A CONCEPTUAL ANALYSIS OF CIVILIAN CONTROL OF THE NIGERIAN MILITARY UNDER DEMOCRATIC DISPENSATIONS

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ABSTRACT
A central question in civil-military relations literature is on how civilian control of the military takes place in a State. In this respect, the challenge in instituting such control exists in a country that has at different times experienced both military and civilian governments. Since independence, Nigeria has so far witnessed three civilian dispensations- the First, Second and On-going Fourth Republics. In these periods, the military was under the control of civilian-led parliamentary and presidential democracies. This paper conceptualises the nature of civilian control of the military in these dispensations by assessing the frameworks, challenges and outcomes. Using liberal-democratic prescriptions that define civilian control as conceptual framework, it employs the historical, constitutional, structural and institutional approaches as analytical tools. The paper argues that despite the existence of constitutional provisions, structural weaknesses inherent in democratic institutions of these dispensations have affected the nature, basis and outcomes of civilian control of the military.

Introduction

An important issue that is driving the discourse on civil-military relations is how the political authority in a country exercises control of the military. This debate cuts across time and location as evident in the volume of accounts provided (Huntington, 1957; Machiavelli, 1999; Sun Tzu, 1999; Plato, 2002; Bogna, 2006). In a parliamentary or presidential democracy, it is assumed that the elected civilian leadership should have the prerogatives to make decisions on the existence, funding, equipping and operations of the armed forces (Croissant & Kuehn, 2017, p. 4). The military is subordinate to a civilian government which derives its authority by periodic electoral consent. This is seen as a requirement for a country to be deemed as being democratic (Diamond, 2002, p. 213). This has led to some critical examination of the challenges and their outcomes faced by civilian-led governments in crafting control mechanisms on the military either as a result of weak democratic institutions or schisms between civilian and military leaders (Trinkunas, 2001, p. 162; Feaver, 2005; Cleary, 2006, p. 8).

Nigeria is one of such countries given its political history of alternating civilian and

military dispensations. Since gaining independence in 1960, it has witnessed three civilian dispensations, two of which were aborted by military interventions and an on-going one which has so far witnessed over two decades of uninterrupted civilian rule. The First Republic which began on October 1960 was a parliamentary democracy which lasted for roughly four years before it was cut short by a military coup d'état in January 1966. In order to avoid the misgovernance in the First Republic, the Second Republic which commenced in October 1979 adopted a presidential system but likewise came to an end in December 1983 after about four years through another military coup. A protracted transition that reached its final stage that would have ushered a Third Republic was aborted by the military in November 1993. The Fourth Republic which came into being in May 1999 adopted a presidential democracy after a short transition programme. As at May 2023, this dispensation has operated for 24 years devoid of military displacement of civilian governance.

This paper provides a conceptual analysis of the basis, processes and outcome of civilian control of the Nigerian military in the First, Second and Fourth Republics. In essence, it attempts to address the nature and outcome of civilian control by assessing the capacity of decision-makers to exercise civilian control of the military in these dispensations. The article adopts the historical, constitutional, structural and institutional approaches as tools of analysis. These tools are used to examine the basis, processes and outcome of civilian control in the three political dispensations that bear semblances of liberal-democracy. In doing so, the paper consists of four main sections as follows: an introduction, conceptual framework, analysis of the issue and conclusion.

