

The 1999 Constitution, the Political Class and Resolving Security by "WE THE PEOPLE"

I have raised and continue to raise the issue of a getting philosophy of security for Nigeria by Nigerians to replace the military-inspired security practice in place. I have pointedly noted the need for the political class in the dispensation since 1999 to have a security philosophy reflective of their role in Nigeria. In line with this argument, I have noted that if the military's view on security emanated from their defence role as enshrined in section 217 of the 1999 Constitution, it was important Nigerians knew the view of the political class on security within their governance role and within the 1999 Constitution that provided the enabling environment for their role.

It was taking into cognisance the constitutional role of the military, which subsequently defined their pursuit of defence-inclined security that made me argued that the role of the political class should come from their role of governance of the entire country. Unlike the military whose role as professionals in charge of defence was limited to the defence of the country against external attacks and internal subversions, the political class, given political power by the electorate during elections, had the responsibility of governing the entire country. I said the entire country not a section of the country or a section of the constitution. The political class's governance endeavour is accomplished with the assistance of specialists in the difference sectors. One of the specialists is the military.

If persistent military interventions in the political process had dwarfed the role of the political class in governance and thus inhibited the emergence, growth and development of their perspective on security in tandem with their governance role, should the prevailing enabling environment which had ensured they held on to political power this long – the longest continuous hold ever since independence – not afford the political class the chance to provide a philosophy of security in tandem with the mandate they regularly get from the electorates?

Where should this search for the role of the political class on security begin? It should begin with the constitution. The constitution provides for the role of most institutions including the military that instituted the prevailing practice of security. The military's role as far as security is concerned is clear and unambiguous. The military's role is in the provision of defence. The constitution provides for the role of the executive and legislative branches of government to which the political class are elected into by the electorates to govern. These two branches decide the policies on all areas of governance. What did the constitution say about security? Who drew up the constitution? What is the provision on security? Does the provision speak for the people?

The 1999 Constitution is the document on which the prevailing system derives its powers. As a constitution it was compiled by the military when it was in power. The constitution resulted from two previous constitutions drawn up by the people. The first of this was the 1979 constitution which came into being following the Constituent Assembly of 1978. The 1979 Constitution was the governing document of the republic that lasted from 1979-1983. The second document was the 1989 Constitution which would have ushered in the republic whose groundwork had commenced in 1986 with the creation of the Political Bureau had the military allowed this. The 1989 Constitution did not commence full operation since the military regime then was unwilling to vacate power. Some sections of the Constitution operated until the whole scheme collapsed on the weight of its contradictions.

Both the 1979 and 1989 Constitutions were created by the military within the framework of constituent assemblies. When the military was hurried out of power towards the tail end of the 1990s, it was from these two documents that the 1999 Constitution was manufactured. Unlike the 1979 and 1989 Constitutions that had constituent assemblies representing the will of the people, the 1999 Constitution had no constituent assembly. The provisions of the Constitution were drafted by some select groups using the Constitutions of 1979 and 1989 as bases. To this extent, it was not a constitution authored by the sovereign, the people of Nigeria.

Therefore the opening statement of the 1999 Constitution "WE THE PEOPLE" did not come from Nigerians. This is because Nigerians or their elected representatives did not author the constitution. The Constitution was authored by the retreating Nigerian military that was the governing class at that moment. The Constitution did not represent the will of Nigerians.

Aside this, there are several intentions and words in the constitution that required definition and clarification in order to shield them from manipulative ambiguity. For instance, the part that says "TO LIVE in unity and harmony...dedicated to the promotion of inter-African solidarity, world peace, international cooperation and understanding" should never have preceded "AND TO PROVIDE...for the purpose of promoting the good government and welfare of all persons in our country..."

The latter should have come first before the former since it is only when Nigerians have been governed properly that they will "live in unity and harmony" and be in the position to promote "inter-African solidarity, world peace, international cooperation and understanding". Charity cannot begin abroad. Charity has to begin from the home front. What does this constitution mean by "good government" and "welfare"? The term "good government" presupposed the existence of "bad government". What is this "good

government"? This term reminded me of the persistent use of "good governance" by the political class without giving any thought to its conceptual import.

The reference to security by this Constitution came in Chapter II or Fundamental Objectives and Directive Principles of State Policy. Perhaps the provision in section 14 (2) b was the ground for the prevailing practice of security in Nigeria. Accordingly, "the security and welfare of the people shall be the primary purpose of government". As I observed in the preceding, the choice of words and intentions at the material time it was drafted mattered to the extent that without clarification it was subject to manipulative interpretation. What was meant by "the security" of the people shall be the primary purpose of government?

In what sense do the drafters of the constitution understood security? Was it in the sense that their principal – the military government in power and responsible for the constitution – understood security? Was their (the drafters of the constitution) understanding derived from their own independent knowledge of security in tandem with the expectation of the operators of the constitution? Was their understanding derived from their socialisation under the military's defence-inclined security? Does this security equated to the envisaged political role of the elected office holders elected to provide security in all facets of human endeavour?

