



## Legislative oversight governance: A narrative from democratic consolidation and security sector governance in Nigeria

By

<sup>1</sup>ADELANI, Sunday., PhD & <sup>2</sup>UKWENI, Mba. PhD

<sup>1</sup>Dept of Security & Strategic Studies, Nasarawa State University, Keffi, Nigeria

<sup>2</sup>Dept of Political, University of Calabar, Cross State, Nigeria

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*Nigeria's fledgling democratic experiment requires security sector governance that brings the whole nature, character, operations and financing of a nation's security sector under the watchdog of the legislative body for the civil populace. The logic of operation and responsiveness of the security sector of any nation is a function of the quality of control exercised by the legislatures. The noticeable deficiency of the legislature in performing oversight functions over the management and regulations of activities of the Nigeria security agencies, particularly the military, in the face of rising security threats. Informed by this background, this study employed the engagement cost value theory to investigate legislative oversight governance and security sector governance in Nigeria. The study engaged security sector governance and democratic consolidation as a measure legislative oversight governance in Nigeria. The study adopted exploratory research design while content analysis of publicly available archive documents was employed for the analysis. Secondary data were generated via journals publication and other documented materials relevant to the study. Finding from this study submitted that legislative oversights do not have significant influence on democratic consolidation in Nigeria. Result that emanated from the study also revealed that legislative oversight governance does not promote security sector governance in Nigeria. This study therefore concludes that legislative oversight governance does not influence security sector governance neither does it promote democratic consolidation in Nigeria. The study recommended a re-invigorated civil society movement to consolidate democratic institutions galvanize for an effective legislative sector to deepen the democratization of the nation. The study also recommended that the office of the National Security Adviser should be reserved for informed civilian diplomats and technocrats as done in developed clime as such will promote human security as against state centric security.*

**Keywords:** Civilian Control, Democratic Consolidation, Legislative Oversight Governance, Security Sector Governance

### Introduction

The centrality of legislative oversight governance is of global standing as international counter powers and organizations; the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), and the Geneva Centre for Security Sector Governance (DCAF) have developed various standards, principles, and guidelines to help countries establish effective legislative oversight mechanisms (Arugay & Baquisal, 2024). The African Union (AU) and the Economic Community of West Africa States (ECOWAS) developed normative frameworks and instruments that emphasize democratic governance consolidation and need to promote security sector governance (SSG). These include the African Charter on Democracy, Elections, and Governance (AU) and the ECOWAS Protocol on Democracy and Good Governance (Onyekwere, 2020).

\*Corresponding author: **Adelani, Sunday PhD**

Institute of Governance and Development Studies, Nasarawa State University, Keffi, Nigeria

Interestingly, legislative governance oversight of the security sector is a crucial aspect of democratic consolidation and good governance. As the global landscape continues to evolve, the need for effective and responsive legislative oversight has become increasingly important in addressing emerging security challenges and ensuring the accountability and legitimacy of the security sector. In Nigeria, the inability of legislative governance oversight to introduce transparency and accountability into security sector governance is not only disturbing but also accounted for dearth of trust in the government and particularly the legislative arms of government (Aluko, 2015).

The nature and character of a nation's security sector are critical to the establishment of democratic values and ethos in a polity. Largely, the logic of operation and responsiveness of the security sector of any nation is a function of the quality of control exercised by the representatives of the people (National Assembly) over the sector. Put differently, the security of both the state and its population is maximized to the extent that security organizations are subordinate to democratically elected civil authorities (Ball & Fayemi, 2008). The security sector on nations is always vulnerable to corruption, particularly the military, due to the risks from high levels of secrecy, complex technical procurements and exploitation of the hierarchical nature of the military. This is mostly obtainable where there is weak legislative oversight governance.

Legislative oversight governance in the security sector is crucial for ensuring that security institutions operate in a manner that upholds democratic values, respects human rights, and effectively safeguards the security and well-being of the society. Legislators establish and utilize oversight mechanisms to monitor the security sector effectively. These mechanisms may include specialized committees, subcommittees, or commissions dedicated to security sector oversight. They conduct hearings, inquiries, and investigations to gather information, hold public officials accountable, and propose recommendations for improvement. Legislative oversight governance encourages public engagement and involvement in security sector governance. Legislators serve as a link between the security sector and the public, ensuring that citizens' concerns, feedback, and perspectives are considered in decision-making processes related to security policies and practices.