Conceptualising Civilian Control of the Military

Civilian control of the military in the modern times has been described as existing in two forms (Huntington, 1957). When it is subjective, the civilian elites in power penetrate the officer corps of the military with the aim of implanting its political orientations and ethos. The military becomes politicised as an extension of the ruling elites and is subject to their whims and caprices (Huntington, 1957, pp. 80-81). Objective civilian control involves leaving the military to exercise its professional functions with little political interference from the government and ensuring that it is insulated from the political pressures emanating from the activities of the elites (Huntington, 1957, pp. 83-84). In addition, civilian control is defined within the context of the prerogatives that democratically-elected authorities have over the military establishment (Cleary & McConville, 2006, pp.5-6). These prerogatives cover a number of spheres of governance. These cover the leadership selection process of the State, making policy direction for allocation of resources, maintaining law and order by non-military agencies and the competence to select military leaders, monitor strategic planning and its execution and controlling defence budgeting (Trinkunas, 2001, p. 164; Croissant & Kuehn, 2017, p.3).It is seen as a situation where political and bureaucratic leaders have the legal and constitutional capacities to make decisions for the military (Cleary & McConville, 2006, p. 6). In the same light, elected civilian leaders must have the capacity to leverage and limit the power of the military by confining it to obeying and carrying out missions assigned by the authorities (Trinkunas, 2001, pp. 162-163). In doing so, civilians can make decisions that cover formulation of defence policy and its monitoring, the military's structural and organisational roles, its requisitional activities and guidelines for the deployment and use of military forces as well as the management of its manpower (Croissant & Kuehn, 2017, p. 5). A number of structural requirements have to be met before civilian control is said to exist. The first is existence of social capital among the primary and secondary actors involved in the process of civilian control. This translates to an atmosphere of cooperation between political and military leaders at one level and existence of trust among political leaders, civil society, the media, the public bureaucracy and the military establishment in another. The second has to do with support from the public bureaucracy for the political leadership to have the institutional capacity to monitor the activities if the military. The third is existence of a defence policy that undergoes review in response to the policy, legal, institutional and resource dynamics of national security requirements. The fourth involves placing the imperatives for national security over the narrow security interests of the government in power. The fifth is effective legislative oversight of the executive as it directs and supervises military activities (Cleary and McConville, 2006, p. 8).

Civilian control of the military is a dynamic process of interaction between the military and a group of non-military actors. For civilian control to be seen as democratic, these actors should be seen to play their roles peculiar to their positions in the arena of democratic governance. These actors comprise the executive, legislative and judicial authorities, the military leadership, the media, intelligentsia and civil society (Cottey, Edmunds & Forster, 2002). With respect to the new democratic entities, the influence of well-established democratic countries and their agents of liberal-democratisation has become increasingly relevant (Bruneau & Trinkunas, 2006, pp. 777-778; Tafida, Dunmoye & Nasidi, 2023). This 'multi-acting' process determines how civilian leaders, who employ defined institutional, constitutional and policy frameworks, are able to control the armed forces of a country.

A number of deductions can be implied from this. The first is that the constitution is the basis upon which the civilian government has the legitimate right to subordinate the military to its directives. However, the constitution is not sufficient enough to guarantee civilian control in a democracy. The civilian leadership has to leverage on the authority vested on it to exercise control. Secondly, the military leadership must, in reciprocal terms, accept the supremacy of civil institutions particularly the executive directives, legislative oversight and judicial reviews. Thirdly, governmental legitimacy should be the most important force that shapes civilian control. Fourthly, the apex civilian institutions should enjoy supremacy over the military within their constitutionally-defined competences of authority. The fifth deduction is that the existence, equipping, funding and operational activities of the military should come under legal and policy guides of the government. Finally, the process involved in civilian control requires the direct and indirect participation of actors who have varying degree of influences on the political system (Cottey, Edmunds & Forster, 2002, pp. 1-20).

Civilian Control in the First Republic (1960-1966)

