perform its oversight responsibility. Both the Senate and the House of Representatives have a standing committee for the Air Force, the Army, Defense, and the Navy. The jurisdiction of each of the committees includes the following:

- a) Size and composition of the armed forces.
- b) Payments, promotion, retirements, and other benefits and privileges for members of the armed forces.
- c) Defense headquarters.
- d) Scientific research and development in support of the armed forces.
- e) Ammunition depots, forts, arsenal reservations, and establishments.
- f) Disarmament.
- g) Peacekeeping operations.
- h) Consideration and appropriation of annual budget estimates for the armed forces.

Despite the broad range of powers and functions vested in it by the constitution, the Nigerian parliament's attempt at institutionalizing control and exercising oversight of the armed forces in the Fourth Republic has been anemic at best. One of the primary factors contributing to this was the state of the legislature at the beginning of the Fourth Republic. Following the country's return to Civil Rule, legislators were ill-prepared to take on their role in the first National Assembly. The long military interregnum coupled with the hurried pace of transition to the Fourth Republic created a formidable institutional deficit in parliament (Lewis 2009). Most legislators elected to the first National Assembly were political neophytes who had little or no

political experience. The compressed schedule of party registration, nomination, and political recruitment left political parties with limited filters for attracting qualified candidates and little time to formulate a comprehensive policy to help guide legislative agenda. Furthermore, the first National Assembly inherited a precarious state of public finance with limited funds to equip and staff the legislature which forced members to operate with a skeletal staff and few documents, computers, and library resources (Lewis 2009).

Moreover, unlike the executive and the judicial arms of government, which have remained permanently in existence since the country's independence, the legislature was always suspended under every military rule. Legislative and executive powers were simply combined in the ruling organizations of military dictatorship, be it the Supreme Military Council, the Armed Force Ruling Council, or the Provisional Ruling Council. In his work "Executive-Legislature Relationship," Fawole (2013) notes that after every military intervention, the legislature was always a new phenomenon. Elected representatives therefore lacked both the institutional memory and continuous precedence on which to fall back. Ultimately, this lack of institutional memory and precedence contributed to the legislature's inability to perform its functions effectively in the earlier period of the Fourth Republic.

In addition to its capacity gap and infrastructural challenges, several other factors have also contributed to the anemic attempt by the legislature to institutionalize control the armed forces and exercising oversight of it, throughout the post-military period. First and foremost, developing and exercising institutional control requires the commitment of the legislature to the topic. However, as Okoye and Nnabugwu (2008) highlight, most political parties in the post-military period have not only been non-ideological, but they have come to power without identifiable programs or known manifestos. Programs that are presented are often ad-hoc and

spur of the moment programs that lack cohesion. They are hardly products of robust party-wide deliberations and debate that help the party articulate and aggregate views into national programs. The result of such practice has been that many proposed bills are hardly carried along.

In one such example, the House of Representatives under the leadership of Ghali Umar Na'Abba established a committee to recommend necessary laws that would enable the military to effectively face the challenges of the twenty-first century. The working committee produced four bills that the Speaker then presented to the National Assembly. The bills included the Reserve Forces Bill; the National Emergency Management Agency Law Review Bill; the Security Services Minimum Infrastructure Development Bill, and the Military Secondary Role Bill. The bills, if passed, would have enabled the military to effectively participate in national development. However, the bills never passed because once the term of the legislative body expired, the next legislative assembly was uninterested in re-tabling the bills. The National Assembly has since forwarded other bills relating to the military, but no significant bill that would transform the armed forces has been adopted by parliament. Accordingly, the National Assembly has not been very active in the field of military legislation in the post-military period.

The legislature's oversight functions play an integral role in controlling the armed forces in a democracy. In the Fourth Republic, the legislature has improved its oversight function of the armed forces. This was demonstrated by the senate probes of the navy over missing assets (Shaibu 2012). The National Assembly also conducted investigations into troop deployment in conflicts to military abuses in Bayelsa State in November 1999 and Benue State in October 2001. In each case, however, the result of the investigation was not published and made available to the public. Comprehensive oversight of the military, therefore, has been hampered by both the military and the executive's desire to keep military activities shrouded in secret. The military's

often tight-lipped attitude, Aiyede suggests (2012), provides legislators with little insight into its operations. The military justifies its restrictive information policy by saying that defense matters are vital for national security and should therefore be treated in a secretive way. This may explain the reason for so few open plenary hearings on defense-related issues in the National Assembly.

In general, the relative lack of knowledge of military affairs by the members of parliament has largely prevented them from challenging the armed forces and at times has led to an acrimonious relationship between civilian legislators and the military. On the one hand, the dearth of knowledge among legislators is partly explained by the continued lack of access to research and information, a lack of parliamentary facilities, and the near absence of trained and professional staff within the defense committees. On the other hand, however, the inability of the members of parliament to accumulate knowledge on the armed forces can be attributed to the high turnover rate of the members of parliaments themselves. For example, Fashagba (2009) notes that of the 109 senators who returned to the assembly in 2003, only 36 were returning senators, and continuing the trend only 26 returned in 2007. Furthermore, of 306 members of the House of Representative elected in the general elections in 2007, only 89 were returning members.

