

**CIVIL – MILITARY RELATIONS AND LEGISLATIVE OVERSIGHT IN  
NIGERIA: A STUDY OF FOURTH REPUBLIC NIGERIAN SENATE.**

**By**

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## DECLARATION

I declare that the research work in this Dissertation titled “**Civil – Military Relations and Legislative Oversight in Nigeria: A Study of the Fourth Republic Nigerian Senate**” is the original work carried out by me under the supervision of **Dr. Asimiyu G. Abiola** of the University of Benin/ National Institute for Legislative and Democratic Studies (NILDS) postgraduate. I further declare that the information derived from the literature has been duly acknowledged in the text and the references.

**CERTIFICATION**

This Dissertation titled, **Civil – Military Relations and Legislative Oversight in Nigeria: A Study of the Fourth Republic Nigerian Senate** has been duly presented by **Morufu Olasunkanmi YAYA (REG. NO: PG/NLS/1514104)** of the NILDS/UNIBEN Graduate School, Abuja. Copies of the Dissertation are submitted for Evaluation by panel of examiners and subsequent oral defence by the candidate.

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## APPROVAL PAGE

This dissertation has been read and approved as meeting the requirements of the University of Benin/National Institute for Legislative Studies (UNIBEN/NILDS) for the award of Master's Degree in Legislative and Democratic Studies (MLDS).

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## **DEDICATION**

This work is dedicated to Almighty Allah for His Mercies and Blessings over all His Creations.

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## ABSTRACT

This study examined Civil-Military Relations in Nigeria within the context of the phenomenon of parliamentary oversight of the Military within the fortress of the eight (8<sup>th</sup>) Assembly of the Fourth republic. The study considers the pivotal roles which both the legislature and the Military play in the survival of democracy and development of any country. Civil-military relations plays pivotal role in the smooth relationship between the civilian population and the military personnel in every country. However, how well this relationship goes depends greatly on the effective oversight of the Military and its institution (personnel inclusive) by the legislature/parliament. In Nigeria, cases of Military personnel brutalizing and intimidating the civilian population attracted enormous condemnation at the wake of civil rule in 1999. The study underscores the need for the two important institutions to interact adequately on the areas of common interest. While the broad objective addresses the Civil- Military relations in the Fourth Republic, the specific objective understudied how the Civil-Military relations have affected the fight against insurgency, militancy and internal insurrection during the 8<sup>th</sup> Assembly. The justification of this study was hinged on the need for the Parliament to effectively oversee the Military and the need for the Parliament to carry out the oversight function of the Military without hindering its constitutional mandates.

The study adopted the survey research design and Key -informant interview methods to examine how well the Nigerian Senate has oversights the Military and Civil-Military institutions in Nigeria. Also, the researcher used secondary data sources to complement the primary data conducted. The data were analyzed by descriptive analysis to describe and explain the findings in regards to focus of the study.

The findings of the study reflected the state of Civil-Military relations in Nigeria before 1999 as frictional relationship due to existence of a powerful Military, which in the immediate past, had total control over the machinery of government. The study also revealed that from 1999, the Military is gradually repositioning and re-professionalizing so much so that the state of Civil-relations depicted this paradigm shift in Military transformation. The improved Civil – Military relations has impacted the fight against insurgency, militancy and internal insurrection. On the oversight function of the Committee on defence for improved relationship, the study observed that the holding to account (through budget defence and oversight visits) ensured efficiency and effectiveness across the defence sector and National Assembly. This ensure that Military institutions must make the best possible use of public resources on fulfilling their respective roles and responsibilities and missions. Some challenges hindering effective legislative oversight of the Military included lack of commitment, funding issues, non-implementation of parliamentary resolutions, exhibition of blind loyalty to party, ethnic, cultural group and lack of political will amongst others.

The study further recommended cooperation among critical/sector stakeholder, availability of fund for committee activities, commitment to committee's mandates, training and retraining of the committees' members and improved welfare of committee staff to enable parliament and parliamentary committees work more effectively, etc. as factors that will boost effective legislative oversight of the Military by the Nigeria Senate.

# CHAPTER ONE

## Introduction

### 1.1. Introduction

Eric Hoffer once noted that, *“there are similarities between absolute power and absolute faith; a demand for absolute obedience, a readiness to attempt the impossible, bias for simple solutions – to cut the knot rather than unravel it, the viewing of compromise as surrender. Both absolute power and absolute faith are instruments of dehumanization. Hence, absolute faith corrupts as absolutely as absolute power”* (Nigerian Tribune, Monday, March 29th, 2010). This is very true when situated in the realities of life; man by nature is selfish and violent thereby making the Hobbesian state of nature possible outside the democratic state. Inculcating good civil orientation on the military and a good civil – military relation has been recognized by scholars as the only panacea to political instability and under-development (Abubakar, et al, 2017; Arjana, 2002; Hitrov, 2004; Wogu & Ibietan, 2014). Having gone through a decades of military regimes, and considering the pivotal roles which both the legislature and the military play in the survival of democracy and development of any country, there is need for regular civil – military interface in Nigeria. This study underscores the need for the two important institutions – the Legislature and Military – to interact adequately on the areas of common interest, challenges facing Nigeria’s young and wobbling democracy and possible ways forward all in a bid to deepen civil-military relations in and Nigeria and reduce cases of human rights abuse and military interference in politics.

The military as a critical element of national defence has ensured the defence of the territorial integrity of the Nigerian State and indeed, assured internal security in the country (Abubakar, et al, 2017). Nigeria has survived a civil war and series of ethno-religious and political crises and is currently faced with the Boko Haram insurgency, armed-banditry, militancy, kidnapping, etc. that pose a huge challenge to the nation (Wogu & Ibieta, 2014). The Nigerian Military has also done well in maintaining peace and security in the West African sub-region, Africa and some other parts of the world through peace-keeping operations. Ogah (undated) however, opined that inherent internal contradictions of politics, economics, religion, ethnicity, corruption and other social ills have all combined to exert pressure on the national psyche (including the nation's military) and these have adversely impinged on the potentialities of the Nigerian nation.

Nigeria has witnessed myriad of conflicts and ethno-religious crises since the return to democracy in 1999 after long years of military rule pervaded by violent/non-violent coup de'tats (Akindola & Ehinomen, 2017). These crises range from the activities of the Niger Delta militants in the South South, the Fulani herdsmen-crop farmers conflicts in some parts of the North West and North Central zones and the activities of the dreaded Boko Haram insurgents across states in the North East of Nigeria (Osabiya, 2015). The reaction of the government to these conflicts and heightened insecurity situation is a deployment of military personnel over troubled civilian-dominated areas.

Sequel to the long years of military rule preceding the Fourth Republic, the continued deployment of military personnel to crisis-prone areas and an under-

resourced police manpower, poor civil-military relations and infractions and a general lack of cooperation between members of the public and the military personnel, civil-military relations seem to be at its lowest ebb (Abubakar, et al, 2017).

On the other hand the National Assembly is among other functions saddled with the mandate of overseeing Ministries, Departments and Agencies (all government institutions) including the Military and its adjoining agencies (Hamalai, 2015). In Nigeria, the legislature remains the first arm of government charged with the traditional law –making function. However, its functions go far beyond law – making to encompass power of appropriation, public petition, conflict mediation and resolution, ensuring accountability in government, protection of public interest and over-sight on every other government institution or establishment, thereby making it indispensable in the nation’s democratic governance. In a paper presented at a public lecture organized by the Department of Political Science, University of Lagos Rt. Hon. Emeka Ihedioha, Deputy Speaker of the Federal House of Representatives opined that the Legislature occupies a central role in any democratic framework. While there can be government without the legislature, there can be no democracy without the legislature. Therefore, for Nigeria’s democracy to thrive, the legislature as a major institution of representative governance must be strengthened (Vanguard, July 8th, 2012). The National Assembly of Nigeria plays pivotal role in the formulation of national security/ defense policies and determining military engagements. Mbachu (2009) argues that, security is all about national interest and involves “the sum total of actions and measures, including



legislative and operational procedures, adopted to ensure peace, stability and the general wellbeing of a nation and its citizens”.

Discernible from the foregoing is that there is more to military operations than just obeying command from the superior authorities. It goes to show that issues of defense, security and external peace-keeping operation are also within the domain of the legislature who passes resolutions, Acts, and laws relating to military affairs and operations as well as oversight them. In like manner many military officers have proved to be astute law – makers on retirement. That is to say that some members of the National Assembly are actually former military officers who served Nigeria meritoriously in their service years.

The security situation in the country has assumed a worrisome terrorist dimension and has engendered the militarization of civilian environments. This calls for urgent policy aggregation and articulation in order to find a lasting solution to the situation. The legislators are the representatives of the people and together with the armed forces they have the responsibility of ensuring the security of lives and property of the people and provision of public goods to the Nigerian society. Reneging on this responsibility would mean a failure of the relevant institutions. This will unarguably result in mistrust and loss of faith in the leadership of the country. Therefore, there should be improved civil-military synergy on the areas of common interest.

Parliament/ legislative bodies play important role in democratic control of the Military (civil – military relation). However, Nigeria is faced with the challenge of

developing an effective system for parliamentary oversight of defense policy and civil-military relation (Cottey et al. undated). According to Arjana (2002), democratically elected legislature is the institutional expression of popular accountability. The elected officials examine and approve legislation and broad public policy and defense budget. The importance of the parliament in civil – military relations cannot be over-emphasized. Laws and effective parliamentary oversight of the armed forces depends largely on both "the formal constitutional or legally defined powers of the legislature and the capacity of the legislature to exercise those powers in an effective and meaningful way in practice". However, inadequate parliament interest in defense and security matters; limited access to information; dearth of material support to facilitate the oversight function; and lack of academically sound/ qualified legislators (i.e. dearth of expertise) are some challenges facing National Assembly oversight function on the armed forces.

Oversighting the civil military relations ensures and fosters national security, cohesion, accountability, respect for the rules of engagement and human rights of civilian and the Military. Therefore, this study seeks to examine how well NASS has over-sighted civil military relations since the nation's return to democracy in 1999.

## **1.2. Research Problem and Question**

The Nigerian Military consists of highly educated individuals. According to Oko (2015), prior to the return to civil rule in 1999, the Military was been seen as an organization made up of mean people that cannot be talked to. However, with the

return to democratic government the situation has changed throwing up the civil military relations issue. And added that the choice is not between durable democracy and a strong military; a nation that cannot achieve both will have none. According to Oko (2015), the greatest challenges to civil military relations emanate from how the military should be deployed in rapidly developing societies simultaneously battling to deepen democracy and promote change and development.

Section 217 & 218 of the constitution; section 8 of the Armed Forces Act listed civil control mechanisms of the military in Nigeria to include both the executive and the legislature. The democratic process has strong institutions – the executive and the legislature that systematically control the military. Designating the president, an elected civilian, the commander in chief, forcefully reinforces the notion of subordination to civilian authority. Granting the legislature, the peoples’ representatives, significant control over the military bolsters public confidence that the country truly operates a government based upon sovereignty and will of the people. Oko (2015), opined that the executive arm control the military through the appointment of military commanders. The Legislature through its law making powers, budget, ratification of the appointments of service chiefs and its oversight functions control the military. It appears that arrogance, self-righteousness, pride and ambition on the part of military personnels constitute impediment to smooth civil military relations in Nigeria.