The transition to independence which ushered in the First Republic took place in phases with its starting in the middle of the 1950s and ending in 1960. The Independence and Republican constitutions of 1960 and 1963 respectively, provided for a parliamentary democracy that operated an executive cabinet system and a ceremonial head of state. The colonial power bequeathed the Westminster Model but under a federal arrangement. The transition to independence, its constitutional outcomes and the political realities of the First Republic impacted on civilian control of the military. The structure of military command and control were bequeathed by the British to Nigeria during and after the transition to independence. At first, it was the army that formed the bulk of the military establishment. It operated a unified command structure (Army Headquarters) under the General Officer Commanding (GOC) who was assisted by a chief of staff and Brigade Commanders (Asobie, 1996, pp. 143-144). A naval service commenced operations in June 1956. In 1964, the Nigerian Parliament enacted legislations that gave birth to the Nigerian Navy and the Nigerian Airforce as independent sister services to the Nigerian Army (Dokubo, 2011, p. 364; Bonchuk, 2011, p. 582). British officers held all the command positions of the Military as at the late 1950s. The transition to self-rule meant replacing the British dominated officer corps with Nigerians. This process started when a number of Non-commisioned officers (NCOs) who rose through the lower ranks were converted into officers. Additionally, fresh intakes were sent to prestigious military institutions in Britain under process of 'Nigerianisation'. By 1965, all command positions were occupied by Nigerian officers (Luckham, 1971, p. 233).

Perceptions of the military as a profession of low esteem and as resentful instrument of colonial domination informed some political elites to habour negative opinions about its post-colonial status and role in Nigeria. The role of the military during colonisation and cultural perceptions among many social groups created relative bias against soldiers. The profession was seen as suitable for school drop-outs or social misfits. Ahmadu Bello, a powerful figure during and after the transition to self-rule spoke of the resentment of soldiers by people in his native Sokoto province (Bello, 1962, p. 23). Similarly, during one of the pre-independence political gatherings, another prominent figure advocated for a minimal role for the military. Obafemi Awolowo is reported to have said that the country's "defence policy should aim at doing no more and no less than maintaining and modernising the Queen's Own Nigerian Regiment ….in its present size and strength" (Garba, 1995, p. 180). Such perceptions gave

prominence to the Nigerian Police Force over the military in the Constitution as military matters were confined to parliament. In addition, the absence of external threats also shaped such perceptions and advocacies concerning orientation, size and role of the military.

The 1960 constitution was not explicit on the operational existence and functions of the Nigerian military. It was the Royal Nigerian Military Forces Ordinance of September 1960 that was explicit on such matters. This law vested the executive control on the Royal Nigerian Military Forces (later Federal Defence) Council. The Minister of Defence chaired the body. The Permanent Secretary in the Ministry was secretary and the head of the Nigerian military (or General Officer Commanding) served as secretary and member respectively. The Council's powers covered such matters as appointments, promotions, ethics, disciplinary measures and operational use of the Armed Forces. In the same light, Section 33 (1) of the Independence Constitution which came into effect in October 1960 designated Her Majesty the Queen as the Commander-in-Chief of the armed forces of Nigeria by the Governor-General (NILS, 2014, p. 545). However, it was the exclusive legislative list in the Constitution and the military ordinance of 1960 that conferred executive powers on the parliament with regards the operational use of the military (NILS, 2014, p. 607).

In the 1963 constitution which transformed Nigeria into a republican state, Section 34 provided for an elected non-executive President who replaced the Governor General and by extension, the British Monarch as Commander-in-Chief of the Armed Forces (NILS, 2014, p.739). In addition, an expanded body called Federal Defence Council replaced the Royal Nigerian Military Forces Council. The new body was under the chairmanship of the Prime Minister with the regional premiers, Federal appointees and the top military commander as members. While the constitution conferred authority on the President on the operational use of the military, consultations with parliament especially the cabinet is a requirement for the exercise of such Presidential privilege. However, there was ambiguity as to whether or not the President who as Commander-in-Chief had the direct jurisdiction on the operational use of the military. The Minister of Defence who served as the interface between the government and the military command was not constitutionally answerable to the President but rather to the Prime Minister and Parliament. This controversy would eventually manifest during the political crisis of 1964 when there arose a jurisdictional contestation between the President and the Prime Minister on who should give orders for to the military (Asobie, 1996, p. 144, Luckham, 1971: pp. 237-238, Muffet, 1982, p. 11).