The inability of the National Assembly to provide effective oversight over the budget of the armed forces is one of the gravest consequences of the dearth of knowledge on military affairs among members of parliament in the Fourth Republic. Since so many legislators lack expertise, the defense committees depend largely on the expertise of the retired military personnel among their members. The retired members rarely go against the interests of the military. Therefore, the National Assembly seldom reduces the military budget estimates

presented to it (Omitoogun and Hutchful 2006). Moreover, because of the secrecy in which military matters are treated in the National Assembly, the public remains unaware of the exact allocation of funds for defense. Omitoogun points out that in 2000 and 2001, the budget was announced to the public without itemizing the military portion of the budget. In both years, the MoD was provided supplementary allocations, which were not revealed to the public.

The lack of transparency and weak parliamentary oversight of defense budget has also facilitated the extra-budgetary spending to become pervasive in the post-military period. An increasing popular mechanism for accessing such funds has been through what has become known as security votes. According to Egbo et al (2012: 598), “The ambiguity and secrecy usually associated with the concept of national security create the enabling environment for such funds to be misappropriated by the custodian of the state.” Security votes originally began under the military administration. However, the use and abuse of security votes has increased exponentially to all tiers of government when the military transitioned power to civilians. Exactly how much is allocated to various entities on both the national and state levels often remains unknown because parliament masks the amounts under various budgetary headings.

For military-specific funds, the federal government provides funds for military “policy matters,” Nigerian military operations outside the country, military construction jobs, and others. All funding for such military activities, however, is generated from several accounts outside the purview of the law. Such accounts include the Nigerian Trust Fund, the Stabilizations Account, the Oil Windfall and Special Debt accounts, and the External Loan Savings (Omitoogun and Hutchful 2006). Funds generated from Nigeria’s participation in peacekeeping operations are also not under the purview of the legislature. Omitoogun argues that the National Assembly acts

in collusion with the executive branch to hide information from the public when it keeps military budgets shrouded in secrecy.

The lack of oversight of the armed forces budget not only hinders the institutionalization of civilian control of the military in the legislature, but it also gravely impacts the military, which was evident from the arms scandal that erupted at the end of President Jonathan's term.

According to media reports, President Jonathan's National Security Advisor, Sambo Dasuki, requested funds from the Finance Ministry to purchase ammunition, security equipment, and other intelligence equipment, specifically to fight the Boko Haram insurgency. However, rather than using the money for its intended use, Dusaki and his associates funded delegates and some to media activities for the People Democratic Party (PDP) presidential election. Additionally, Dusaki diverted some funds to personal investments (Daniel 2015).

When legislative committees fail to perform their oversight role, the executive branch is left with unfettered discretionary or real power over policies. Indeed, this was the case for most military matters since democracy was restored in 1999. The executive dominance of military matters was also likely a result of the election of a former military ruler to the presidency.

Fayemi (2003) notes that during the presidency of President Obasanjo, a general conflict existed between one public view that the legislative supervision should be central to democratic control of the armed forces and another that suggested that Obasanjo and his defense minister, as ex-military leaders, should have the liberty to restructure the military without checks and balances simply because they know what they are doing.

President Obasanjo did not disappoint those who held the view that he, as a military leader, was best positioned to transform the military. In one of his first speeches to the National

War College in Abuja on 24 July 1999 as newly elected president, Obasanjo laid out his plan for reforming the military and establishing civilian supremacy of the nation's armed forces. His criteria included supremacy of elected officials of state over appointed officers at all levels, acceptance of civilian leadership at the MoD and other strategic institutions, goals and conduct of military operations subject to civilian oversight, and the right of the civil Supreme Court to review any decision taken by military judicial officers (2000). In a surprise move to many after he assumed office, Obasanjo retired ninety-three generals and officers from the armed forces who had previously held political offices. In explaining the reason for his decision, Obasanjo (2014: 206) wrote in his biography:

To put an end to coup plotting, it was necessary to make it abundantly clear that no matter how long it took, coup plotters and beneficiaries of coups would pay some penalty. Looking to politics and political offices through the military must be killed, which must also put an end to parents and relations encouraging their children and brothers, cousins and wards to go into the military with political offices and appointments as the ultimate objective.

As part of his efforts to re-professionalize the military and transform the defense sector, President Obasanjo sought the support of a private corporation, Military Professional Resource International (MPRI)—an American consulting company specializing in military affairs (Aiyede 2012). The company was tasked to devise a plan to provide technical assistance to the Nigerian military, to civilianize it, to conduct workshops on civil-military relations for both civilians and military, and to train the Nigerian armed forces for peacekeeping missions. Furthermore, Obasanjo initiated a local working group on security and defense to examine the state of security and defense and to provide recommendations for policies to address these issues.

President Obasanjo took several measures to transform the nation's military throughout his first term, but parliament and members of civil society were conspicuously absent from most

of the decision-making process. The parliament was not present in the decision to contract MPRI nor did they participate in monitoring their activities. The Nigerian parliament had no input into the forced retirement of the ninety-three officers. Nor, did they review or approve any of Obasanjo's appointment for service chiefs. Some of Obasanjo's unilateral actions did not go unnoticed by parliament —specifically the decision to hire an American firm to assess the state of the security apparatus. The regime's pattern of unilateral decision making regarding the military would set the precedent for subsequent presidents to do the same.