The perceived Nigerian military’s poor human rights record has a very negative impact on effective civil military relations in Nigeria. Grave abuse of the right of civilians in several parts of the country, from the Odi (1999) to Zaki Biam (2001), and more

recent alleged extrajudicial killings, mostly in the context of countering militant and separatist groups from Boko Haram and the Islamic Movement of Nigeria (IMN) to the Indigenous People of Biafra (IPOB), have further alienated citizens, whose cooperation is crucial for successful internal security operations within these flashpoints (Crisis Group Africa Report No. 237, 6 June 2016).

This state of affairs have left in its trail a military greatly challenged in its primary function of defending the country and its citizens as civilians are scared of giving out information to the Military (Crisis Group Africa Report No. 237, 6 June 2016). Although, the Nigerian Military has been able to reverse Boko Haram's advance greatly since early 2015 but only with help from the forces of Nigeria's poorer neighbors and support from foreign technicians and mercenaries. Since assuming office in June 2015, the National Assembly has passed several motions and resolutions regarding better ways of enhancing security leading to the executive relocating the military command centre dedicated to the fight against Boko Haram to the North East. These actions have had salutary effects on the fight against insurgency but did not translate to improved civil-military relations.

The need for Legislative oversight of the Military is hinged on the fact that the Executive arm of Government regards it as its own exclusive purview, just like the security agents themselves feel their loyalty goes to the Executive. This therefore implies that tension between the two arms of government over the effective supervision of the Military sector is inevitable in most countries. On the other hand, there is the need to ensure effective action by the executive in the activities of the sector, while at

the same time balancing the democratic ideals of ensuring perfect checks by the legislature. Defence makes this establishment of such balance difficult because of certain reasons (Lunn, 2003):

- a. Defence generally concerns the security of an entire country and involves a decision to commit lives of people and enormous resources. This decision of this nature must enjoy popular support.
- b. Also, the defence involves the maintenance of Armed Forces, who are a special group, in view of the fact that they possess weapons and armament. The Military therefore is a group that can make a difference between life and death. Its loyalty is essential for any government, hence the need to maintain contact with it by the various arm of government.

Further complications are created by the major question as to whether there exists areas in the defence sector that are strictly military in nature and should therefore enjoy non-interference both from the Executive and the Legislature. It is generally believed that such areas do indeed exist. The development of military doctrine, tactics and the training of the armed forces personnel should be left in the care and control of the military professional themselves (Lunn,2003). All other areas not falling within the above category will require that the military gives proper account to the civilian government, particularly the Legislature, as the representative of the people. This process and procedure of Military accounting their activities to the Parliament is captioned as the legislative oversight of the Military.

However, the law-makers are mostly people with little or no knowledge of the military field and find it difficult to get along when military matters are being discussed using military field experiences (terminologies). This constitutes serious impediment to effective oversight of civil-military relations by the relevant committees of National Assembly. The high turnover rate according to Hamalai (2014) has impacted adversely on the capacity of the mostly new (first term) legislators to discharge their law-making, oversight and representation functions. This informs the rationale behind this study being undertaken to establish the effect of legislative oversight on civil-military relations in Nigeria. This research takes a critical look at how the National Assembly has performed its mandate of overseeing the military for improved civil-military relations and the factors impeding the smooth execution of the oversight of the military by the National Assembly.

### **1.3. Research Questions**

Therefore, this study was guided by the following questions

- i. What is the state of civil-military relations in Nigeria since 1999?
- ii. How has the Civil-Military relations impacted the fight against insurgency, militancy, and internal insurrection?
- iii. What are the factors impeding the smooth execution of the oversight of the Military by the National Assembly?
- iv. Has the National Assembly performed well its mandate of overseeing the Military for improved civil-military relations?

#### **1.4. Research Objectives**

The broad objective of this study was to examine the civil – military relations and legislative oversight in Nigeria’s Fourth Republic. Specifically, the study seeks to:

- i. Examine the state of civil-military relations in Nigeria since 1999.
- ii. Ascertain how Civil-Military relations has impacted the fight against insurgency, militancy, and internal insurrection.
- iii. Ascertain how well the National Assembly has performed in its mandate of overseeing the Military for improved civil-military relations.
- iv. Scrutinize factors impeding the smooth execution of the oversight of the Military by the National Assembly

#### **1.5. Scope and Limitation of the Study**

This study focuses on civil – military relations and legislative oversight in Nigeria’s Fourth Republic Senate. This restriction to Senate (and Federal House of Representative) of the National Assembly became pertinent considering the dearth of data or information regarding civil – military relations and legislative oversight in Nigeria’s Fourth Republic and the limited time and resource available to the researcher to carry out this study. This scope will also foster clarity and a better understanding of the objectives and findings of this study.

## **1.6. Significance of the Study**

This research work can provide helpful insight into the understanding of the legal provisions on legislative oversight of government institutions including the Military and how it has impacted the civil-military relations in Nigeria. This study is relevant and significant to the National Assembly, NILDS, Universities, the Academia and policy makers considering the role of civilians in helping the military with information on how to defeat any form of internal insurrection.

By attempting to bring civil – military relations and legislative oversight in Nigeria’s Fourth Republic Senate to the fore, this study attempts to fill an important gap in the extant body of knowledge on the subject. Moreover, by focusing specifically Fourth Republic Senate, this study will aid policy of government.

The study is, therefore, significant not only for advancing the frontiers of knowledge in civil-military relations and oversight but also for its specific focus on the National Assembly of the Fourth Republic and useful policy implications.

## **1.7. Definition of Concepts**

**Civil – Military Relations:** This entails the relationship between civilian populace as a whole and the military institution or organizations established to protect and guard it. This also underscores the civilian control of the military as well as keeping the military in the barrack to perform their constitutional/ traditional role.



**Legislative Oversight:** Legislative oversight according to Ndoma-Egba (2012), refers to the power of the legislature to review, monitor and supervise government agencies, programs, activities and policy implementation strategies of the Executive arm of government to remain responsive, transparent and accountable the people.

**Military:** This is the institution of the state saddled with the responsibility of defending the territorial integrity of the state to ward off aggression from other independent state and to quell internal aggression.

**Fourth Republic:** this is the period that begin from the time the Gen. Abdulsalami Abubakar regime disengaged from office and handed over power to an elected civilian government that is, from May 29th 1999.

**Subordination to civilian authority:** This entails that the civilian populace control the military through their elected representatives in the executive and legislative arms of government. Sequel to the fact that the Military is maintained from tax-payer money in public treasury, they are answerable to the civilian authority.

## **CHAPTER TWO**

### **Literature Review and Theoretical Framework**

#### **2.1. Introduction**

This chapter presents the review of extant literature. This covers the concept of Civil-Military Relations, Oversight Functions, Senate, Civilian Control of the military, etc. This chapter is also concerned with Constitutional oversight functions of the National Assembly and the theoretical framework that will provide direction to the study.

#### **2.2. Legislative Oversight**

Generally, the legislatures are statutory saddled with four fundamental functions, namely law-making, representation and oversight and constituency-related activities (Hamalai, 2015). Oversight is perceived amongst these functions as the most important. While supporting this assertion, Verney (1969) opined that “the function of watch dog is perhaps more important for an assembly than that of law-making”. Barkan (2010) laid credence to this when he asserted that oversight is a democratic tool that ‘ensures both vertical accountability of rulers to the governed as well as the horizontal accountability of all other government agencies to the legislature’. The concept of legislative oversight has been subjected to variegated definitions and understandings as there are variegated schools of taught in the field of political science.

Oversight owes its origin to Woodrow Wilson who coined the concept and described it as the “duty of a representative body to look diligently into affairs of government and to talk much about what it sees. It is meant to be the eyes and the

voice, and to embody the will and wisdom of its constituents” (See Hamalai, 2015). Similarly, Madue (2012) noted that oversight is “the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation’. A more comprehensive definition is captured in Oyewo (2007) as “the exercise of constitutional powers by the legislature to check or control the exercise of constitutional powers of other arms of government, and more specifically to check or control the exercise of executive powers or to make the executive accountable and responsible to the electorates”. Oversight can be performed *ex ante* (during design and implementation of policy/programme) and *ex post* (after implementation – evaluation stage).

According the International Parliamentary Union (IPU), it is the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation. While Pelizzo and Stapenhurst (2014) opined that it is the obvious follow-on activity linked to lawmaking. However, according to Pelizzo et al, (2006) oversight is not just a supervision of what the executive branch of government has done but is also supervision of the executive’s legislative proposals such as executive bills and appropriation bills. According to Abiola et al (2014), legislative oversight covers three different but coordinate phases. These phases include: policy, programme and project.

Legislative oversight is carried out with the following objectives as advanced in Hamalai (2015) and James (2002):

- i. Ensure transparency and openness of executive activities.

- ii. Hold the executive arm of government accountable.
- iii. Guarantee financial probity and accountability in governance.
- iv. Uphold the rule of law.
- v. Ensure executive compliance with legislative intents
- vi. Evaluate programme performance.
- vii. Investigate instances of alleged poor administration, arbitrary and capricious behaviour, abuse, waste, dishonesty and fraud within government institutions.
- viii. Protect rights and liberty of citizens.

**Box 1: Oversight Instruments of Committees of the National Assembly.**

- i. Briefs received from MDAs
- ii. Visits to MDAs
- iii. Project inspection
- iv. Engagement with Appropriation Bill/ Budgetary function.
- v. Public/investigative hearing
- vi. Public petitions
- vii. Confirmation/ screening of nominees
- viii. Interactive meeting/sessions
- ix. Interviews
- x. Bill referrals
- xi. Resolution.
- xii. Confirmations.

Source: Hamalai (2015).

There are a plethora of challenges impeding the effective and efficient discharge of oversight function by the National Assembly. These challenges according Hamalai (2015) include:

- a. The subordination of the legislative arm of government to the executive in presidential systems in Africa. This regime of manipulation and fraud that limits the independence of legislators and reinforces their dependence on political executive in control of the machinery of electoral manipulation.
- b. Absence of constitutional provisions to enforce resolutions of the two Chambers.
- c. Institutional constraints on legislative oversight in Nigerian presidential system such as lack of adequate resources and overbearing influence of the executive arm and political parties.
- d. Lack of political will or incentives for legislators to follow through all their powers of oversight.
- e. The degradation and perversion of oversight work by the pervasive political corruption of the broader political system.
- f. The apparent weakness of freedom of information rules including the non-effectiveness of the FoI Act.

The Constitution of the Federal Republic of Nigeria 1999 (as amended) in Sections 80(i) – (4) and 88 (i) – (2) (b) and Section 88 (i) categorically states that:

*"Subject to the provisions of this constitution, each house of the National Assembly shall have power... To direct or cause to be directed an investigation into:*

*Any matter or thing with respect to which it has power to make laws; and the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged, with the duty of*

*responsibility for (1) executing or administering laws enacted by the National Assembly and (2) disbursing or administering moneys appropriated or to be appropriated by the National Assembly”.*

The tables 1 & 2 below highlight oversight tools adopted across some selected African countries and countries of different continents.