Security sector governance is a complex phenomenon that requires permanent updating of the legal framework, concretisation of processes for performing new tasks, and continuous development of human capabilities. The interaction of factors as norms, processes and people create the environment for security and development (Enicov, 2024). The components democratically constituted by the adoption of the Constitution assume the powers of legislative, executive, or judicial; others in turn are set up by these authorities to perform the policies and tasks formulated; civil society operates based on fundamental rights of access to information, association, and participation in government. Security providers in Nigeria are

Armed Forces; Nigeria Police, Public Order through Ministry of Interior bodies Nigeria Security and Civil Defence Corps (NSCDC), Nigeria Immigration Service (NIS), Correctional Services (NCoS), Fire Service, Nigeria Drug Law Enforcement Agency, Federal Road Safety Corps, Intelligence Service of DSS, NIA, DIA, and Private Security Companies amongst other.

Nigeria's fledgling democratic experiment requires a security sector that is under the watchdog of a legislative body that is alive to the performance of its oversight functions over the nation's security forces. The hypothetical base is that poor legislative oversight could mean ineffective security sector management, and this in turn could be translated to mean corruption in the military, intelligence and law enforcement (MILE), unaccountability and insecurity of lives and properties as well as compromised security architecture.

It is important to note that one of the major constraints to achieving security sector governance in Nigeria has been the inability of the nation's legislative body, the National Assembly, to effectively perform its oversight functions over the nation's security sector. This is largely due to the fact that the presidency, rather than representative of the people, the National Assembly, is almost exclusively in control of the nation's security sector. The increasing military assets procurement expenditure not correlating with protection of human lives and properties could be taken as dereliction of legislative oversight duties

The truth of the matter is that "the ruling political elites replicated the instrumental approach of their colonial predecessors to state power, by engaging the security forces who continued to serve the interests of the ruling elites rather than the security requirement of the people (Bendix & Stanley, 2008).

Furthermore, the failure of the legislative oversight governance to promote democratic consolidation could be seen in the prevalence of weak civil society engagement, flagging institutions, constricted media freedom, poor access to information, dearth of commitment to good governance, and the absence of the inclusivity of youth and women amongst others. These indicators largely accounted electoral irregularities from woolly preparation, limited political competition, non responsiveness of the civil space and outright lack of trust in government (Huq & Ginsburg, 2018).

### **Legislative Oversight Governance and Security Sector Governance**

Examples include the probe into the alleged diversion of US\$2.1 billion meant for arms procurement by the Office of the National Security Adviser, and another N3.9 billion by the office of the Chief of Defence Staff, both in 2015. In 2017, US\$43 million cash meant for covert operations by the National Intelligence Agency was discovered in a private building in Lagos. And in 2018 there were investigations into US\$1

billion that went missing after being appropriated to the Nigerian Army for arms procurement from the Excess Crude Account. Conflict entrepreneurs in the security sector also allegedly operate through the award of fictitious procurement contracts, and illegal extra-military activities such as extortion and collusion with militants in illegal fishing in the Lake Chad area (Ogbonnaya, 2020).

These activities undermine effective security force action by hollowing out the military's capabilities. For instance, because they don't procure by approval, and sometimes procurements aren't even made, the military may be lacking in weapons and logistics, making it difficult to adequately counter terrorism. Corruption has undermined effective security force action by hollowing out the military's capabilities

Despite huge financial allocations for arms procurement and logistics supplies, military sources blame the death of 83 soldiers in a 2016 Boko Haram ambush and a similar 2018 attack on the 157 Task Force Battalion in Metele, Borno State, on equipment shortfalls, poor weapons and logistics supplies, and low morale among combatant officers, who sometimes aren't paid. Over 118 soldiers including the battalion commander died in the attack (Ogbonnaya, 2020). This failure of counter-terrorism operations may account for the resurgence of terror attacks in Nigeria's north-east, especially Borno State. And despite significant financial allocations for these efforts, the terror threat in Nigeria remains huge (Ogbonnaya, 2020).