One decision that his successors repeated involves the appointment of service chiefs. President Obasanjo began the precedent of appointing service chiefs without any approval from the National Assembly. President Yar'Adua inherited the illegality from his predecessor, and President Jonathan followed their actions when he was elected. The precedence came to a head when President Jonathan fired the top hierarchy of the military command and appointed new ones. Political monitors and observers decried the move suggesting the president's action was informed by his desire to consolidate his political ground in preparation for the 2011 presidential election. Festus Keyamo, a prominent human rights lawyer, brought the case to court challenging the presidential authority to appoint service chiefs without recourse to the National Assembly. Justice Bello upheld Keyamo arguments, stating that the unilateral appointment of service chiefs by the president without approval of the National Assembly was illegal, and null and void (Eme 2013).

With only minor exception, the National Assembly in the Fourth Republic rarely challenged the executive branch in military matters. Indeed, on other matters, the relationship between the legislative and executive branches has been tense. This first became evident in President Obasanjo's first term in which the legislature resisted or substantially modified a

number of items close to the president. Tension between President Obasanjo and the legislature created a stalemate on core reforms, including one where a standby agreement signed in 2000 was essentially stillborn (Lewis 2009). The tense relationship between the legislative and executive branches often encroached on the legislature's ability to conduct its legislative functions. In matters of military policy, this tension however seems to be nonexistent, leading many scholars to suggest that the National Assembly has largely functioned as a rubberstamp to the executive branch concerning military matters.

Ministry of Defense

Since its inception in 1958, the Nigerian MoD has served as the central agency for the strategic management of the country's armed forces. Today, the ministry has the statutory responsibility to oversee the Defense Headquarters, the three services—army, navy, air force—and the services' institutions and parastatals. Among its responsibilities, the ministry is tasked with formulating and executing national defense policy as well as acting as the political, operational, and administrative headquarters of the armed forces. The organizational structure of the agency places the Defense Minister—who is nominated by the President and approved by the Senate—at top of the ministry as the Chief Executive Officer. The civil arm of the ministry is headed by the permanent secretary who also serves as the chief civilian advisor to the minister. The Chief of Defense Staff serves as the senior military advisors to the Defense Minister and is the principle coordinator for the military arms of the MoD (Sanusi 2011).

The Constitution of the Federal Government of Nigeria does not explicitly state that the Defense Minister must be a civilian. However, it is inferred through Section 66 of the constitution, which provides that no person shall be appointed as a Minister of Government of the Federation unless he is qualified for election as a member of the House of Representative.

Section 66 (1/h) of the constitution goes on to state that no person shall be qualified for election to the Senate or the House of Representatives if he is employed in the public service of the Federation or of any State and has not resigned, withdrawn, or retired from such employment 30 days prior to the date of election. The two sections therefore disqualify any military person currently serving as an active member of the armed forces from a MoD position. As such, a civilian throughout the Fourth Republic has filled the position since Civil Rule returned to Nigeria.

The overall responsibilities and functions of the MoD place it in an ideal position to institutionalize civilian control of the nation's armed forces. In practice, however, similar to the National Assembly, the MoD has failed to institutionalize civilian control in the Fourth Republic. Instead, the military continues to perform many of the roles of the MoD with little interaction or supervision from the civilians inside the ministry. Perhaps, one of the greatest challenges to institutionalizing civilian control in the MoD starts with the position of the Defense Minister himself. In general, the concept of institutionalizing civilian control of the MoD relies on the idea of a civilian Defense Minister who clearly oversees both the military and civilian arms of the ministry. Air Vice Marshall Alex Badeh (the Chief of Defense Staff) resisted General Gusau's (retired) (the Defense Minister) attempt to exert operational command over the armed forces of Nigeria. The resistance has shed light on the ambiguity of the various laws relating to the relationship between the Defense Minister and the armed forces (Irikefe 2014).

The conflict between the former Chief of Defense Staff and the Defense Minister surfaced primarily because of laws creating the armed forces of Nigeria that have erected a deep structure of power around the office of the Chief of Defense Staff, far beyond the powers constitutionally and statutorily assigned to the Defense Minister (Irikefe 2014). For example,

Section 217 of the constitution establishes the armed forces of the Federation. Section 218 then provides the President as the Commander-in-Chief the power to determine the operational use of the armed forces of the Federation. The President, then under sub-section 3 may by directions in writing and subject to such conditions as he think fit, delegate to any member of the armed forces of the Federation his powers relating to the operational use of the armed forces of the Federation. These sections of the constitution, Irikefe notes, consolidate and solidify the powers and position of the Chief of Defense Staff in the military chain of command.

The Defense Minister is then further marginalized from the direct chain of command of the armed forces through the readings of the Armed Forces Act A20 LFN 2004 Part 3, Section 7. This act provides that the Chief of Defense Staff shall, subject to the general direction of the President and the National Assembly, be vested with the day-to-day command and general oversight of the armed forces. Section 8 further iterates that it shall be the duty of the Chief of Defense Staff and the chiefs of the other three components of the armed forces, as the case may be, to comply with the directive given to the by the President under Section 1 of Part 3. This section of the Armed Forces Act directly links the Chief of Defense Staff and the President.