Table 1: Some Tools of Oversight: Nigeria vs. West African Countries

|                       |           | Sierra Leone | Senegal | The Gambia | Nigeria | Togo | Liberia | Côte d'Ivoire | Ghana |
|-----------------------|-----------|--------------|---------|------------|---------|------|---------|---------------|-------|
| Questions             | Written   | Yes          | Yes     | Yes        | No      | Yes  | Yes     | Yes           | No    |
|                       | Oral      | Yes          | Yes     | Yes        | Yes     | Yes  | Yes     | Yes           | Yes   |
|                       | Urgent    | Yes          | Yes     | Yes        | No      | No   | Yes     | No            | No    |
| Interpellation        |           | No           | Yes     | Yes        | No      | Yes  | No      | Yes           | No    |
| Hearing               | Committee | Yes          | Yes     | Yes        | Yes     | Yes  | Yes     | Yes           | Yes   |
|                       | Plenary   | Yes          | Yes     | Yes        | Yes     | No   | Yes     | Yes           | No    |
| Committee of Inquiry  |           | Yes          | Yes     | Yes        | Yes     | Yes  | Yes     | Yes           | No    |
| Specialized Committee |           | Yes          | Yes     | Yes        | Yes     | Yes  | Yes     | Yes           | Yes   |
| Question Time         |           | Yes          | Yes     | No         | No      | Yes  | No      | Yes           | Yes   |
| Ombudsman             |           | Yes          | Yes     | Yes        | No      | Yes  | No      | Yes           | Yes   |

Source: Draman, 2014

Table 2: Some Tools of Oversight: Nigeria vs. Western Countries

|                       |           | Australia | Canada | Germany | Nigeria | Korea | Japan | Sweden | UK  |
|-----------------------|-----------|-----------|--------|---------|---------|-------|-------|--------|-----|
| Questions             | Written   | Yes       | Yes    | No      | Yes     | Yes   | Yes   | Yes    | Yes |
|                       | Oral      | Yes       | Yes    | No      | Yes     | Yes   | Yes   | Yes    | Yes |
|                       | Urgent    | Yes       | Yes    | NO      | Yes     | Yes   | Yes   | Yes    | Yes |
| Interpellation        |           | No        | Yes    | Yes     | Yes     | No    | No    | Yes    | No  |
| Hearing               | Committee | Yes       | Yes    | Yes     | Yes     | Yes   | Yes   | Yes    | Yes |
|                       | Plenary   | No        | Yes    | Yes     | Yes     | Yes   | Yes   | Yes    | Yes |
| Committee of Inquiry  |           | Yes       | Yes    | Yes     | Yes     | Yes   | Yes   | Yes    | Yes |
| Specialized Committee |           | Yes       | Yes    | Yes     | Yes     | Yes   | Yes   | Yes    | Yes |
| Question Time         |           | Yes       | Yes    | Yes     | Yes     | Yes   | Yes   | Yes    | Yes |
| Ombudsman             |           | Yes       | No     | Yes     | Yes     | Yes   | Yes   | Yes    | Yes |
| Percentage Scores     |           | 80%       | 90%    | 70%     | 100%    | 90%   | 90%   | 100%   | 90% |

Source: Draman, 2014

### 2.3. The Nigerian Senate

Parliaments are established across democracies as an important institution and ingredient of representative democracy and good governance. Thus, parliaments are primarily charged with the responsibility to debate policy related issues and then

process legislations that provide legal framework for good governance, development and the rule of law. Through the exercise of their three fundamental functions of law-making, representation and oversight functions, parliaments ensure transparency and accountability which fundamentally characterize modern day practice, to determine the trust of the citizenry. It has been argued that parliament is a law-making and policy influencing body in every democratic regime (Okoosi-Simbine, 2010; Bogdanor, 1991). Okoosi-Simbine (2010) and Bogdanor (1991) opined that legislators are the real custodians of state sovereignty and peoples' will. According to Awotokun (1998) this is because 'the will of the people' rest more with them than any other democratic institutions. Sequel to the enormous legislative responsibilities bestowed on the legislature by constitutional provisions, there is need for a study to bring to the fore the role of parliament in ensuring healthy civil-military relations.

In Nigeria, the National Assembly is the highest law-making body of the Federation. It is a bicameral legislature with two (2) Houses (Senate and House of Representatives) with equal legislative powers in terms of law-making. However, the Senate is referred to as the "Upper Chamber" while the House of Representatives is known as the "Lower Chambers" protocol-wise (NILS, 2015). Established under Section 4 of the Constitution of the Federal Republic of Nigeria 1999, the National Assembly consists of 109-member Sand 360-member House of Representatives. Modelled after the United States Congress, the National Assembly is patterned to ensure equal representation of the states regardless of size and population in the Senate and proportional representation of population in the House of Representations. Therefore,



any bill introduced in either of the Houses must receive the concurrence of the other before it receives presidential assent. This study, therefore, undertakes a cursory look at the Senate of the Federal republic of Nigeria from 1999 to 2019.

The Senate is the upper chamber of the National Assembly which is the supreme law-making organ of the government of Nigeria. Empowered by the 1999 Constitution to make laws for peace, order and good governance of the Federation, the Senate is presided over by the President of Senate. Other principal officers of Senate include;

- i. Deputy President of Senate
- ii. Senate Leader
- iii. Senate Minority Leader
- iv. Deputy Senate Leader
- v. Deputy Senate Minority Leader
- vi. Senate Majority Whip
- vii. Senate Minority Whip
- viii. Deputy Senate Majority Whip
- ix. Deputy Senate Minority Whip

The composition of the Senate in political party basis varied from 1999 to 2015. However, with the exception of the case of 2015 where the All Progressive Congress (APC) won the majority seats, the People's Democratic Party (PDP) has always dominated the Senate. Below is table 3 which captures the composition.

Table 3: Composition of Nigerian Senate along political lines from 1999-2015.

| <b>Year</b> | <b>PDP</b> | <b>APP</b>  |      | <b>AD</b>     |    | <b>Vacant</b> |                     |
|-------------|------------|-------------|------|---------------|----|---------------|---------------------|
| 1999        | 59         | 29          |      | 20            |    | 1             |                     |
| 2003        | 76         | 27          |      | 6             |    | Nil           |                     |
| <b>Year</b> | <b>PDP</b> | <b>ANPP</b> |      | <b>AC/CAN</b> |    | <b>PPA</b>    | <b>Accord Party</b> |
| 2007        | 85         | 16          |      | 6             |    | 1             | 1                   |
|             | PDP        | CAN         | ANPP | CPC           | LP | APGA          | DPP                 |
| 2011        | 71         | 18          | 7    | 7             | 4  | 1             | 1                   |
|             | <b>PDP</b> |             |      | <b>APC</b>    |    |               |                     |
| 2015        | 49         |             |      | 60            |    |               |                     |

Source: Daily Trust, Tuesday, January 8, 2019. Pp1 & 5.

**Table 4: Relative Stability in Executive-Legislative Leadership in Nigeria 1999-2013**

| <b>President</b>     | <b>Tenure</b>  | <b>Senate</b>    | <b>Term</b>                 |
|----------------------|----------------|------------------|-----------------------------|
| Olusegun<br>Obasanjo | 1999-2007      | Evans Enwerem    | June,1999 – Nov.1999        |
|                      |                | Chuba Okadigbo   | Nov. 1999 – August,<br>2000 |
|                      |                | Anyim Pius Anyim | August, 2000 – May,<br>2003 |
|                      |                | Adolphus Nwabara | 2003 – 2005                 |
|                      |                | Ken Nnamani      | April, 2005 – May, 2007     |
| Umaru Yar’adua       | 2007-2010      | David Mark       | 2007 – 2010                 |
| Goodluck Jonathan    | 2010 - 2015    | David Mark       | 2010 – 2015                 |
| Muhammadu<br>Buhari  | 2015 till Date | Bukola Saraki    | 2015 till Date              |

**Source:** Author’s Compilation

It is imperative to point out that not the entire elected legislators in the National Assembly are engaged in the oversight of the nation’s military institution. There are essential committees in the both Chambers that oversight the Military and every institution under it. These committees are captured in the Table below:

Table 5: National Assembly Committees overseeing the Military

| <b>Senate</b>        | <b>House of Representatives.</b>          |
|----------------------|---|
| Defence              | Defence                                   |
| <b>Army</b>          | <b>Army</b>                               |
| Airforce             | Airforce                                  |
| <b>Navy</b>          | <b>Navy</b>                               |
| Nil                  | IDPs, Refugees &Initiatives on North East |
| <b>Appropriation</b> | <b>Appropriation</b>                      |

Authors Compilation

While the job of the Senate Committee on Appropriation ends during budget defence, the rest of the Committees interact with the various military arrangements all through the financial cum legislative year scrutinizing military budget implementation, cases of human right abuse, military engagements, etc.

#### **2.4. Nigerian Military**

The Nigerian military is made up of the Nigerian Army, Nigerian Navy and Nigerian Air Force. The main mandate of the Nigerian Military is to defend the country’s integrity against external aggression and to quell internal insurrection. With 181,000 military personnels out of which 124,000 are active personnel and 57 reserve personnel has recorded success in the discharge of its constitutional duties, the Nigerian Military has its areas of weakness especially in its relationship with democratic institutions and the citizens. The Nigerian Military has been engaged in series of both internal and external operations even as a young Military. Its first major internal assignment was

suppressing a secessionist bid by the former Eastern region, which declared itself the Republic of Biafra in 1967 (Crisis Group African Report 2016). Since the 1960s, it has contributed to several internal security operations, helping the police and other civil authorities to restore law and public order (Adedeji & Zabadi, 2005). It has also contributed substantially to UN peacekeeping operations, regional peace operations authorized by the Economic Community of West African States (ECOWAS) and operations mandated by the African Union (AU). Its senior-level training institutions continue to attract officers from foreign militaries.

The Nigerian Military structure:



The Military and its roles are captured in the constitution of every country. The defence of the territorial integrity and other core interests of the nation form the major

substance of such roles. Sections 217-220 of the 1999 Constitution of Nigeria (as amended) states that:

*(1) There shall be armed forces for the Federation which shall consist of an army, a navy, an air force, and such other branches of the armed forces of the Federation as may be established by an Act of the National Assembly.*

*(2) The Federation shall, subject to an Act of the National Assembly made in that behalf, equip and maintain the armed forces as may be considered adequate and effective for the purpose of –*

*(a) defending Nigeria from external aggression;*

*(b) maintaining its territorial integrity and securing its borders from violation on land, sea, or air;*

*(c) Suppress insurrection and act in aid of civil authorities to restore order when called upon to do so by the President but subject to such conditions as may be prescribed by an Act of the National Assembly.*

*(d) Perform such other functions as may be prescribed by an act of the National Assembly.*

*(3) The composition of the officer corps and other ranks of the armed forces of the Federation shall reflect the federal character of Nigeria.*

### **2.4.1. Nigerian Army**

The Nigerian Army (NA) is the land branch and the largest component of the Nigerian Armed Forces responsible for land warfare operations. It is governed by the Nigerian Army Council (NAC). It consists of 8 departments, 8 divisions, TRADOC and Guards Brigade. The entire Nigerian Army is headed by the Chief of Army Staff (COAS) and assisted by General Officers Commanding Divisions (GOCs). These departments include:

- a. Army Administration
- b. Army Logistics
- c. Transformation & Innovation Centre
- d. Army Policy & Plans
- e. Civil-Military Affairs
- f. Directorate of Army Public Relations
- g. Army Training & Operations
- h. Welfare Limited/Guarantee

While Nigerian Army formations include the under-listed:

- a. The Training and Doctrine Command (TRADOC) Nigerian Army Minna Niger State: this was established as a senior think-tank of the Nigerian Army in 1981.
- b. 1 Division Nigerian Army, Kaduna (North west)
- c. 2 Division Nigerian Army, Ibadan (South West)
- d. 3 Division Nigerian Army, Jos (North Central)
- e. 6 Division Nigerian Army, Port Harcourt (South South) – Newest

- f. 7 Division Nigerian Army, Adamawa (North East)
- g. 81 Division Nigerian Army, Lagos
- h. 82 Division Nigerian Army, Enugu (South East) established in 1975.
- i. Guard Brigade

#### **2.4.2. Nigerian Air Force**

The Nigerian Air Force was formally established in January 1964 as the air wing of the Nigerian Military, with technical assistance from West Germany. The air force started as a transport unit with aircrew being trained in Canada, Ethiopia and Pakistan. The air force did not get a combat capability until a number of MiG-17 aircraft were presented by the Soviet Union in 1966. It is headed by the Chief of Air Staff (CAS) and consists of 6 Commands as follows:

- a. Tactical Air Command
- b. Special Operation Command
- c. Mobility Command
- d. Air Training Command
- e. Ground Training Command
- f. Logistics Command.