Despite massive expenditure by the Nigerian government over the past decade, counter-terrorism operations by security forces have achieved limited success and the country is still ranked on the Global Terrorism Index as one of the states most affected by terrorism. Is the problem one of bad policy, strategy and tactics, or is corruption in the leadership ranks of the security forces also to blame?

Nigeria's government allocated over N6.7 trillion to the security sector between 2010 and 2017 to strengthen its capacity for counter-terrorism operations. This amount doesn't include extra budgetary allocations such as the US\$1 billion the government borrowed in 2013 to fund counter-terrorism operations and the US\$21 million approved for the Multinational Joint Task Force (MNJTF) in June 2015. The secrecy surrounding military spending for counter-terrorism encourages misappropriation

### **Legislative Oversight Governance and Democratic Consolidation**

Feulner (2024) submitted that that there exist far-reaching patterns of democratic regression as the Indonesian House of Representative is not actively resisting democratic decline but rather serve as an active factor in autocratic legalism. This has been most visible in the reduced scrutiny of draft legislation, limited deliberation, narrow public consultation to serve elite interests, reduced oversight and scrutiny of government policies, limited questioning of ministers or inquiries into the use of the budget and the

appointment of government-favoured candidates to national commissions, courts, and state bodies. Moreover, the nature of a consensus-based decision-making system has allowed the executive to effectively control the parliament, instead of the other way around. This is despite some reminders from the Constitutional Court to respect the legal provisions that require deliberation and consultation of the people.

### **Research Question**

This study provides answers to the following research questions in a bid to achieve the objective of the study:

- i. What influence does legislative oversight governance has on democratic consolidation in Nigeria?
- ii. Does legislative oversight governance promote civilian control of the security sector governance in Nigeria?

### **Literature Review**

#### **Conceptual Clarifications**

##### **Legislative Oversight Governance**

Legislative oversight governance refers to the role and functions of the legislative branch of government in providing oversight, accountability, and democratic control over the security sector. It involves the mechanisms, processes, and tools through which legislators monitor, evaluate, and influence the policies, operations, and activities of the security sector to ensure its effectiveness, adherence to the rule of law, and respect for human rights. It is based on the constitutional mandate of the legislature to exercise oversight over security policies, laws, and institutions. It involves the authority of the legislature to review, scrutinize, and hold the security sector accountable for its actions, budgets, and performance.

In Nigeria, the National assembly (NASS), is made up of two houses; the house of Representative, and the house of Senate, the houses are responsible for making, amending, and repealing laws, as well as providing checks and balances to the executives and judicial branches. Legislative oversight governance affords the legislative arms to assess the adequacy and effectiveness of existing laws, propose new legislation, and ensure that security policies and practices align with democratic principles, human rights standards, and the needs of the society. Legislative oversight governance includes scrutinizing the budgetary allocations for the security sector. By this, legislators monitor the operations and activities of security institutions such as armed forces, police forces, intelligence agencies, and the paramilitary. This includes monitoring expenditures, assessing the impact of spending on security outcomes, and examining the effectiveness of security strategies and tactics.

## **Democratic Consolidation**

Democratic consolidation refers to the process by which a newly established or transitioning democratic system becomes more stable, resilient, and deeply rooted over time. It involves the strengthening and institutionalization of democratic principles, practices, and norms within a society, leading to the establishment of a democratic political culture that is widely accepted and respected by citizens and political actors. The concept of democratic consolidation emerged as a response to the observation that the establishment of democratic institutions and processes alone does not guarantee the long-term sustainability and effectiveness of a democratic system. It recognizes that the initial transition to democracy is just the beginning and that the consolidation phase is crucial for ensuring that democratic gains are preserved and deepened.

Effective security sector governance that upholds the rule of law, respects human rights, ensures civilian control, promotes transparency and accountability, and contributes to conflict prevention and resolution can significantly contribute to democratic consolidation. It establishes a secure and enabling environment for democratic institutions to thrive, strengthens public trust and engagement, and fosters the development of a resilient and inclusive democratic system. When security sector governance is well-established and adheres to democratic principles, it contributes to the consolidation and strengthening of democratic processes and institutions within a country.