Moreover, both the constitution and the Armed Forces Act establishes various councils for managing the nation's defense and clearly places the Defense Minister in a higher position than the Chief of Defense Staff. The ambiguity within the constitution and some sections of the Armed Forces Act, however, has allowed the Chief of Defense Staff to contest the seniority of the Defense Minister. Irikefe (2014) places the debate into perspective by pointing out that:

In a Presidential system of Government, every Minister of the Government acts and exercises power in the name and for the pleasure of the President. The President therefore, must in the exercise of his constitutional and statutory powers of delegation of duties leave no room for doubt, assumptions or

confusion. In my judgement, it is the lack of this clarity of the powers delegated to the Defense Minister by the President as Commander-in-Chief that has resulted in the needless clash of egos and turf war between the Defense Minister and the [Chief of Defense Staff].

Furthermore, under his presidency, President Jonathan, left the Defense Minister position vacant for almost a year and instead dealt directly with the Chief of Defense Staff and the service chiefs. This action, as well as the propensity of Nigerian presidents to circumvent the chain of command—even when the position of the Defense Minister is filled—leads to confusion on the chain of command between the presidency and the MoD. Such actions by Nigerian presidents ultimately does not bode well for the institutionalization of civilian control at the MoD. Instead, it gives the perception that the Ministry is under the direct control of the armed forces.

The propensity of Nigerian presidents to circumvent the chain of command may be a direct result of the high turnover of the Defense Ministers themselves. Since the end Obasanjo's presidency, successive Defense Ministers have only served in their position for a year or less. This problem is exacerbated since many of the individuals selected to serve as the Defense Minister often had no knowledge of defense matters. The quick turnover of Defense Ministers, however, does not allow for the accumulation of knowledge on defense issues while in the position. This pattern of frequent change of the Defense Minister therefore has and continues to have a detrimental effect on the position itself, as it weakens it in relation to the MoD.

Substantial evidence exists that highlights the need for human capacity development within the MoD, specifically within civilian and military interactions. The institutionalization of civilian control in the MoD requires a good working knowledge and relationship between civilian and military personnel within the ministry. Military personnel often put the onus on the civilian to acquire knowledge on defense to ensure effective collaboration between the two sides.

Efficiency requires military personnel to understand civilian functions as well. The dynamic between the MoD and the Defense Headquarters does not help to facilitate a good relationship between the two sides. Magbadelo (2012) notes that absence of a functional relationship is not a consequence of any rivalry between these two structures of power and responsibilities. Rather the problem stems from some form of distrust of each other's competence and ability.

Notwithstanding the long history of military rule that has left many civilians distrustful of the military, the distrust between civilians and military personnel in the MoD can also be attributed to the current structure of the MoD itself, which is divided into a civilian component and a military component. The MoD headquarters is responsible for policies issues and overall leadership, according to Magbadelo (2012). This headquarters is almost exclusively manned by civilian officers with only a few exceptions of some senior military officers who provide technical assistance to the Permanent Secretary and the Defense Minister. Conversely, the Defense Headquarters, which falls under the MoD, is an exclusive military organization. This clear-cut separation or compartmentalization of personnel at the ministry has not only resulted in the civilian and military components of the MoD working parallel to and almost independent of each other, but this separation is also at the heart of the seeming dissonance between the MoD headquarters and the Defense Headquarters.

These patterns of relationships between the civilian and military organizations observed at the MoD treats civilian control as a set of technical and administrative arrangements. Institutionalization of civilian control, however, requires continual negotiations and mutual collaboration between the two actors. Mutual collaboration necessitates an injection of qualified and experienced military officers into the MoD headquarters to, as Magbadelo (2012) states, expand the frontier of mutually beneficial functional interaction and integration of military and

civilian officers in the Ministry. The injection of military officers in the MoD headquarters not only allows for the necessary building block of productive alliance to take shape, but it also fosters trust and confidence between military and civilian officers within the ministry.

Change, nevertheless, requires political will and commitment from civilian leaders. In a newly democratic state, decisive and strategic leadership is critical to transforming a MoD from one predominately dominated by the military to one controlled by civilian leadership. The Defense Minister and civilian management must personally lead and direct the defense establishment. The Defense Minister provides guidance, in collaboration with parliament and the president, to the military based on the government's national goals and objectives. The military then provides recommendations on the capabilities required to meet those goals and objectives. The government then balances the recommendations from the military with other societal and economic factors to provide an approved method from which the military will execute its activities. Le Roux (2003) calls this function and structure "ends, ways, and means." *Ends* is national goals and objectives for the government. *Means* is the various capabilities required by the military to fulfill these objectives. And *ways* is the government's actual approved method by which the military will perform its task.