#### **2.4.3. Nigerian Navy**

The origin of the Nigerian Navy could be traced to the Marine Department of the Royal Navy established in 1887 as a quasi-military organization, which combined the

duties of the present-day Nigerian Ports Authority (NPA), the Nigerian Inland Waterways Authority and the Nigerian Navy.

The NN is currently structured into 9 Branches at the Naval Headquarters, 5 commands and a number of autonomous units. The 5 commands are made up of 3 operational commands – Western Naval Command, Central Naval Command and Eastern Naval Command with Headquarters located at Apapa, Yenagoa and Calabar- as well as the Training and Logistics Commands with Headquarters at Apapa and Oghara respectively. Each of the 5 commands is headed by a Flag Officer of the rank of Rear Admiral. The NN autonomous units include Naval Ordnance Depot (NOD), Naval Doctrine and Assessment Centre (NDAC) and Navy Holdings Limited (NHL). Navy Holdings has 9 subsidiary companies. These include Naval Dockyard Limited (NDL), Naval Shipyard Limited (NSYL), Naval Building & Construction Company Limited (NBCCL), Navy Hotels & Suites Limited (NHSL), Navy Micro Finance Bank Limited (NMFBL), Navy Maritime Services Limited (NMSL), Naval Exchange (NAVEX), Naval Engineering Services Limited (NESL) and Navy Clearing and Forwarding Services Limited (NCFSL). The autonomous units and support facilities enable the NN to maintain the fleet and personnel for sustained operations. The NN has also, recently, established a Project Implementation, Monitoring and Evaluation Directorate at the NHQ for better management of NN projects.



## **2.5. Directorate of Civil Military Affairs**

The Nigerian Army in understanding the importance of civil-military relations established the Directorate of Civil Military Affairs. The Department of Civil-Military Affairs (DCMA) was established in December 2010 by the then Chief of Army Staff (COAS), Lt Gen OA Ihejirika to serve primarily as an interface between the Nigerian Army and the Civil Populace. It has the responsibility of underscoring the fundamentals of Civil Military Affairs as a Strategic National Institution. The Department is also charged with the introducing and transmitting the core elements of effective civil-military relations in areas of human rights, rule of law, negotiations liaison and conflict management.

### **2.5.1. Civil Military Relations**

The history of civil-military relations can be traced to 27 BC when Augustus Caesar transformed the Praetorian Guards into soldiers and permanent guards of Rome (Akuru-Aja, 2005). The soldiers became so powerful and were used to settle political scores and terrorize political opponents. According to Hugo Grotius, a leading legal and political writer of the 15th Century, "once the Praetorian Guards discovered the fatal secret that they could make and unmake emperors, that is, intervene directly in the political life of Rome, Rome was never the same again until their final disbandment in 312 AD by emperor Constantine". Consequently, the Praetorian Guard syndrome emerged, a situation whereby soldiers want power permanently, once they have tasted it.

Since the ancient times and especially from the establishment of the nation-states, societies have always desired a peacetime standing military to protect the sovereignty of the state and therefore, the issue of the civil-military relations has remained a fundamental yearning of states (Hitrov, 2004). Sequel to the fact that the obvious purpose of the military is to fulfill one of the most important functions of the state (coercive function), the armed forces hold authority to maximum violence against external aggression or internal insurrection. There is the need for any kind of misuse of the armed forces to be controlled. Therefore putting the military institution under civilian control is the main objective of every society (Hitrov, 2004). According to Kohn (2003):

*All forms of government, from the purest democracies to the most savage autocracies, whether they maintain order and gain compliance by consent or by coercion, must find the means to assure the obedience of their military – both to the regime in power and to the overall system of government.*

The North Atlantic Treaty Organization (NATO) however, refers to civil-military relations as “activities by NATO Commanders in war directly concerned with the relationship between allied armed forces and the government, civil population or agencies of non-NATO countries, where such armed forces are stationed, supported or employed” (NATO cited in Wogu & Ibietan, 2014). Wogu and Ibietan (2014) stated that civil-military relations (CMR) is the balance of power between the military and civilian branches of government. They further stressed that CMR has to do with the supremacy

and guidance of the civilian populace over the military. It entails full democratic control of the military as it plays its role as the ultimate guarantor of national security. Ideally, the military is the servant of the society and it has the monopoly over the means of violence in the interest of its citizens in response to popular will and consent.

Ebo (2005), sees CMR as referring to the totality of relations between the military and society which it operates in and of which it is necessarily a part of. It comprises all aspects of the role of the military (as a professional, political, social and economic institution) in the entire aspects of national life. CMR also involves the attitude of the military towards the civilian society.

There are several problems arising from the military's poor relations with civilians in Nigeria. These include cases of human rights violations in Ogoniland and other Niger Delta communities during military rule, the Odi, Bayelsa state attack (1999) and Zaki Biam, Benue state (2001), the more recent extrajudicial killings of suspected Boko Haram insurgents, members of the Islamic Movement of Nigeria (IMN) and separatist agitators in the south east, as well as frequent reports of soldiers assaulting and humiliating civilians have hardened public attitudes toward the military (Premium Times, 7 April 2014). The high-handedness of the military in Nigeria metamorphosed into a popular slogan such as referring to the civilian as "bloody civilians" amongst the military. In consequence, this reference to civilian had created a deep-seated resentful of the military among the civilians over the spate of existence of Nigerian nation.

Abuse is deep-seated and longstanding, dating to the army's pre-independence origins, when soldiers (and police) saw themselves as the enforcement agents of the colonial government, thus superior to other citizens. This feeling was reinforced by military rule. Since the return to civilian rule, some reorientations had been achieved within the more educated officer corps, but soldiers in the lower ranks often still carry military-era attitudes. As internal security deployments have increased interaction with civilians, so have reported incidents of friction and abuse increased (The Punch, 10 July 2014). In conflict situations, some violations arise from lack of intelligence to distinguish insurgents from civilians and poor human rights training (or poor assimilation of human rights principles) that leads to scant regard for the army's own rules of engagement (Crisis Group Report 2016). Others can in part be attributed to "a build-up of trauma in the military with men serving on the front lines not properly equipped or relieved" (Odinkalu, 2015). Whatever the causes or circumstances, they alienate the military from citizens and deny it the cooperation and community intelligence it needs to conduct internal security operations efficiently.

### **2.5.2. Legislative Oversight of the Civil Military Relations**

The scholarly works of Morris Janowitz and Samuel Huntington, the two deans of Civil- Military Relations theory, and their contemporary scholars, clearly describe and define aspects of Civil Military relations in both traditional and modern literature. Morris Janowitz and Samuel Huntington are two founders of modern Civil Military relation theory. Their scholarship has guided the research on Civil Military relations for over 50 years. Currently, changes in the world stage made these theories less applicable.

Janowitz (1977) argues that the main problematic of modern theory is the balance between maintaining military force strong enough to protect and sustain democratic values of the society, and the civilian control to be able to prevent any military take over of the government. Also, James Burk views the field in normative terms and maintains that a major concern in Civil Military relations is how to sustain and protect democratic values. Both the traditional and modern scholars of Civil Military relations identify and describe some key theoretical constructs central to this field as including Civilian Control and Obedience, partisan neutrality, balance of power and respect between the civilian and military groups and professionalism in the military.

Understandably, scholars agree that just like any other forms of human relations, points of friction are inherent in civil military relations. Friction is evident in formal statements and unofficial leaks across agencies of the executive branch. Friction may arise when senior military leaders' assessment of threats and risks to national security are different from those of civilian leaders as well as when Senior military Officers or Military Commanders are called by the Parliament to come and account their stewardship or for an inquiry purposes. It may be the case that the "best military advise" is considered but not accepted by these civilian leaders. In such cases, military leaders may speak out to provide pushback on current policies and strategies. They may seek to influence and potentially shape the discussion/discourse on emerging policies and strategies. Or, in the absence of clear policy guidance, they may press for decision. In any event, they must advocate for resources commensurate with missions and established priorities of their civilian leaders.

Legislative bodies or parliament play a vital role in democratic control of the armed forces and civil-military relations in general. Cotley et al captions this role as parliamentary or legislative oversight of civil-military relations and defense policy. He, like several other authors, argue that the democratically elected legislature is the institutional expression of popular accountability. The elected officials examine and approve legislation and broad public policy and defense budget.

The role of the legislature in Civil- Military relationship is crucial. Laws and effective oversight of parliament of armed forces depend on both the “formal constitutional or legally defined powers of the legislature and the capacity of the legislature to exercise those powers in an effective and meaningful way in practice” ( Cotley, et al). Lack of parliamentary interest in defense and security issues, limited access to information, a lack of resources to support the oversight function, and a lack of expertise among parliamentarians are some of the problems that some countries are facing in regard to parliamentary oversight.

One other paradigm shift has emerged in the contemporary world. Armed Forces all over the world have adopted as part of their constitutional mandates of defense of territorial integrity and warding off external aggression another concept of aid to civil authority in addressing internal security challenges. The deployment of armed forces to quench internal insurrection, banditry, kidnapping, terrorism-related, oil-bunkering has thrown up another set of challenges to Civil-Military relations and in consequence, further expanding the scope of legislative oversight of civil-military relations.

Tracing the evolution of Civil- Military relations, the principle of civilian control over the military represents a fundamental pillar of the American system of government. Within the framework of the U.S Constitution, the Founding fathers permitted the creation of a standing army and divided political control over the standing army between the branches of government. The separation of powers between the executive and legislative branches of government created a unique model for the American Civil-Military relationship and required the military leadership to confront the challenge of serving two competing sources of civilian control.

Throughout American political history, the Civil- Military relationship defined within the constitutional framework carefully preserved the concept of civilian control over the military. The Founding Fathers codified political control of the military within the framework of constitutional provisions designating a separation of power between the executive and legislative branches of government. The Framers sought to prevent the concentration of civilian control of military power within any portion of the political establishment as a safeguard against threats to individual liberty or the democratic process.