Two major structural factors affected the practice of civilian control in the First Republic. There was interference by regional leaders at the sub-national levels in the command and control structure of the military establishment. Ideally, the military was supposed to be solely answerable to the Federal government. In reality, there were cases where military commanders became socially attached to the extent of coming under the influence Regional leaders. It is on record that the Premier of the Northern region whose political party dominated decision-making at the federal level persuaded the commanding officer in his region to deploy troops for internal security operations in 1964 without recourse to the federal authorities (Luckham, 1971, pp. 237-238; Asobie, 1996, p. 144).

Secondly, the political influence on the top military commanders affected the vertical and horizontal cohesion the officer corps. There was a rivalry among the top hierarchy of the officer corps especially when there was a vacancy for the position of General Officer Commanding in 1965. This rivalry manifested itself in the lobbying for the top position by political leaders for their military candidates (Luckham, 1971, p. 243; Garba, 1995, p. 49). The decision to appoint the most senior officer for the post did not douse the intra-group rivalry as some of the top commanders continued fraternising with their political patrons (Muffett, 1982, p. 51). Despite the horizontal rivalry, civilian control was more 'institutionalised' on the top hierarchy of the military (Luckham, 1971, p. 247). At the vertical level, there existed a schism in the organisational bonds between the most senior and junior officers. The latter were of two categories. The first were secondary certificate holders who attended military academies and the second were those who enlisted as university graduates. With contempt, these superiors were either seen lackeys of the politicians or those with NCO were viewed as not having the requisite education to lead. The most senior officers viewed their subordinates as not having the

requisite military culture and tradition to command (Miners, 1971, pp. 113-115; Muffett, 1982, p. 115). The relative breakdown of cohesion within the officer corps became evident when a number of civilians identified as 'writers, poets and dramatists' succeeded in courting some junior army officers to plan a coup d'état (Luckham, 1971, p.17; Dudely, 1973, p. 97).

Thus, the relationship between factionalised civilian leaders and ambitious military commanders and schisms within the officer corps, affected the nature and outcome of civilian control of the military in the First Republic. In addition, these were among the factors that triggered the Coup d'état of January 1966 where a group of junior officers assassinated a number of political leaders and top military commanders.

Civilian control in the Second Republic (1979-1983)

The Second Republic ushered in civil rule in October 1979. While the country retained the federating structure, it jettisoned parliamentary system for presidential democracy. Sections 197 to 200 in Part III of the (now defunct) 1979 constitution indicated that the military was subject to the directives of the elected civilian authority (see FRN, 1982, pp. 64-65). The President was conferred by Section 198 (1-3) of the constitution with executive authority on the operational use of the military (FRN, 1982, p. 64). Sections 199 and 200 empowered the National Assembly, as part of its oversight on the executive and the military, to make laws regarding the equipping, funding and operational use of the military. In addition, the Second Schedule of the 1979 Constitution identified activities of the military as being part of the exclusive legislative list (FRN, 1982, pp. 64-65; pp. 105-106). As part of the process of civilian control, Item E (9) of the Third Schedule provided for a body called National Defence Council comprising the President of the Federal Republic, the Vice President, the Minister of Defence and the Service Chiefs (FRN, 1982, pp. 105-106).

The relationship between the military and the new civilian government was shaped by political and professional factors. This era has been described by Ojukwu (1989, p. 10) as "a period during which the military" attempted to rule by proxy or rather to have an important role in governance. When this attempt failed, the government was pushed aside in December 1983. The military enjoyed significant autonomy from the civilian government as a result of the inherent weakness in the system of civilian control. This autonomy came about due to a relative distrust between the military establishment and the civilian authorities. Upon assuming office, the executive President initially had difficulty on who to appoint as "there appeared… some difficulty in getting the service chiefs to accept" who should be the defence minister (Shagari, 2001, p. 319). In addition, the President was not inclined to having a person with a military background holding the portfolio. This was informed by a general perception among the civilian leaders in the ruling party that the struggle for state power in Nigeria was generally between two groups- the civilians and the military (Alli, 2001, p. 210; Othman, 1989, p. 114). Consequently, two civilians in sucession were appointed as ministers of defence in the first three years of before the President decided to keep the portfolio to himself until the military coup of December 1983. Civilian control was weak because of the absence of requisite civilian expertise to effectively supervise the military which eventually enjoyed some autonomy over aspects of defence policy (Fayemi: 1998, p. 87).