When political decision makers and leaders of the defense force engage in a thorough debate on ends, ways, and means, the choices and the decisions derived from the process constitutes the basis of the performance agreements between the government and the senior officials at the MoD. This decision-making process ensures that the activities of the military align with the goals of the government, and it helps direct and distribute use of military resources. In Nigeria, the lack of decisive civilian leadership in the MoD, or rather the lack of political will of the government to engage in defense matters, has led the military to take on

various projects independently without any oversight from civilian leadership. Such actions not only hinder the prospect for civilian control in the MoD, but they also adversely affect the military itself.

The discourses on defense transformation in Nigeria probably best illustrate this point for the Fourth Republic. Iheduru (2015) notes that following some despairing remarks about the state of the Nigeria military by Vice President Atiku Abubakar, the Nigerian armed forces as a whole embarked on a self-examination that culminated in the draft of a “Defense Transformation” framework from the MoD. The draft framework, however, was the extent of the ministry’s involvement in defense transformation. Iheduru first points out that the process and the document itself was actually the work of the Defense Headquarters. The responsibility for piloting the program was however, not taken by the MoD. Instead, the MoD passed the document to the office of the Chief of Defense Staff to translate the blueprint to policy. The transformation program indeed had success in creating some reforms to the military, particular in its reorganization to address the insurgency in the North. Iheduru (2015: 6) still contends that the results of the process as a whole were largely cosmetic due to the “absence of civilian control motivated by supreme national interest determined to guide the military to truly kick out old habits of human rights abuses, corruption, nepotism, deterioration of professionalism, and the privileging of organized and individual material interest over the national interest.”

The Nigerian armed forces maintain their prerogative in the MoD because they lack an adequate defense plan. A government uses defense plans to guide the military strategy. Because of changes in the threat environment, governments need to view defense policy formulation as a continuous exercise to ensure that the threat perception is modified to incorporate new elements and re-adjusted to meet new changes and challenges (Nyiam 1990). In Nigeria, the

responsibility of formulating the defense plan rest with the Ministry of Defense. The last National Defense Plan in Nigeria, however, was adopted in 2006. Since then, the country has experienced persistent security challenges that are not reflected in its National Defense Plan. Because of the high turnover in the position of the MoD, the National Defense Plan has yet to be updated. In fact, since 2012, three different defense ministers have initiated a review of the National Defense Plan. In the meantime, however, the lack of an adequate defense plan forces the military to develop plans that are not tied to any official national policy. This complicates the oversight capability of the civilians in the MoD.

The lack of an effective civilian leadership in the MoD has ultimately allowed the military to takeover key civilian functions in the MoD. For example, in his interview following a brief meeting with President Buhari, the Permanent Secretary to the Minister of Defense, informed journalists that the responsibility of weapons procurement was shifted from the MoD to the services in recent years (Soniya 2015). In another interview with a journalist, a top official at the ministry revealed that core functions of budgeting and supervising the purchase of the armed forces through the bidding process has long been taken over by respective units of the armed forces (Daniel 2014). This pattern is a clear evidence of the lack of civilian control of the armed forces in the MoD. As Le Roux (2004) points out, when the defense sector is not accountable to the government and the people, it becomes a cause unto its own. Moreover, the defense sector will be easily corrupted, and decision making will be easily manipulated towards self-interest. Such actions hinder the possibility of institutionalizing civilian control in the MoD and ultimately it will preclude Nigeria from consolidating its democracy.

Civil Society

Nigeria has a long and strong tradition of civil society stemming back to the pre-colonial period as well as the colonial period when various groups joined together to protest against the repressive colonial state. The second period of military rule in the country (1983-1999) nevertheless witnessed the proliferation of civil society organizations. Civil society during this period, as Fadakinte (2013) notes, was at the forefront of the struggle against military dictatorship. Because the Nigerian society had taken a dangerous plunge into poverty, corruption, economic mismanagement, and ethnic conflict, civil society became the means by which citizens expressed their intense indignation to the misrule of the military junta. Civil society organizations raised awareness about human rights abuses and demanded the release of innocent detainees. They spearheaded mass protests and civil disobedience. Overall, their actions helped delegitimize military rule and help facilitate the return of Civil Rule to Nigeria.

Fadakinte notes a difference exists between civil society's role while under military rule and civil society's role in a democracy. Nigeria's civil society opposed military rule, which was the concern of all Nigerians. Under military rule, civil society's main goal was to get rid of the military junta. In that respect, the pro-democracy movements succeeded. Under democracy, the role of civil society is to ensure that the state is effective, accountable, efficient, and promptly responds to its citizens' need. Civil society seeks to ensure that human rights are not violated, and the state follows the rule of law and constitutionalism. In Nigeria's Fourth Republic, the civil society has been very weak and devoid of any critical engagements, either in participation, voicing dissent and criticism, or taking a strong opposing side on public policies that did not favor ordinary citizens (Fadakinte 2013).

Given the long history of military rule in Nigeria, one would assume that civil society would be at the forefront in demanding the institutionalization of civilian control of its armed forces. Indeed, civil society's participation in the armed forces' transition process as well as oversight of the armed forces after transitioning has proven to be a critical factor to the successful democratic consolidation in many emerging democracies. For example, in its transition process from apartheid to democratic rule, South Africa's leaders ensured the participation of all stakeholders—including political actors, civil society, and the security—in the debate on the roles, functions, composition, and funding of the security apparatus in the post-apartheid society. Many analysts saw the participation of the stakeholders as one of the key factors in the successful transition of the South African security forces to the new democracy (Piombo 2013). Civil society's participation in the oversight of the defense sectors in Spain, Chile, Mongolia, and Slovenia has also helped ensure civilian control of their respective armed forces (Bruneau and Matei 2013).