Under the US constitution, the Chief executive or "President assumes the power of "Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States". As the Commander-in-Chief, the President maintains the ability to command American Forces into battle, a power President Washington expressed in early American history during the 1794 Whiskey rebellion. During this early test of federal authority President

Washington directly commanded a militia army assembled to suppress rebellious elements in Western Pennsylvania resisting the payment of a federal whiskey tax. Executive power under the constitution also included the ability to nominate senior military leaders for important positions based on the advice and consent of the senate.

The Founders also imposed a significant portion of the controls over the military within the legislative branch. The legislative branch possessed the power to declare war, raise and support armies, and "to provide for calling forth the militia to execute the laws of the union, suppress insurrections and rapid invasions". The power to declare war ensured the legislative branch, representing the will of the people, the right to authorize war without impinging on the President's authority to control the conduct of war. This unique facet of the American civil-military relationship provided two important functions within the framework of constitutional government. First, the constitution confirmed civilian control of the military. Second, the requirements of executive and legislative consent before the application of military power codified important constitutional safeguards consistent with the separation of powers. The power to control appropriations to the national military establishment rested with the legislature and the Founders mitigated the fears of a standing army by invoking a two-year limit on the money. Finally, the Congress assumed the power to investigate and oversee the military leadership and conduct of armed forces in foreign and domestic contingencies.

However, in 1957, Samuel Huntington published The Soldier and the State which proposed a theory on the ideal tenets and structure of the modern American civil-military relationship. Huntington argued governmental institutions generally dominated



the early American civil-military relationship. Sharing institutional characteristics similar to the British system, the U.S. constitution divided power and influence over the military establishment between the executive and legislative branches. Huntington's modern civil-military model centers on objective control of the military and focuses on the emergence of a professional military class. The theory asserts modern warfare requires the full attention of a professional force educated, trained, and experienced in the science of war. As a political instrument of the state, the professional military maintained the authority to conduct warfare without the meddling influence of politicians at the operational and tactical levels. Politically sterile and neutral, professional military supported the legitimate political authority and surrendered any potential political influence.

As a critique, Morris Janowitz and other civil-military theorists dispute the utility of Huntington's theory of objective control of military and conclude that increasing technological innovations diminished the military's status as a distinct social group (Janowitz,1975). The blurring of lines between civilian and military elements of society prevented the military from assuming an apolitical position on important issues. These technological innovations also created a civilian leadership dependent on professional military advice in order to select an appropriate strategy or weapon for application during a conflict.

Finally, *Supreme Command*, by Eliot Cohen (2002), constructs a more recent civil-military model, which argues civil leadership must maintain the dominate role in

determining overall national military strategy, guiding military decision-making influencing weapon design, and at times delving into tactics.

Considering the context of this study, modern civil-military relations theory is employed in this study in as much as the legislative oversight of civil-military relations is examinable within this conceptual and theoretical framework.

## **2.6. The Gap in the Study**

The review of relevant and extant literature clearly indicated that there was an existing gap whereby there is no clear-cut legislative oversight of the Military for Civil-Military relations. The study therefore understudied the need for legislative oversight of the military for improved civil-military relations in Nigeria. This is supported by existing literature in Western climes as a requisite for seamless attainment of the constitutional mandates of the Military as well the constitutional mandates of the Parliament. This is imperative considering the fact that there is little or no literature on the effect of effective legislative oversight on civil-military relations in Nigeria. This gap in literature was what this study sought to close as it has established that not much has been in done in terms of oversighting military institutions owing to a number of factors such as funding issues and lack of political interest.

## **2.7. Theoretical Framework**

Grant and Osanloo (2014) posited that the theoretical framework consists of theoretical principles, constructs, concepts, and tenants of a theory. They added further that in a research work, all its aspects are expected to connect to the theoretical framework. This view seems to agree with the position of Brondizo, Leemans and Solecki (2014) when they argued that the theoretical framework is the specific theory or theories about aspects of human endeavor that can be useful to the study of events.

Succinctly, this will be situated within the frameworks of the Socio-Economic and Political Development theories to provide it the needed blueprint

### **2.7.1. The Socio-Economic Theory**

The Socio-Economic Theory has Putnam (1967); Agara (2004) and Finer (1975) as some of its major proponents. The theory states that when a country's civilian democracy has failed to develop the stagnated social and economic institutions which run the system, the military is often left with no other choice than to take over the reins of leadership. In other words, where democratic tenets have failed to be the guiding and major modes of operation among the civilian populace - which consequently creates a stagnation in all spheres of social and economic institutions, the military most often than not, seize the opportunity to intervene with the view to salvage the already deplorable state of the country in question. It is plausible to argue that most military

interventions recorded were as a result of issues arising from social and economic underdevelopment in the countries under review.

Putnam (1967) hypothesized on the correlation between the social and economic underdevelopment of a country and the propensity for military intervention, when he maintained that "the effects of economic development stems partly from the increased socio-technical complexity that puts public administrations beyond the skills of the armed forces, partly from the civilian opportunities for social mobility which economic development opens up, and partly from greater wealth which allows and encourages stable civilian government". The above position was further strengthened by Agara (2004) who posited that economic development and industrialization diminishes the possibilities of military interventions in a state. Finer (1975) reiterates the likelihood of decreased military intervention with increased socio-economic development such as urbanization and mass education. These arguments by the proponents of the socio-economic theory of CMR, to some extent - offer explanations for the context of this study.

### **2.7.2. Political Development Theory**

Political Development Theory has Huntington (1976); Lieuwen (1962); Finer (1975) and Putnam (1967) as some of the major proponents. The underlying argument here is that, where public attachments to civilian institutions are strong and firm, military interventions in politics and civilian governments will be weak. On the contrary, where the public attachment to meaningful political activities and ideologies are weak or

non-existent, the military will find credible basis for assuming power (Finer, 1975). The basic trust of the theory is that “the propensity for military intervention in government decreases with increasing popular attention to participation in partisan politics” (Putnam, 1967). Governments across Africa present ample evidence which re-enforces the argument on leadership failure and weak institutions of governance in the African states under focus. These weak institutions of government, partly explains the very poor state of development in Africa. Weak institutions and low level of political development can be explained in the light of recurring military intervention occasioned by frosty CMR. The net effect of these is weak governance and weak public administrative system, culminating in a lack of development in Nigeria.

In the context of this study, institutions appears to be weak with perceived leadership failure while the law-makers are influenced by what they stand to gain from such oversight duties instead of effecting active oversighting of the military institutions. Therefore, this study took a cursory look at the challenges facing the legislators in oversighting the Military, after establishing how the National Assembly has fared in the discharge of this statutory duties. This is imperative considering the fact that there is little or no literature on the effect of effective legislative oversight on civil-military relations in Nigeria. This gap in literature was what this study sought to close as it has established that not much has been in done in terms of oversighting military institutions owing to a number of factors such as funding issues and lack of political interest.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1. Research Design**

The study adopted objective by objective approach whereby each of the objective was discussed incisively in line with the context of the study. The study adopted survey research design and made use of interview instrument to obtain primary information for the study. Also, secondary data were collected from relevant and related literature, text books, sessional reports from relevant committees of the Senate, Internet, journal and conference/seminar articles. The following qualitative data collection methods were also utilized.

- i. **Documents examination:** The researcher examined committee sessional reports and other pieces of information supplied by the Clerks Senate Committees on Defence, Airforce and Navy, to analyze the link between legislative oversight and civil-military relation as well as how it impacts the war against insurgency in the North. Literature was of enormous contribution to this work. Journal articles, textbooks, etc. were consulted in the course of this study.
- ii. **Interview:** The researcher exploited his goodwill and contacts to converse with Committee clerks, Committee staff, Committee secretaries and officials of the Defence Headquarters. Experience of the interviewees was the major factor in choosing them. This is because they constitute the institutional memory of these committees and have sufficient knowledge of the workings of these committees as they are constituted.

### 3.2. Population of the Study

The targeted population of the study were clerk of committees (Senate Committees on Defence, Airforce, Navy and Army), Secretaries, other committee staff and staff of the Defence Headquarters.

The research population consisted of 49 respondents: including 11 from Senate Committee on Defence, 9 from Senate Committee on Air Force, 10 from Senate Committee on Navy, 10 from Senate Committee on Army and 9 Officials from DHQ respectively. The study obtained the sample from this population (probable respondents at the National Assembly and Military institutions in Nigeria).

### 3.3. Sample Size

A total of fourteen (14) respondent were selected (comprising of Clerks, Officers and Civilians in the affected institutions) and interviewed through purposive sampling method. The respondents to this study are captured in the table below:

**Table 6: Sample Size selected from target Population**

| <b>S/N</b> | <b>Respondents</b>           | <b>Sample size</b> |
|------------|------------------------------|--------------------|
| 1.         | Senate Committee on Defence  | 4                  |
| 2.         | Senate Committee on Airforce | 3                  |
| 3.         | Senate Committee on Navy     | 3                  |
| 4.         | Defence Headquarters         | 4                  |
| Total      |                              | 14                 |

Source: Fieldwork 2019.

### **3.4. Sampling Method**

Purposive sampling technique or judgmental sampling technique was deployed in this study. The method was selected to detect willing persons who provided reliable data.

### **3.5. Instrument of Data Collection**

Key Informant Interview was utilized to gather primary data because the target respondents are all literate persons with good understanding of the subject-matter. The interview questions were divided into two major parts. The first part contained respondents' bio-data, and the second part addressed each of the four objectives (research questions) of the study. There was an interplay of primary and secondary data in the course of this study. Key Informant Interview and questionnaires were the instruments used as the sources of primary data used. Data was also collected from secondary sources such as Sessional Reports, textbooks, newspapers, magazines, journals, gazettes and archives.

### **3.6. Data Analyses and Presentation**

In the course of this study, the Researcher deployed the assistance of one (1) Research Assistant in carrying out the interview in the National Assembly and Defence Headquarters.



### **3.7. Techniques of Data Analysis**

The study adopted quantitative and qualitative approach to analyze the data collected and used the following instrument to analyzing the data:

**Frequency distribution:** This means counting the number (quantity) of respondents that supplied similar answers to questions. For instance, sum up the number of respondents who confirmed that there is a strong effect of improved civil-military relation on the fight against insurgency in the North-East.

**Collation of Respondents' views:** interpret the respondents' qualitative or textual data provided in the interview such as: challenges facing the legislature in the performance of its oversight of the defence sector in Nigeria, suggestions to improve effective oversight of the MDAs by the National Assembly. Scholars' views expressed in the Journals and other documents were analyzed with both qualitative and quantitative methods.

### **3.8. How to Achieve the Four Specific Objectives**

**3.8.1. Objective 1:** The First objective examined the state of civil-military relations in Nigeria since 1999. The objective attempted to explicate the problems of a military institution that had enjoyed political and economic power for over nearly thirty (30) years of governance prior to 1999, subjecting itself to the supervision of an elected civilian government, particularly the legislature. This supervision comes in terms of the need for the military to be transparent and accountable to the parliament in key areas

like general expenditure, weapons procurement, welfare of service personnel, recruitment of service personnel and their retirement from service.