## **Security Sector Governance**

Security Sector Governance (SSG) is about creating a framework through which security institutions work efficiently, are accountable to civilian authorities, uphold human rights, and contribute to political stability and societal well-being. It aims to strike a balance between ensuring security and safeguarding democratic values within a country. A well-governed security sector upholds democratic values, accountability, and civilian control over the military and this significantly reduce the likelihood of coups d'état. By ensuring that security forces prioritize the nation's stability and security over personal or political ambitions, security sector governance contributes to a more stable and democratic society.

SSG emphasizes the importance of transparency in the decision-making processes of the security sector. This includes clear rules and guidelines for actions, as well as mechanisms for holding security personnel accountable for any misconduct or violations. It is also rooted in the principle of the rule of law. It ensures that security forces operate within the legal framework of the country and respect human rights, thus preventing abuse of power and maintaining public trust. SSG requires that security forces protect and uphold the human rights of all individuals, regardless of their background. This includes respecting freedom of expression, assembly, and due process.

SSG contributes to the overall democratic governance of a country. It ensures that security institutions operate in a manner that supports democratic processes and does not undermine the elected civilian government. By promoting accountable and well-functioning security institutions, SSG can contribute to preventing conflicts and maintaining peace within a country. SSG encourages the involvement of various stakeholders, including civil society organizations, human rights groups, and community representatives, in discussions and decision-making processes related to security matters. SSG often aligns with international norms and standards to ensure that a country's security sector operates in line with global best practices.

### **Low Hanging Fruits of Legislative Oversight Governance**

#### **Abhorrence of Military Coup de Tat**

The desire for military rule in Africa signifies absence of effective legislative oversight governance which also reflect bad governance and a flagging democratic consolidation. Legislative oversight governance plays a significant role in constraining coups d'état by establishing mechanisms and principles that promote civilian control, rule of law, accountability, and professionalism within the security forces.

#### **Civilian Oversight**

Legislative oversight governance assists in establishing strong civilian oversight mechanisms, which ensures that the security sector operates under the authority of elected civilian leaders. This reduces the potential for military or security personnel to take matters into their own hands and stage coups.

#### **Accountability and Transparency**

Accountability and transparency in budgeting, operations, and decision-making are part of the low hanging fruits of Legislative oversight governance. This transparency helps prevent secretive or unauthorized actions that could lead to coups. Accountability mechanisms ensure that security personnel are held responsible for any misuse of power.

#### **Professionalization of Security Forces**

When legislative oversight governance emphasizes training, discipline, and adherence to professional standards, the likelihood of security personnel engaging in political activities coup attempts or conflict economy, is greatly reduced as to the likely consequences. Professional forces prioritize their role in protecting the nation rather than pursuing political ambitions.

#### **Respect for Human Rights**

Legislative oversight governance ensures that the security sector is not only accountable to the society they are to protect but also uphold and respect citizens fundamental human rights. Legislative oversight governance that promotes respect for human rights ensures that security forces prioritize human rights

content over political agendas. This increases the public's preference for a democratic rule as against support for coup de tat.

### **Inclusivity and Diversity**

Legislative oversight governance does not only promotes diversity and inclusivity in recruitment and leadership, it also helps to ensure that the security forces reflect the broader population's interests. This can prevent perceptions of exclusion that could contribute to coup attempts.

### **Strong Judicial System**

A functional legislative oversight governance does not only check the excessiveness of the executive but also enable an independent and efficient judicial system that ensures that legal processes are upheld and that individuals are held accountable for any unconstitutional actions.