Nigeria's transition process did not permit for civil society participation in the debates and discussion that preceded the first democratic elections of the Fourth Republic. As Campbell (2013) notes, the transition was limited to a coterie of senior active duty and retired officers whose aim was to negotiate a transition that would allow them to protect the fortunes that they acquired through their connection to government. Participation in governance provided huge opportunities for illicit wealth, and the military elite were not prepared to give it up. As such, the military government under General Abubakar ensured that a person who favored the military controlled the transition process and that pro-democracy movements was set to take the presidency (Yagboyaju 2011).

Nonetheless, Adejumbi (1999) contends that civil society is plagued by severe contradictions in the Fourth Republic. First, many civil society groups lack internal democracy, accountability, and responsiveness; they exhibit behaviors of former military leaders by perpetuating the rule of “President for Life.” The politics of funding is the second contradiction. The harsh economic conditions often leave many groups financially insolvent which forces civil society organizations to depend on external organizations for funding. The dependency on external donors not only comprises the autonomy of civil society groups, but it also leads to a wave of opportunities and financial aggrandizement within the groups. The third contradiction, according to Adejumbi, is the tactics that some groups have elected to adopt to address some of their grievances. These tactics incorporates violence as a method and language of political oppression, rather than dialogue, negotiation, and consensus. These three contradictions have hindered the ability of civil society organizations to function effectively in the post-military era.

The notion of democratic control of the armed forces through civil society, however, has been limited in the post-military era in Nigeria due to the absence of a defense community separate from the military institution. The presence of a defense community autonomous from the military serves as a counterweight to the military and is considered critical to the democratization process. The community represents a network of civilian experts including nongovernmental organizations, think tanks, and other civilian organizations outside the military establishment who are knowledgeable on defense matters. When civilian leaders lack knowledge on defense matters, they are forced to rely on the military. The presence of a civilian defense community, however, provides leaders with alternative perspective on defense and allows them to rely less on the military.

The development of a civilian defense community with watchdog functions over the armed forces, nevertheless, has not flourished in Nigeria. Instead, such expertise and scholarly network remain resident only in the Nigerian military academic institutions such as the National Defense College, the Military Academy in Kaduna, and the National Institute for Policy and Strategic Studies in Kuru. According to Manea and Ruland (2013), the military academic institutions have controlled the discursive production of knowledge on the military throughout the Fourth Republic. These academic institutions have continued to perpetuate a culture of secrecy surrounding all military matters and stymied the efforts of civil society actors and scholars to challenge it.

Moreover, civilian incentive to demand a military transition in Nigeria is likely impeded by the insecurity the country has witnessed since the return of Civil Rule. In their research on emerging democracies of East Asia, Croissant et al. (2012) note that the threat to the state by insurgent movements in Indonesia, Thailand, and the Philippines reduced both the incentives and the ability of civilians to eliminate military privileges because society depended on the military to address the insurgency. The same failed efforts occurred in Nigeria in the Fourth Republic. When democracy returned to Nigeria, Nigerian's greeted the civil democratic rule with enthusiasm and optimism. In the post-military period, however, Nigerians have witnessed violent ethno-religious, political, and communal events in varying magnitudes and intensities. Increasing crime rates has further exacerbated the problem (Mijah 2007). In its 2015 rankings, Funds for Peace ranked Nigeria 14 out of 177 nations on its Fragile States Index, ranking it as high alert with countries like Democratic of Congo, Chad, Syria, Afghanistan, Iraq, and Pakistan.

In Nigeria, the responsibility for internal security is delegated to the police force while the military is only tasked with support to civil authority when the president authorizes it. The

Nigerian public widely perceives the police force as the most corrupt and violent institution in the country. Since its inception, the police force has become a symbol of pervasive corruption, brazen human rights abuse, and mismanagement. In his welcome address at the Police Officer Conference in 2008, the Inspector-General of Police, Mr. Ogbonna Onova, acknowledged that indiscipline, un-professionalism, and widespread corruption have continued to be the bane of the Nigerian police force over the years. Such characteristics have greatly hampered the quality of service and have decreased the public's confidence in the police force (Agbiboa 2015). This lack of confidence in the police force as well as the increased intensity and magnitude of violence committed by different groups in Nigeria have led the country to rely heavily on its military forces.

Elaigwu (2013) notes that since military rule returned to Nigeria, the armed forces have used the exigencies of the country's security as an excuse to remain relevant. Incidents ranging from the insecurity in the Gulf of Guinea, to the Bakassi Peninsula crises, to the violent criminal activities in the Niger Delta, to the rebellion in Chad that spilled over the border have provided opportunities for the military to exert its influence over the government. Even local violent cases—such as Kaduna in 2000; Bauchi, Borno, Kano, and Katsina in 2009; Jos in 2001 and 2008, and the Boko Haram insurgency in 2009—have so overwhelmed police forces that the government called in the military to assist the local government to handle the domestic insecurity. Elaigwu (2013: 275) writes, “As the Nigerian Police Force demonstrates greater weakness in the maintenance of law and order, the credibility of the armed forces has increased. The Governor of Abia, for example, has asked for the military to stem the tides of armed robbery and kidnapping in the state. So have other states in the Federation.”