The gulf between the military and the civilian government became manifest on a number of defence policy directions and even the security of the regime. In 1981, the civilian government adopted a conciliatory tone during a border dispute with Cameroun where nine Nigerian soldiers were killed. This went contrary to mood within military circles and calls by some civilian figures for a military response (Nweke, 1990, pp. 412-413). In 1983, the government overruled the military leadership on the option of a kinetic response to the killing of Nigerian troops by Chadian forces (Othman, 1989, pp. 133-134). Many officers were unhappy because the President directed them to abandon retaliatory 'operations against the Chadian regular troops' (Farris and Bomoi, 2004, p. 170). The general mood within the military manifested in the form of ignoring civilian directives to 'cease hostilities' (Othman, 1989, p. 134). According to a Presidential aide, nine attempts were made to overthrow the civilian government (Othman, 1984, p. 455). One of such was by Alhaji Bukar Mandara, a former political ally of the regime. He was said to have approached some NCOs and other ranks to do his bidding He was charged and convicted of

treason by a court in July 1982 but won an appeal against the sentence on technical grounds and was subsequently released (Akinnola, 2003, pp. 55-60, Shagari, 2001, p. 398).

The apparent weakness in the civilian administration's ability to exercise effective control coupled with the political and economic problems that plagued the country combined to create the conditions for military intervention. The presidential democracy came to an end on 31st December 1983 after the four-year rule of the civilian government.

Civilian control in the Fourth Republic (1999-2023)

The Fourth Republic commenced in May 1999 after about fifteen years of military rule. Just like the Second Republic, it adopted a presidential democracy with the 1999 Constitution recognising the President as Commander-in-Chief and having executive powers to directly control the military. These powers are spelt out in Sections 217(1) and 218 (3-4) of the Constitution. These cover the selection, promotion and discipline of military personnel as well as their operational use. It includes the delegation of responsibility to any member of the armed forces (FRN, 1999, p. 85). Simultaneously, Sections 217 (2), 219 and 220 (1-2) empower the National Assembly to legislate and oversee the military's composition and provision for its maintenance, training and equipping (FRN, 1999, pp. 85-86).. Additionally, item G (16) of the Third Schedule provides for a body called the National Defence Council which serves as an avenue for executive-military interactions on policy directions for the military (FRN, 1999, pp. 143-144). Additionally, the Armed Forces Act (CAP. A20) provides in the legal and structural frameworks for the establishment, command and composition of the Armed Forces. The Act identifies the obligations and privileges of military personnel, defines their operational jurisdiction, conditions of service and the application of military law in matters of professional misconduct. In addition, it provides for the jurisdiction of civilian courts of law in matters involving military personnel not satisfied with court martial procedures or rulings (The Armed Forces Act, 2004, pp. 88-94).

In terms of the institutionalised structures, the Ministry of Defence (MOD) is the gateway by which civilian leadership formally interacts with the military. The MOD supervises the apex military organ known as the Defence Headquarters (DHQ) by ensuring compliance to defence policy and directives. It coordinates the three armed services in pursuance of policy directives of the president (MOD News Bulletin, 2011, p. 8). The Chief of Defence Staff (CDS) coordinates the activities of the three armed services through their respective service chiefs. The CDS, with the support of the service chiefs, is expected to ensure that the three armed services are organised, well funded, trained and equipped to strategise on pursuing the defence policy of Nigeria. A convention of the CDS is to ensure that the military insulated from the partisanship that exists in the political environment (Garba, 1995, p. 191).