Does this equated to the expected continuous role of the military in any future political system? Did the term "security" took into consideration the enabling environment – suffused with what the military rulers then described as insecurity – in its making? Was this insecurity the reason for the insertion of "security" first and "welfare" second as the primary purpose of government? What was the meaning of this "security"? What was the meaning of "welfare"? Perhaps, knowing the meaning of "security" and "welfare" would prioritise the reasoning of the drafters of the constitution.

The experience from 1999 to date in the pursuit of security was demonstrative of the intention of this security. It was no doubt the continuation of the military's defence-inclined security perspective justified on the ground that their perspective of insecurity – crime, agitations, insurgency, terrorism etc – had continued. This perspective of security did not answer the question of the perspective of security of the political class. Indeed as I had asked previously:

"if the military define security within their job description of defence, how should the political class define security? Should the political class not define security within their job description of governance that encompasses most things beginning with the foundation of security, the economy? Should the political class not follow the security type advocated by

Anthony Burke that "security should not be seen as one good among many. Security should be the good that guarantees all others". Should the Nigerian political class define security in the context of their difficult experience in the hands of the military as the quid pro quo that security is today? Where is the difference between the political class and the military class in the definition of security? Of the military and political class, who owns security?

The political class, elected by the people into the executive and legislature, clearly own security. This type of security is all encompassing in what Burke described as "...the good that guarantees all others". This security guarantees the defence security type the political class assigned the military to provide.

The reference to "security" of the people shall be the primary purpose of government in Chapter II is vague. It did not say which security type was involved. Was it the type that put the military and thus the law enforcement people in the front? Was it the type that put the political class, the elected representatives of the people, in the lead? If it was the latter, what was their view of this security as distinct from those of the military that shaped theirs and most Nigerians perspective?

In view of the fact that this constitution was written by the military within an environment socialised into its view of security, it was most likely the reference was to this type of defence-inclined security. In view of the reference to the experience of the political class in the hands of the military over the course of many years since independence, the quid pro quo referred to in the quotation above may have informed their (political class) acquiescing and taking the back seat in allowing this security to prevail. After all the prevailing security system more than provide for them and created the leeway with which to justify their conducts for the people in the name of security.

To this extent, the constitution and its content did not reflect the views of "WE THE PEOPLE" as it claimed. Indeed the only attempt to review the constitution since 1999 was an exercise in sham. The constitutional review exercise carried out all over the country was accomplished in an atmosphere of lack of preparation, manipulation and intimidation. The exercise accommodated the particular concerns of the political class who saw nothing wrong with the rest of the provisions of the constitution.

The prevailing security knowledge associated with military/defence is not the priority of governance. This security type is the least priority of governance that any well motivated and equipped law enforcement can handle if the prime priority of governance – enabling people fend for selves economically – is enabled. The priority of security is to enable citizens to earn a living directly or indirectly. This security is a complete package that

begins with getting the economy working for most Nigerians. It is only when the economy works that all other facets of security including defence works since it is the resource from the economy that would be used in equipping those in the defence sector. In other word, the role of the political class in governance is to make this work in all the sectors.

We elected our representatives to secure our lives. In the context of electoral democracy, securing our lives from which security was derived was not synonymous to the job description of defence and law enforcement officials. This security was the least type of insecurity that mattered to Nigerians. The security that mattered to Nigerians is the Burke type which prevents all other type of insecurity including the type from which the law enforcement agencies philosophy of security originates. Indeed it was the absence of this security that gave room to the law enforcement type. Security referred to Nigerians ability to fend for selves economically. This was the foundation of security. All other forms of security owe their existence to the presence or absence of this security

It is imperative that "WE THE PEOPLE" have our philosophy of security. It is imperative that it is from the "WE THE PEOPLE" philosophy of security that the political class we elect into the executive and legislature will construct their governance *raison d'être*, policy and strategy in that order. The last 17 years was enough to begin to work for this. It meant distancing the people from the prevailing security type that create insecurity for them.

"WE THE PEOPLE" must take ownership of security. The constitution must emanate from the people hence the "WE THE PEOPLE" preface. The only attempt to review the constitution did not emanate from the people. It is the responsibility of the people to insist on a philosophy of security in tandem with the role of the political class in governance. It is a role encapsulated in Anthony Burke's perspective of security.

"WE THE PEOPLE" must not allow the alliance taking root between the political and military classes that accommodate their security concerns. We must demand that the political class provide its philosophy of security in tandem with its governance mandate from the people.

As I have argued, only "WE THE PEOPLE" can guarantee the stability of democracy and the tenure of the elected officials and not the military as the prevailing placatory security alliance was meant to accomplish. In providing security for "WE THE PEOPLE", "we the people" alone can guarantee the security of the political class.

Now is the time for "WE THE PEOPLE" to begin to advocate for drawing up a constitution that not only represents the unambiguous intentions of the people but is clear on the notion of security for all time.