Since civil rule returned to Nigeria, civil society and the Nigerian media have indeed exercised oversight of the armed forces and the institutions charged with controlling and overseeing the military. Both civil society organizations and the media report on flagrant human rights violations committed by the country's armed forces, particularly in the Niger Delta, Jos, Bauchi, and in the northeast region. In one such example, following violent clashes between the Nigerian Army and members of a Shiite sect in Zaria, Kaduna State on 12 December 2015, the country's media reported extensively on alleged crimes committed by the Nigerian Army against members of the Shiite sect. According to several Nigerian media outlets, the Nigerian Army—fearing for the life of their leader from members of a Shiite group who blocked his passage—attacked and killed hundreds of the Shiite group and detained the Shiite leader. The media reports added that the military claimed that the Shiite leader, El-Zakzaky, was safe. However, the reports published pictures that showed El-Zakzaky visibly bruised and bloody. Accordingly, several media outlets likened the incident to clashes between Boko Haram and the security force in 2009. That clash led to the quick evolution of the Boko Haram insurgency in Nigeria.

The media has an important role in promoting democracy in emerging democratic states in Africa. As Osakue Omoera points out in his work, *The Import of the Media in an Emerging Democracy: Evaluation of the Nigerian Situation*, “The press remains the fourth estate of the realm, the watchdog and the conscience of the nation. It is the organ that informs the public about the activities of the executive, the legislature and the judiciary (Omoera 2010).” In Nigeria, aside from reporting on the military's alleged human rights abuses, the Nigerian media has also exposed corruption linking the military to politicians. As an example, following the 2014 governorship election in Ekiti, multiple Nigerian media outlets reported extensively on the potential rigging of the election by President Jonathan and the military. The reports claimed

President Jonathan instructed his Chief of Defense Staff, Alex Badeh, to use the army to arrest and intimidate opposing politicians before and during the election. Such reports highlight the key oversight role that the Nigerian media played in the Fourth Republic.

The increase in unrest in Nigeria, however, has diminished the incentive or the ability of civil society to demand changes in the armed forces. In fact, since the rise of attacks by Boko Haram against innocent civilian in the northeast regions, the Nigerian civil society has been reluctant to even condemn the country's military for alleged human rights violation in the North. This was evident in civil society's reaction to Amnesty International's report on the Nigerian Military's action against Boko Haram. In a letter written to the Deputy Senate President, approximately 100 civil society organizations condemned the Amnesty International's report on abuse committed by the Nigerian military and asked the Senate to condemn what the group described as Amnesty's blatant act of irresponsibility. In the letter, the group of civil society organization's stated:

We believe that the Amnesty report, in addition to be a distraction of the Nigerian Armed Forces from its determination to extirpate the insurgents from Nigerian soil is equally an attempt to denigrate the efforts of our gallant officers and men, who daily lay down their lives for our collective security. That this report is coming at a time the Nigerian military is inexorably outing the terrorists, surely speaks of a conspiracy somewhere. We, therefore, call on you and your esteemed colleagues in the Senate to not only condemn this blatant act of irresponsibility but, also, rise in defense of gallant military (Folasade-Koyi 2015).

This further illustrates the lack of desire, or even capacity for the civil society to demand changes in the military.

Civil society plays two important roles in supporting the development of institutional control of the armed forces in nascent democracies. In its first role, civil society serves as 'watchdog,' of sorts, over the institutions responsible for controlling and overseeing the armed

forces as well as the military institution itself. In its second role, civil society serves as an agency for change within the defense sector. The civil society calls for the legislature to examine the role of the armed forces in society and to provide an alternative source to which civilian leaders can turn concerning matters of defense. In its first role, Nigeria's civil society, with the media, has been relatively aggressive in its watchdog role. However, in its second role, Nigeria's civil society has been relatively anemic due to several factors including weakness of civil society organization, the lack of civilian defense expertise, and civilian reliance on the military due to increased insecurity since Civil Rule returned in 1999.

Conclusion

Institutionalizing civilian control of the armed forces is a challenging task for many fledgling democracies, particularly those that emerge from military rule. This chapter examined the entities in Nigeria responsible for institutionalizing civilian control—the legislature, the MoD, and civil society. Institutionalization of civilian control requires democracies to pass laws that empower civilian leaders to exercise control over the military. In Nigeria, the laws exist, but attempts to effectively implement them are anemic at best. The long military interregnum coupled with the hurried pace of transition to the Fourth Republic, left legislators ill-prepared to take on their role in the National Assembly. Legislators often introduced programs that were ad-hoc, spur of the moment, and lacking cohesion. They also lacked any political will to follow through with any initiative related to military affairs. These combined factors have led to the executive dominance over defense policies. The MoD has also failed to institutionalize civilian control in the Fourth Republic. Instead, the military continued to perform many of the roles of the MoD with little interaction or supervision from the civilians inside the ministry. The lack of strong civilian leadership facilitated the military forces' ability to maintain their hold over the

MoD. This cycle of control has been exacerbated by the broken chain of command traveling from the president to the Defense Minister to the Chief of Defense Staff. Lastly, the high turnover of the Defense Ministers compounds the problem since no minister has held the position long enough to affect positive change. When institutionalizing civilian control, civil society embraced its watchdog role. Although civil society attempted to speak out against the military abuses, the fear of losing its protection and security from the armed forces limited its ability to follow through. Civil society, hindered by its lack of knowledge concerning military affairs, has been unable to challenge what it did not understand.