The data for the study included literature review. The literature review dealt extensively on historical context writings and committee seasonal reports and other pieces of information supplied by the Clerks Senate Committee on Army, Navy and Air Force. The data obtained from the literature and from Committee reports were subjected to Key Informant Interview to analyze what has changed in the state of Civil-military relations in Nigeria since 1999.

The analysis of the data was carried out by looking at the data and comparing them with the interview obtained. It is expected that the interview will confirm what is obtained from the existing study.

**3.8.2 Objective 2:** The Second objective of this study ascertained how civil-military relations has impacted the fight against insurgency, militancy and internal insurrection. The objective highlighted the need for improved civil-military relations to enhance fight against insurgency, militancy and internal insurrection. In this regard, improved civil-military relations is enhanced by adequate liaison, military and intelligence gathering and information sharing as a requisite to good civil-military relations in the fight against insurgency, militancy and internal insurrection.

The data for the study included the literature review of relevant studies. The researcher also examined Committee seasonal reports and other pieces of information relevant to the objective. The linkage between the civil-military relations and fight

against insurgency, militancy and internal insurrection was carried out following a thorough analysis of relevant journals, textbooks, articles, news paper editorial in the course of this study. The data from the literature review were complemented by group's respondents' views extracted from Key Informant Interview. The data were evaluated, interpreted and concisely summarized.

The analysis of the data was carried out by looking at the data and comparing them with the interview obtained. It is expected that the interview will confirm that improved civil-military relations have impacted in no less profoundly on the fight against insurgency, militancy and internal insurrection. This is very true in the context of the role being played by Civil- Military Joint Task Force in decimating Boko Haram insurgents in the North East, as well as the role of civilians in giving out useful and timely information to the law enforcement agents concerning modus operandi and whereabouts of kidnappers etc across the country.

The data was obtained from structured interview and questionnaires administered on Members of the Parliament and Senate committee members. The analysis of the data was carried out by descriptive study using ratios, percentages etc. From the analysis carried out by such descriptive study, it is expected that people who are positive respondents are more than the people who are negative respondents on the linkage between improved civil-military relations and the fight against insurgency, militancy and insurrection in the country.

**3.8.3 Objective 3:** The third objective of this study ascertained how well the National Assembly has performed in its mandate of overseeing the military for improved civil-military relations. The overseeing function of the military by the Parliament was encapsulated in the context of civil-military relations vis-à-vis key areas like general expenditure, weapons procurement and operational deployment, welfare of service personnel, recruitment/commissioning of service personnel and their retirement from service.

The data for this study came broadly from both qualitative and quantitative sources. The data were obtained from both structured questionnaire and responses from Key Informant Interview. The various opinions proffered by the respondents were compared with submissions made by scholars in the literature in order to test their validity. The expected results were gauged against the existing theories. Existing theories provide that the relationship between motivation (material/financial gains) and the performance of the impacts either adversely or positively on overseeing civil-military relations in Nigeria.

**3.8.4 Objective 4:** The fourth objective concisely scrutinized factors impeding the smooth execution of the oversight of the military by the National Assembly. The data sources studied were both qualitative and quantitative data. The data were obtained from both structured questionnaires and Key Informant Interview. In terms of how to achieve the objective, the collated respondents' opinions were compared with experts' positions (Crisis Group Africa Report No 237, June 6, 2016, 2ed, 2015) on what constitutes challenges to the legislature in discharge of their oversight functions. With

regards to expected results based on existing theory, the theory predicts that combination of factors constitutes challenges to effective oversight and there are numerous strategies for achieving effective oversight in Nigeria.

## **CHAPTER FOUR**

### **Data Presentation, Analysis and Discussion**

#### **4.1. Introduction**

This chapter covers the presentation and discussion of the data that were collected in the field. The data collected were first presented, then followed by the discussion of the views of respondents/interviewee and subsequently, interpreted with reference to the literature review. The presentation and discussion of data were done according to the objectives of the study outlined in chapter one.

#### **4.2. Data Presentation**

The interview has two Sections A & B. The study viewed the interviewees' personal information (Bio-data) in Section A, while Sections B examined interviewees' responses to the four objectives of the study. Therefore, presentations of data of this study were done in alphabetical sequence.

The demographic data in section A were: sex, marital status, age, educational qualifications and organization. The results of these demographic data are shown in Tabular form below.

##### **4.2.1. Sex**

The Table below contains the sexes of respondents.

**Table 7: Sex of respondents**

|       |        | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|--------|-----------|---------|---------------|--------------------|
| Valid | Male   | 10        | 71.4    | 71.4          | 71.4               |
|       | Female | 4         | 28.6    | 28.6          | 100.0              |
|       | Total  | 14        | 100.0   | 100.0         |                    |

Source: Field Survey, (2019).

As illustrated in the Table 7 above, the result of the analysis showed that 10 (71.4%) of the total respondents were male while 4 (28.6%) were female. This showed that most of the respondents were male. This is perhaps because the sample population is predominantly male. Sex is relevant to this study as it exposes the level of awareness of legislative oversight among both sexes.

#### 4.2.2. Marital Status

Table 8 contains the responses of respondents on their marital status.

**Table 8: Marital Status of respondents**

|       |         | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|---------|-----------|---------|---------------|--------------------|
| Valid | Married | 10        | 71.4    | 71.4          | 71.4               |
|       | Single  | 4         | 28.6    | 28.6          | 100.0              |
|       | Total   | 14        | 100.0   | 100.0         |                    |

Source: Field Survey, (2019).

From the Table above, 10 (71.4%) of respondents were married and 4 (28.6%) were single. This showed that a majority of the respondents were married.

This may be due to their length of time in service which also accounts for their wealth of vast knowledge of legislative oversight and civil-military relations in Nigeria.

#### 4.2.3. Age

Respondents' age range is shown in the table below.

**Table 9: Age of respondents**

|       |       | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|-------|-----------|---------|---------------|--------------------|
| Valid | 18-30 | 3         | 21.4    | 21.4          | 21.4               |
|       | 41-50 | 8         | 57.2    | 57.2          | 78.6.0             |
|       | 51-60 | 3         | 21.4    | 21.4          | 100.0              |
|       | Total | 14        | 100.0   | 100.0         |                    |

Source: Field Survey, (2019).

Results from the Table 9 shows that 3 (21.4%) of respondents is between 18-30 years, 8 (57.2%) are between the age bracket of 41-50 years old, while 3 (21.4%) is between 51-60 years. This confirms the proposition of the *Marital Status* section of this study which argued that majority of respondents are married may be because of their length of stay in service. Their ages also, reflects the duration of service.



#### 4.2.4. Level of Education

The responses of respondents on their level of education are presented in the Table below.

**Table 10: Level of Education of respondents**

|       |       | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|-------|-----------|---------|---------------|--------------------|
| Valid | HND   | 5         | 35.7    | 35.7          | 35.7               |
|       | BSc   | 9         | 64.3    | 64.3          | 100.0              |
|       | Total | 14        | 100.0   | 100.0         |                    |

Source: Field Survey, (2019).

Out of the 14 respondents interviewed 5 (35.7%) have HND while 9 (64.3) has BSc certificates. This shows that their jobs are intellectually demanding and places this study's choice of such sample population as right. More so, as they are best referred to as key informants because of their knowledge of the subject matter under review.

#### 4.2.5. Organization

Responses to respondents' organization is provided in the Table below.

**Table 11: Organization of respondents**

|       |                        | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|------------------------|-----------|---------|---------------|--------------------|
| Valid | Senate                 | 8         | 57.1    | 57.1          | 57.1               |
|       | Information Technology | 2         | 14.3    | 14.3          | 71.4               |
|       | Defense Headquarters   | 4         | 28.6    | 28.6          | 100.0              |
|       | Total                  | 14        | 100.0   | 100.0         |                    |

Source: Field Survey, (2019).

Table 11 shows that 8 (57.1%) of those interviewed works in the Senate, 2 (14.3%) is an Information Technology expert, while 4 (28.6%) are officers and civilians who work in the Defence Headquarters. Hence, a majority of interviewees are staff of various senate committees on defense. This projects the image of the study in good light as the information demanded can only be provided by people privy to the working of the defense sector.

*Objective One: Examine the state of civil-military relations in Nigeria since 1999*

The colonial security apparatus in Nigeria was established to control and extort the people and not to protect them (Ibrahim, 2013). The security culture emanating from this and the long years of military incursion in Nigeria's body polity was that of repression with an emphasis on coercion and general lack of civility towards the civilian population (Amaike, 2007). This indicates that democratic culture did not have enough time to permeate the security agencies. Previous Republic (First, Second and Third) were short lived. However, haven sustained democracy for over 20 years in the Fourth Republic, one would have expected an improved civil-military relations. Unfortunately however, the Fourth Republic has been marred with a serious crisis of insecurity that has given the military the false impression that the old order still holds sway.

According to Ibrahim (2013), Nigerian citizen has been enduring a culture of intimidation by the nation's security forces as they have developed a culture of reckless disregard for citizens' rights without little or no plan to change. He further argued that:

*The legal framework has not helped matters given our colonial heritage of laws against vagrancy, illegal assembly, wandering, and illegal procession. The state is constructed as an edifice against citizens who are assumed to have a natural tendency to break laws and must therefore be controlled, patrolled and constantly surveyed (Ibrahim, 2013).*

There has been several sources of instability in Nigeria since the change of baton of government from military to civilians in 1999. These include; militancy in the Niger Delta, ethno-religious conflict in the 'middle belt' (this has assumed the form of crop-farmers/ herdsman crisis), insurgency by the Islamist Boko Haram in North East geopolitical zone and the menacing kidnapping across the country. All these are fuelled by the deepening poverty, an expanding demography as well as ethnic, religious, social and economic grievances orchestrated by government's failure at all levels to deliver good governance (Babatunde, 2015). According to Ibrahim (2013), these grievances are engendered by the crisis of democratic consolidation in which citizens are not seeing the dividend of the democratic transition that came with high hopes and expectations.

This state of affairs, escalated under former President Jonathan, forcing him to declare State of Emergency in the affected states Adamawa, Borno and Yobe. This was based on the sophisticated weapons being used by the insurgents and the repeated heavy casualties on both the security forces and the civilian population.

Sequel to military engagement in all these near war theatres, there has been repeated and very disturbing allegations that some of the features of conflicts include human rights abuses and other horrendous crimes in the theatres of conflict, including Law enforcement extremism, unaccountable or 'rogue' law enforcement processes, general violence against women and sexual violence against both male and female genders, all of which crimes are encouraged by a pervasive sense of impunity (Ibrahim, 2013; Human Right Watch, 2017; Zeid, 2015). Aside these flash points there are several cases of human right abuses across the country where military officers intimidate and manhandle civilians. This has been drastically reduced as a result of the use of social media to effectively get some of these officers and men punished as deterrent to others. According to Zeid (2015):

*Civilians in northeast Nigeria have been living through horrifying acts of cruelty and violence by Boko Haram. These include wanton killings, summary executions, forced participation in military operations – including the use of children to detonate bombs, forced labour, forced marriage and sexual violence, including rape,*

On the state of civil-military relations in the Fourth Republic, the clerk of the senate committee on defense posited that civil-military relationship can be broken along the line of the functions of the legislature being; "lawmaking, appropriation and oversight". In her words, "We would be concerned in making legislations that will

engineer the outcome". One of such piece of legislation that was facilitated by her committee is the Defense Research and Development Bureau Bill. According to the clerk, that piece of legislation is meant to coordinate activities with other research based organizations in Nigeria. It would also organize annual joint research and development seminars and exhibitions.