As at May 2023, the Fourth Republic witnessed twenty-four years of uninterrupted civilian rule. Civilian control, with its peculiar deficiencies, saw improvements compared to previous democratic dispensations. This is as result of a number of factors. The external pressure for civilian rule under the semblance of a liberal-democracy to take root and be sustained is an important factor. This took the form of implanting western notions (as in doctrines and structures) of civilian control in the Nigerian political terrain (Tafida, 2020). A second factor is the role of prominent personalities with past military experience during and after the transition to civil rule in providing their expertise on how the military should be managed. These 'democratic converts' had served in strategic positions during past military regimes (Adekanye, 1999, p. 175). Their role is significant because out of the four civilian presidents (1999-2023) two had previously served as military heads of state. The first of these 'civilianised' presidencies (1999-2007) had to rely on previous military expertise in alliance with foreign support to assert executive control by selectively retiring many officers who held political appointments during military rule and through a general policy downsizing the military (Fayemi, 2003, p. 67; Danjuma, 2004, p. 4; Tafida, 2020, pp. 121-122). Under the two presidents with no previous military experience (2007-2015), the National Security Adviser (NSA) gradually usurped some schedules of the Minister of Defence with respect to arms procurement, operational and strategic directions in defence policy. In one instance, the defence ministry was by-passed by the service chiefs at the behest of the NSA, in official dealings with the Commander-in-Chief (Ifowodo, 2015). During the tenure of the

second president with a military background (2015-2023) the inclination to rely on the military to address internal security challenges continued.

Between 1999 and 2023, civilian control of the military can be said to suffer from two major weaknesses. Civilian authorities were often unable to subject the military, to account for or deter it, from ocassional violations of human rights during internal security operations. These actions went contrary to the assigned role of providing protection to Nigerian citizens wherever they reside (FRN, 2006, p. 18). The military's internal security missions cover the quelling communal crisis, fighting insurgents and terrorists, routine policing and provision of humanitarian services. Due to its limitations of the Nigeria Police Force (NPF), there was an inclination to rely on the military to manage such threats (Oshita & Ikelegbe, 2019, p. 42). Consequently, the military made in-roads into areas that are normative competences of other security bodies. The second weakness was the legislative role as a requirement in democratic control of the military. Since 1999, the executive arm subverted legislative independence by employing strong arm tactics to impose lackeys as principal officers (Braji, 2014, p. 93). There was no legislative input in formulating the National Defence Policy 2006 as it was an effort of the executive (Aiyede, 2013, pp. 167-168). In addition, the legislature failed to review the Armed Forces Act which predated 1999 and pass a law meant to clearly define the military's role (Elaigwu, 2013, p. 95).

Conclusion

In examining the basis, processes and outcome of civilian control measures in the three dispensations, paper concluded with some inferences. Control measures depended on the governance capacity of the civilian leadership and using the criteria put forward by Croissant and Kuehn (2017, p. 4), the range of prerogatives enjoyed by the military in defence policy-making, involvement in internal security, elite recruitment and public policy directions. The First Republic saw the politicisation of the top cadre in the officer corps by civilian figures engaged in zero-sum competition for power at the regional and central levels. The political currents that blew across the country proselytised the military's organisational integrity and invariably its command and control structures. In the Second Republic, the lack of civilian expertise prevented the consolidation of civilian democratic control. In the 24 years of the Fourth Republic, the military has so far been kept away from interrupting the dispensation. However, civilian control measures have depended on providing some prominent roles for the military. These are in terms of its vanguard role in defence and security policy-making, internal security operations and selection of persons with military backgrounds to serve in strategic areas of governance. The recurring phenomenon of institutional weakness in Nigeria's democratic experiments since 1960 has affects the nature of civilian control of the military. Weak institutions translate to limited leadership capacities to craft effective civilian control of the military.

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