### **Factors Constraining Legislative Oversight Governance Performance**

#### **The character of the 1999 constitution**

The 1999 constitution was a military imposed constitution, which stipulated that Nigeria must not be governed in any other way except as provided in the constitution. Many scholars have traced the numerous insecurity challenges; unemployment, kidnapping, terrorism, banditry, herdsmen attack and so on, to the root cause of the constitution handed over by the military in 1999, as it is less accountable to the people. Nigerians have been pleading with the national assembly to enact a new constitution. Afe (2023) opine that the government should put in place an interim government for six month to enact a new constitution (ThisDay, 2023) studies have shown that many countries that were besieged with problems had set up interim government to enable new constitutions

#### **Executive absolutism**

Akin to the above is the fact that the constitution gives the President almost absolute control over the defense and security sector without much consideration of the National Assembly which is the elected representatives of the people. This constitutional disposition further affirms the disposition of a military regime whose governance style is regimental and not democratic. Executive absolutism persist due to the absence of Legislative oversight governance and this makes it difficult as Nigeria military expenditure keeps increasing despite crime and criminalities not subsiding.

#### **Supremacy of the political Party over the Constitution**

Legislative oversight governance is also grossly watered down by the party supremacy rather than supremacy of the constitution. This is largely seen whereby National Assembly members of both House of



Rep and House of Senate, tend to allow party considerations override their exercise of legislative oversight function. This is closely tied to appointment into committees including defense and security committees, making them based largely on patronage rather than merit. As a result, most members of the defence committee are ill-informed party faithful, completely bereft of knowledge and/or experience about the operations and organization of the defense and security sector.

## **Empirical Review**

### **Legislative Oversight Governance and Democratic Consolidation**

Feulner (2024) examined the Indonesian house of representative and its role during democratic regression. The study was done with reliance on desktop research design. Findings from the study showed that Indonesian House of Representative is not actively resisting democratic decline but rather serve as an active factor in autocratic legalism. This has been most visible in the reduced scrutiny of draft legislation, limited deliberation, narrow public consultation to serve elite interests, reduced oversight and scrutiny of government policies, limited questioning of ministers or inquiries into the use of the budget and the appointment of government-favoured candidates to national commissions, courts, and state bodies. Study was done in Indonesian and the need for similar study in Nigeria cannot be overemphasised.

Yusuf and Ojoduwa (2022) engaged the institutional agency theory to investigate the roles played by the legislature in performing its oversight function in Nigeria's Fourth Republic, from 1999 to 2019. The study was basically empirical, generated the data from face-to-face interview using purposive sampling and case study research design. Result from the study revealed that for oversight function which could strengthen democracy in Nigeria is shallow in terms of dearth of research by both the legislature and its staff should be trained frequently for the research improvement in the Nigerian National Assembly.

Pelizzo and Stapenhurst (2012) investigated legislative oversight and the quality of democracy. The study built on a growing body of research and analysing original data from 97 national legislatures. The study submitted that while international organizations, that have devoted so much attention to legislative strengthening, were correct in suggesting that oversight effectiveness is important for making democracy work well, they need to change the focus of their legislative strengthening programs from increasing oversight capacity to ensuring that oversight capacity is put to good use. Study was an emphasis on the need to put oversight functions into good use hence study did not zero down on security sector governance which this study will consider.

Signé and Korha (2015) study queried the horizontal accountability (legislature, judiciary, national elections commission, general auditing commission, and anti-corruption commission) on the consolidation

of democracy in Liberia. The study was a qualitative study. The study submitted that most African emerging democracies are failing to consolidate and reach the two-turnover test because of poor quality of elections and limited institutionalization of vertical accountability. Study opines that the neglect of the horizontal accountability processes are also crucial for the quality and durability of democracy.

### **Legislative Oversight Governance and Security Sector Governance**

Muhammad and King (2024) empirically examined an overview of democratic consolidation and regression in Africa. Data for the study is obtained from secondary sources through examination of copious literature on the subject and examining occurrences in different parts of the continent. The study submitted that the region experienced overall, though uneven and not substantial progress towards democratization. While some countries have experienced tendency towards backsliding, some others have experienced considerable growth in some of the indexes that promote democratic consolidation. On the aggregate however, the continent cannot be said to be making substantial progress towards consolidation. This may be due to a host of factors that include peculiar political environment of each country. The study was an African study and there is need for a country specific study has undertaken by this study

Ogbonnaya (2020) amplified the failure of legislative governance as reflected in the presence of counterterrorism conflict economy around Nigeria's military expenditure. The study engaged qualitative research design with reliance on related extant publications and observations. The study submitted that Nigeria's counter-terrorism operations is failing is largely due to corruption in counter-terrorism operations in Nigeria as seen in conflict entrepreneurs within the hierarchy of military leadership and the ministries, departments and agencies in the security sector apparently use military funds meant for counter-terrorism operations to enrich themselves. The study opines that military spending is usually not audited due to its sensitive nature and such secrecy that surrounds it encourages misappropriation. The study did not connect this misnomer to absence of legislative oversight governance in security sector governance.