On the budget, the clerk of the senate committee on defense averred that "we make sure our budget will drive government policy. In the main sector of the defense that is, the Armed Forces of Nigeria, in expending or spending the budget, the multiplier effect cuts across sectors regardless of where the fund is deployed to". The clerk further stated that "The function of oversight gives the legislature the jurisdiction and the mandate and powers invested on it to hold individual/organization involved in the security sector to account. This holding to account ensures efficiency and drives effectiveness in this regard and then ensuring the institution must make the best possible use of public resources in fulfilling their respective role, responsibilities and missions".

Summarily, the Table below presents the views of interviewees on whether or not the senate committees on Defense, Army, Air force and Navy made any significant improvement on civil-military relationship.

**Table 12: Views on whether or not Senate committees on defense have improved civil-military relationship since 1999**

|       |          | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|----------|-----------|---------|---------------|--------------------|
| Valid | Yes      | 11        | 78.6    | 78.6          | 78.6               |
|       | Not Sure | 3         | 21.4    | 21.4          | 100.0              |
|       | Total    | 14        | 100.0   | 100.0         |                    |

Source: Field Survey, (2019).

While 11 (78.6%) of those interviewed believes that the senate committees on defense have done enough in improving civil-military relationship, 3 (21.4%) is not sure whether or not there have be remarkable improvement in civil-military relationship since 1999. This agrees with the position of the clerk on defense.

The various Senate Committees overseeing civil military relations can be said to have contributed enormously to improve civil-military relations in Nigeria through a number of ways some of which are captured in Appendix 2 below. However, for emphases below are budgetary and other control measures

### **NAF's 2015 - 2018 Appropriations**

The performance of the Committee's legislative duties resulted to gradual progression of NAF's appropriations from 2015 to 2018. These are contained in table 13 below.

**Table 13: 2015 -2018 Appropriations on Comparative Analysis**

| <b>Fiscal Years</b> | <b>2015<br/>₦</b> | <b>2016<br/>₦</b> | <b>2017<br/>₦</b> | <b>2018<br/>₦</b>  |
|---------------------|-------------------|-------------------|-------------------|--------------------|
| Total Personnel     | 62,326,160,584.00 | 58,274,960,146.00 | 57,126,160,584.00 | 58,483,162,441.00  |
| Total Overhead      | 7,060,931,382.00  | 7,491,187,491.00  | 8,850,534,571.00  | 8,850,534,571.00   |
| Total Capital       | 7,630,105,522.00  | 37,652,021,940.00 | 33,650,720,453.00 | 44,651,160,134.00  |
| Total Allocation    | 77,017,197,488.00 | 90,709,802,101.00 | 99,627,415,608.00 | 111,984,857,146.00 |

Sources: Sessional Report of the Senate Committee on Airforce June 2015 – June 2019

### **NAF's 2015 – 2018 Capital budget performances**

This is as tabulated in table I4 below:

**Table 14: Comparative analysis of NAF's Capital budget performances from 2015 to 2018 fiscal years.**

| <b>Fiscal years</b> | <b>Amount Appropriated<br/>₦</b> | <b>Amount Released &amp; Utilized<br/>₦</b> | <b>%</b> | <b>Performance</b>  |
|---------------------|----------------------------------|---|----------|---|
| 2015                | 7,630,105,522.00                 | 6,782,870,576.68                            | 88.9%    | All projects completed                                      |
| 2016                | 37,652,021,940.00                | 37,652,021,940.00                           | 100%     | All projects completed                                      |
| 2017                | 33,650,720,453.00                | 28,088,283,557.94                           | 83.5%    | Some projects have been completed while others are on going |
| 2018                | 44,651,160,134.00                | 21,767,811,583.50                           | 49%      | Some projects have been completed while others are on going |

*Sources: Sessional Report of the Senate Committee on Airforce June 2015 – June 2019*

Firstly, it should be noted from table 14 above that 2018 Capital budget of ₦44,651,160,134.00 was the highest appropriation from 2015 to 2018 fiscal years but

the poorest amount of ₦21,767,811,583.50 was released and utilized. This represents 49% of the total appropriation. Secondly, in 2016, the total of ₦37,652,021,940.00 was appropriated, released and utilized, representing 100% of the appropriated amount. 2017 appropriation of ₦33,650,720,453.00 is ranked third, while only ₦28,088,283,557.94 was released and utilized. The percentage released and utilized stands at 83.5%. Ranked fourth is the least amount of ₦7,630,105,522.00 appropriated in 2015 with the total amount of ₦6,782,870,576.68 released and utilized, representing 88.9%.

From the forgoing, it could be stated that there were increases in capital budgets from 2015 to 2018 appropriations which are still inadequate. It could be stated that inadequate release of funds is one of the challenges facing NAF from accomplishing the bulk of its capital payment commitments, particularly, poor payment for projects in 2018 fiscal year. (i.e. ₦21,767,811,583.00 was released from the total appropriation of ₦44,651,160,134.00, representing 49%).

### **NAF's 2019 BUDGET PROPOSAL**

This is as tabulated in table 15 below:

**Table 15: NAF's 2019 BUDGET PROPOSAL**

| <b>Sub – Head</b> | <b>2019 Estimates<br/>₦</b> |
|-------------------|-----------------------------|
| Total Personnel   | 63,433,592,977.00           |
| Total Overhead    | 8,850,534,571.00            |
| Total Capital     | 45,051,160,134.00           |
| Total Allocation  | 117,335,287,682.00          |

*Sources: Sessional Report of the Senate Committee on Airforce June 2015 – June 2019*



**Table 16: Evidence of the improved civil-military relationship since 1999**

|       |  | Frequency | Percent | Valid Percent | Cumulative Percent |
|-------|--|-----------|---------|---------------|--------------------|
| Valid | Peaceful coexistence between civil and military entities | 5         | 35.7    | 35.7          | 35.7               |
|       | Success in the fight against insurgency                  | 2         | 14.3    | 14.3          | 50.0               |
|       | Improved internal security                               | 4         | 28.6    | 28.6          | 78.6               |
|       | Decrease in border crime                                 | 1         | 7.1     | 7.1           | 85.7               |
|       | Passage of citizen-centered bills                        | 2         | 14.3    | 14.3          | 100.0              |
|       | Total  |           | 14      | 100.0         | 100.0              |

Source: Field Survey, (2019).

From the Table above, 5 (35.7%) of interviewees argued that the improved civil-military relationship as championed by the committees on defense can be seen in; the peaceful coexistence between civil and military entities and improved security in the country. Some of the committee's impacts 2 (14.3%) interviewees argued can be seen in the success recorded in the fight against insurgency, while 1 (7.1%) and 2 (14.3) respectively believes that the harmonious civil-military relationship has led to a remarkable decrease in unwanted harassment and intimidation of the citizenry as well as decreased border crime and passage of citizen-centered legislation as can be seen in the defense Research and Development Bureau Bill. 4 respondents representing 28.6%

stated that the harmonious civil-military relationship has engendered improved internal security.

***Objective Two:*** *Ascertain how Civil-Military relations has impacted the fight against insurgency, militancy, and internal insurrection*

Civil control over the armed forces entails the hierarchy of authority between the executive, the national assembly and the armed forces. It encompasses the supremacy of the constitution, the imperatives of democratic norms and ethos, civil-military relations and military professionalism (Omede, 2012). The supposition underling the CMR lies in the fact that if the military is not properly managed and if not democratically controlled or that if it is not fully integrated into the fabric of the society, it can pose a variety of threats for democracy. According to GDCAF (2003), National Defence Policy (2006) and Omede (2012), some of the threats the military might pose include:

- a. Exercising unconstitutional influence or even staging military recurrent coup and rebellion
- b. Practicing unauthorized military or commercial activities and politicization of the military
- c. Consuming excessively high levels of resources which are needed for other sectors of society
- d. Misusing public funds
- e. Violating human rights (looting, harassing civilians, rape, robbing and using illegal violence) etc.

The Civilian Joint Task Force (C-JTF) plays pivotal role in fight against Boko Haram insurgency in Nigeria (Abdu & Shehu, 2019). The protracted insurgency combined with general anger and frustration at the destruction of the society, birthed the vigilante group known as the C-JTF in the North East (Lawan, 2014). The C-JTF was established in Borno state in 2013 as a community self-defense to protect communities against the attacks and atrocities being committed by Boko Haram insuregnts (Abdu & Shehu, 2019). At the last count, the C-JTF has successfully been of great help in the fight against insurgents in Maiduguri, Benisheik, Damboa, Konduga, Bama, Dikwa, Gamboru, Ngala and Monguno, etc. They effectively forced the insurgents out of Maiduguri (the cradle and epicenter of the insurrection) in 2013. This according to Abdu & Shehu, (2019), was a very incredible accomplishment recorded by the C-JTF which should be applauded and rewarded. The resilience and adaptive nature of the Civilian JTF as an effective community self-defense mechanism best captures civil-military contribution to the fight against insurgency in the North-East. The C-JTF has been able to effective contribute no less profoundly in the fight against insurgency by conducting pad-down or frisking women and girls in churches, mosques, check points and other public places as well as frontal engagement with the insurgents in cross-fire. They are also providing intelligence services by engaging in information gathering and aiding the Nigerian Military with necessary tip-offs about the movements of Boko Haram insurgents. Sequel to the fact that Boko Haram sect's modus operandi includes using civilian suicide bombers to attack soft targets or sports, C-JTF appears to be an effective antidote as their efforts have tremendously help in averting several attacks by

the insurgents (Lawan, 2014; Abdu & Shehu, 2019). The female C-JTF members engage in searching women before they enter public places such as religious worship places, wedding venues, etc. in order not to violate the peoples' Islamic religious and cultural system which forbids non-related men from entering women's houses, the female CJTF members easily help in making arrest in such places. The foregoing analysis adequately captures the effect of civil-military relations on the fight against insurgency, militancy and internal insurrection as similar arrangement is replicated across the country in the form of vigilante or neighborhood internal security arrangements.

From the field experiences below are some of the ways that civil-military relations have impacted on the fight against terrorism, crime and criminality in the country.

The clerk of senate committee on defense asserted that "with budget, the committee pays attention to specific area of need of the defense sector varying from emoluments, procurement of defense equipment and development of infrastructure necessary to boost troop's general operation efficiency and effectiveness within and outside Nigeria".

The clerk further averred that "the committee has reports on the progress of the Defense Headquarters (DHQ) which is saddled with the responsibility of formulating and executing policies and progress towards the attainment of national security and operational engagement of the Armed forces of Nigeria". In his submission, a Lieutenant Colonel, with the Defence Headquarters stated that "budgetary allocation

has not posed any challenge, however the issues of timely releases and application of these funds to the purpose for which such provisions were made”.

The active support of the National Assembly (NASS) through its defense committee which is vested with constitutional power to appropriate, is seen in the feat recorded by the DHQ which has effectively sustained troops in various operations spread across the country and the sub region towards guaranteeing a secured Nigerian and successful peace support operations. This was done through adequate and timely budgetary provisions to the three arms of the nation’s Military – Army, Navy and Airforce. Between 2009 and 2018, 1,322,351,329,595 was Nigeria Army’s cumulative budget, Navy got 707,832,983,796 while the Airforce got 784,451,727,860.