The lack of knowledge of military affairs hindered all three entities' success in exercising their roles. First, the dearth of knowledge forced civilian leaders to rely solely on the military for information relating to defense matters. Second, the dearth of knowledge fostered distrust between the military and civilian leaders, especially as both groups questioned the competency of the other. And lastly, the lack of knowledge among civilian leaders left them apprehensive about challenging the military.

The legislature is endowed the power to investigate the military, but fails to do so because of its lack of knowledge and the secrecy that surrounds the armed forces' activities. When civilian leaders are apprehensive about questioning or challenging the military due to their dearth of knowledge, then these leaders are stripped of their leverage over the military. Overall, the legislature, the MoD, and civil society have the potential to carry a powerful role to restrict the privileges of the military and institutionalize control in Nigeria. This potential has yet to be recognized in the Fourth Republic.

Chapter 5 – Conclusion

Establishing civilian institutional control of the armed forces is a critical requirement for the consolidation of democracy in nations emerging from military or authoritarian rule. When civilian leaders establish institutional control within a framework of formal rules, laws, and regulations, military privileges are diminished and the power relationship between the armed forces and civilian leaders shifts in favor of the latter. Effective institutional control first ensures that the military is held accountable to civilian leaders and society. Second, it ensures that military policies are linked to overall government policies. Next, institutional control ensures that the military budget and resource allocation is transparent. Lastly, it ensures that civilians fully control all decision-making relating to defense policies and activities. The failure to institutionalize civilian control hinders the ability of emerging democracies to fully strengthen their democracy.

In emerging democracies, the legislature and the MoD are the institutions responsible for the development of institutional mechanisms to control and oversee the military. The legislature exercises control through its power vested by constitutionally to make laws and investigate government agencies and offices, which include the armed forces. Conversely, the MoD, charged with day-to-day oversight of the armed forces, exercises its oversight through a civilian defense minister who holds authority overall decision making. In addition to the two institutions, civil society also plays a key role in institutionalizing civilian control of the armed forces. This is done primarily through the “watchdog” role that civil society often takes on in a democratic state. Civil society—whether through think tanks, nongovernmental organizations, or interest groups—can serve as an alternative source of knowledge on defense matters for civilian leaders.

It can also serve as an agent of change by pressuring the legislature to address the role of the armed forces in society.

This thesis has examined the legislature, the MoD, and civil society in Nigeria to determine Nigeria's attempt at institutionalizing democratic civilian control of the armed forces in the Fourth Republic. Attempts by Nigeria's parliament and the MoD to institutionalize civilian control and oversight of the armed forces in the post-military period are anemic at best. The legislature lacks institutional knowledge and experienced civilians to effectively develop institutional mechanisms. It is the lack of oversight that has enabled corruption; this hinders the institutionalization and effectiveness of the armed forces. For example, when legislators failed to provide oversight of the military budget, an arms scandal erupted at the end of President Jonathan's term. Added to the lack of oversight, the legislature's lack of political will has allowed the executive branch to exercise the preponderance of power on defense policies. The MoD fails to impose institutional civilian control because it lacks people with the knowledge of the defense, struggles with a high turnover rate, and lacks any clear delineation between civilians and military leadership chains of command. Nigeria's civil society actively oversees both the civilian institutions charged with controlling the armed forces as well as the armed forces as an institution. Civil society has only weak demands for institutionalization of the armed forces and only weakly affects change because it lacks knowledge on defense matters and relies heavily on the armed forces to address the persistent insecurity.

All of these factors have two implications. First, the military has continued to influence defense policies in the Fourth Republic and continues to operate without strong and guiding oversight. This is most evident in the MoD's, where the lack of strong civilian leadership enables the military to operate without limitations. Second, the lack of oversight, particularly over its

budget, gravely affects the armed forces. It diminishes the military's effectiveness to address insecurities in the country and makes it more susceptible to corruption. Most importantly, this thesis highlights the importance of examining a nation's civilian institutions and civil society to fully comprehend the factors that contribute to the lack of reform in civil-military relations in post-authoritarian or post-military states. When problems occur with the military, the military is only part of the problem; the institutions have to be examined to discover why the military maintains its privileges. Overall, institutional control of the armed forces in emerging democracies must not be perceived as being accomplished simply when laws are passed that empower civilians with various mechanisms to exercise control of the armed forces. Rather, institutionalizing civilian control must be understood as a continual process that is negotiated between civilian and military leaders along a continuum. However, it is politics within the context of a particular normative conception of whose will should prevail.

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