Uzuegbu-Wilson (2019) interrogated the nexus between security sector governance and Its Impact on Development in Nigeria. The paper adopted a historical approach and qualitative descriptive method of research and also human security provisioning as theoretical framework for analysis. The study submitted that a comprehensive reform of the security sector with a standard set for security governance remains critical to efforts aimed at addressing the developmental challenges of Nigeria. The study opined that the law enforcement system in Nigeria is fraught with a lot of issues and challenges that negatively impact on

development. The study did not bring to review the missing roles of legislative governance oversight which this study will do.

## **The Theoretical Framework**

### **Engagement Cost Value Theory**

The theoretical framework adopted in this work is the engagement cost value theory propounded by Isaac Richard, Joshua Owen, and Gerald Thompson (Owen, 1983). The thrust of the theory is that every venture engaged by people must be properly costed in finance, materiel and human costs, as doing such will help the policy makers to plan better in the future. This theory came into effect after the 1982 Falkland war between Britain and Argentina. This theory thus informed the conclusion that Falkland war both finance and human was a pyrrhic victory for Britain i.e. though the British won but it was a costly one. The theory protagonists thus submitted that with their findings and analysis, Britain will henceforth learn how not to engage in a costly victory. They equally believe that the Falkland natives will now appreciate the British the more having seen the huge sacrifices they made on their behalf.

They also maintain that accounting for engagements by nation(s) helps the nation(s) to know whether they are meeting their national interest through such venture and at what cost. Using this theoretical extrapolation, this study aim to articulate the economic cost (finance, materiel, and human) of military assets procurement as against judiciously engaging such funds in the provisioning of socioeconomics services to the people so as to give room to policy makers to be better positioned in future policy making.

### **Methodology**

The study adopts exploratory research design while content analysis of publicly available archive documents was employed for the analysis. Secondary data were generated via journals publication and other documented materials relevant to the study with reliance on secondary data. The research is conducted by examining literature concerning security sector governance, democratic consolidation, and legislative oversight governance in Nigeria. The literature was obtained through searches in publicly available material. Literature from non-serial publications, official reports, and conferences has been included particularly if they have been cited by other references.

### **Discussion of Findings**

The review of literature showed that legislative oversights do not have significant effects on democratic consolidation in Nigeria. This could be seen as Nigerians continually witnessed flamboyant lifestyle of legislatures amidst a pauperized public space, reduced oversight and scrutiny of government policies,

limited questioning of ministers or inquiries into the use of the budget and the appointment of government-favoured candidates to national commissions, courts, and state bodies. This finding aligns with the previous works of Yusuf and Ojoduwa (2022); Pelizzo and Stapenhurst (2012); Signé and Korha (2015); Feulner (2024)

The result gotten from empirical literature also revealed that legislative oversight governance does not promote security sector governance in Nigeria. This is seen in the reduced scrutiny of draft legislation for military security sectors and military establishments and, limited deliberation on military expenditure, narrow public consultation to serve elite interests. This finding is consistent with the findings in the previous work of Muhammad and King (2024); Ogbonnaya (2020); Uzuegbu-Wilson (2019); Aluko (2015) who had earlier called for the entire security sector to be subsumed under legislative oversight governance as such oversight function when properly harnessed will drastically reduce opaqueness surrounding security votes and obscure military assets procurement.

### Conclusion and Recommendations

Based on the conclusions of this study, the following recommendations are made;

- i. The study recommended a re-invigorated civil society movement to galvanize for an effective legislative sector to deepen the democratization of the nation.
- ii. The study also recommended that the office of the National Security Adviser should be reserved for informed civilian diplomats and technocrats as done in developed climes as such will promote human security as against state centric security.

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