**Table 17: Cumulative Budgetary allocation for Nigerian Army, Nigerian Navy and Nigerian Air Force 2009-2018**

| <b>Year</b>  | <b>Army</b>              | <b>Navy</b>            | <b>Airforce</b>        |
|--------------|--------------------------|------------------------|------------------------|
| 2009         | 69,692,950,276           | 43,074,944,443         | 53,135,426,777         |
| 2010         | 75,009,195,412           | 45,123,408,184         | 58,278,670,290         |
| 2011         | 111,522,484,798          | 59,033,205,552         | 84,611,068,820         |
| 2012         | 123,933,481,410          | 69,249,502,922         | 66,438,382,447         |
| 2013         | 128,116,043,129          | 71,428,039,547         | 68,762,878,523         |
| 2014         | 136,080,310,195          | 72,629,224,510         | 73,886,028,660         |
| 2015         | 149,833,717,854          | 74,994,987,764         | 77,017,197,488         |
| 2016         | 148,466,240,000          | 85,589,795,274         | 90,709,802,101         |
| 2017         | 155,443,327,543          | 89,576,806,938         | 99,627,415,608         |
| 2018         | 224,253,578,978          | 97,133,068,662         | 111,984,857,146        |
| <b>Total</b> | <b>1,322,351,329,595</b> | <b>707,832,983,796</b> | <b>784,451,727,860</b> |

**Source:** Budget Office of the Federation.

This is clearly evident in some of the great feats achieved in the ongoing Northeast (NE) operations and containment of other security threats across Nigeria such as insurrection, militancy etc. However, data on tactical and operational directives of the Military were not easily available on the internet neither did these affected institutions agree to give out information on it.

*Objective Three: Ascertain how well the National Assembly has performed in its mandate of overseeing the Military for improved civil-military relations*

According to the International Parliamentary Union (IPU), the criteria for determining legislative committee effectiveness include:

- i.* Size of the legislature
- ii.* Size of the committee
- iii.* Mandate of the committee
- iv.* Number of meetings
- v.* Effectiveness of the chairman and
- vi.* How many committee members are knowledgeable about the sector the committee oversees.

The National Assembly of the Federal Republic of Nigeria is a bicameral legislature established under **section 4 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended)**. It consists of a Senate with 109 members and a 360 member House of Representatives. It is modelled after the federal Congress of the United States, to guarantee equal representation with 3 Senators to each 36 states irrespective of size in the Senate plus 1 senator representing the FCT, Abuja and

proportional representation of population in the House. In line with the provisions of the IPU committee effectiveness criteria, table 18 below captures the mandate, chairman, clerk and committee numerical strength.

The various Senate Committees overseeing the nation's Military institutions have their mandates, clerks, chairman, etc. captured in 18 below:

**Table 18: Mandate of Senate Committees overseeing the Military**

| Committee | Mandate  | Chairman            | Clerk  | Number of Committee Members |
|-----------|--|---------------------|--|-----------------------------|
| Defence   | <p>The Senate Committee on Defence was reconstituted as a Standing Committee of the Senate at its sitting on Tuesday 3<sup>rd</sup> November, 2015, pursuant to <b>Section 62 (1) of the 1999 Constitution</b> of the Federal Republic of Nigeria, as amended. The Committee was created in the Standing Order of the Senate.</p> <p>The mandate of the Committee is split out in <b>Rule 95 (1)</b> of the Senate Standing Order 2015 (Amended).</p> <p>The Committee was charged with performing the following functions, otherwise known as its jurisdictions;</p> <ul style="list-style-type: none"> <li>i. Payment, promotion, retirement and other benefits and Privileges of members of the Army;</li> <li>ii. Size and composition of Army;</li> <li>iii. Defence Headquarters;</li> <li>iv. Ammunition Depots, Forts, Arsenal Reservations and Establishments;</li> <li>v. Scientific research and</li> </ul> | Sen. Abubakar Kyari | Vivian N. Njemanze (Mrs.) Assisted by 6 other secretari at staff | 11 senators                 |

|          |  |                            |   |   |
|----------|--|----------------------------|---|---|
|          | <p>development in support of Army;</p> <ul style="list-style-type: none"> <li>vi. Barrack projects;</li> <li>vii. Military application of nuclear energy;</li> <li>viii. Disarmament;</li> <li>ix. Army Cadets;</li> <li>x. Resettlement scheme for serving Officers of the Army;</li> <li>xi. War graves monuments, and memorabilia;</li> <li>xii. Peace keeping operations; and</li> <li>xiii. Annual budget estimates.</li> </ul>   |                            |   |   |
| Airforce | <p>The mandate of the Senate Committee on Air Force is among others is premised under the following:</p> <ul style="list-style-type: none"> <li>a. Organizing Committee Meeting: This is a forum for Committee members to deliberate and resolve on the Committee's activities.</li> <li>b. Organizing Stakeholders' Meeting /Forum/Interactive Session.</li> <li>c. Performance of Oversight Visits to the various Establishments of the Nigerian Air Force.</li> <li>d. Recommend Annual Budget Estimates for Appropriation</li> <li>e. Conduct Investigative/Public Hearing</li> <li>f. E- parliament: The use of ICT in the conduct of legislative activities of the Senate to improve service delivery is promised</li> <li>g. Sponsoring of Bills, Motions, Receiving of Petitions and Provision of other legislative supports to the MDAs.</li> </ul> | Senator Duro Samuel Faseyi | Adeleke Baderin wa Assisted by 5 other secretari at staff | 9 |



|      |  |                                   |               |    |
|------|--|-----------------------------------|---------------|----|
| Navy | <p>The Committee is mandated to among other things, carry out the following duties:</p> <ul style="list-style-type: none"> <li>a) Payment, Promotion, Retirement and other benefit and privileges of Officers and Ratings of the Nigerian Navy.</li> <li>b) Establish the Size and Composition of the Navy</li> <li>c) Carry out Scientific, Research and Developments in the support of the Navy.</li> <li>d) Development of Navy Barracks</li> <li>e) Navy Cadets</li> <li>f) Clearance of Foreign Military Warships</li> <li>g) Resettlement scheme for serving members of the Navy</li> <li>h) Development Projects</li> <li>i) Annual Budget Estimates</li> </ul> | Senator<br>Isah<br>Hamma<br>Misau | Yunusa<br>Isa | 10 |
| Army | <p>The Committee is mandated to among other things, carry out the following duties:</p> <ul style="list-style-type: none"> <li>c) Payment, Promotion, Retirement and other benefit and privileges of Officers and rank and file of the Nigerian Army.</li> <li>d) Establish the Size and Composition of the Army</li> <li>c) Carry out Scientific, Research and Developments in the support of the Army.</li> <li>d) Development of Army</li> </ul>  | Sen.<br>George<br>Akume           | NA            | 10 |

|  |   |  |  |  |
|--|---|--|--|--|
|  | Barracks<br>j) Army Cadets<br>k) Clearance of purchased military hardwares, arms and ammunition.<br>l) Resettlement scheme for serving members of the Army<br>m) Development Projects<br>n) Annual Budget Estimates |  |  |  |
|--|---|--|--|--|

Source: Compiled by the Author.

Between 2015 and 2019, Senate Committee on Defence held 17 meetings, 2 motions attended to, 11 oversight visits and 2 bills assented to by the president including the **Armed Forces (Restriction on Use in Certain Internal Security Operations, Etc.) Bill, 2017 (SB.341)** and **An Act to Amend the National War College Act (Cap. N82, 2004) To Provide for Change of Name to National Defence College and For Other Connected Purposes** (see Appendix 2) (Sessional Report of Senate Committee on Defence, 2019). Senate Committee on Airforce had 10 meetings, no petition, no motion, 4 oversight visits and 1 one bill assented to by the President - **Nigerian Air Force Institute of Technology, Kaduna (Establishment, etc.) Bill, 2016 (SB.180)** (Sessional Report of Senate Committee on Airforce, 2019). While Senate Committee of Navy had 8 meetings, 6 oversight visits, no petition and two bill referrals within the time under review. These bills comprises the Suppression of Piracy Bill, 2017 (SB.254) and the United Nations Conventions on the law of sea 1958 and 1982 relating to Piracy bill, 2017 -SB.364 (Sessional Report of Senate Committee on Navy, 2019).

Both Sen. Abubakar Kyari and Sen. Isah Hamman Misua chairmen Senate Committees on Defence and Navy respectively are retired military and police officers with enormous wealth of experience in the security and Defence sectors. This explains why both committees has been adjudged by their Clerks as having performed above average.

The clerk, senate committee on defense asserted that “the role of the legislature is toward establishing an effective framework within which to ensure democratic accountability for executive authorities responsible for managing the defense sector as well as the security sector itself. In doing so, the committee ensures that government have the responsibility to make use of economic resources by ensuring that projects are executed in line with the administration policy on security, anti-corruption and efficient utilization of resources”. On the oversight function of the committee of the military for improved civil-military relationship, the clerk asserted that, “this holding to account ensures efficiency and drives effectiveness in this regard and then ensuring the institution must make the best possible use of public resources in fulfilling their respective role, responsibilities and missions”.

*Objective Four: Scrutinize factors impeding the smooth execution of the oversight of the Military by the National Assembly*

Interviewees listed the following responses as the challenges mitigating the execution of smooth oversight of the military by the National Assembly.

**Table 19: Challenges confronting the National assembly in overseeing the Military**

|       |   | Frequency | Percent      | Valid Percent | Cumulative Percent |
|-------|---|-----------|--------------|---------------|--------------------|
| Valid | Personal Ambition, Interest and Agenda of Legislators         | 3         | 21.4         | 21.4          | 21.4               |
|       | Undermining Legislative Oversight Functions by the Executive. | 4         | 28.6         | 28.6          | 50.0               |
|       | Corruption  | 3         | 21.4         | 21.4          | 71.4               |
|       | Lack of Democratic Culture                                    | 2         | 14.3         | 14.3          | 85.7               |
|       | Adverse Legislative Environment                               | 2         | 14.3         | 14.3          | 100.0              |
|       | <b>Total</b>  | <b>14</b> | <b>100.0</b> | <b>100.0</b>  |                    |

Source: Field Survey, (2019).

The Table above shows that 3 (21.4%) each of the people interviewed argued that personal ambition, interest and agenda of legislators and corruption respectively as being among the challenges confronting the National Assembly in executing oversight of the military, 4(28.6%) of interviewees stated that the greatest challenge facing Senate oversight of the military is the undermining legislative oversight functions by the executive arm of government. While 2 (14.3%) each of the people

interviewed stated that lack of democratic culture and adverse legislative environment are some of the challenges inhibiting the National Assembly in overseeing the military.

In line with the challenges identified above, the clerk of senate committee on defense averred that “the committee desire that persons or institutions operate in accordance to the rules of law and also ensure transparency by making security information freely available and accessible to those who will be affected by decision and their implementation. Secrecy shrouds this sector, hence, there is always lack of accountability and abuse of human rights”. This position is an attempt to underscore the importance of openness/transparency and cooperation of the executive in the activities of the defense sector.

Similarly, the clerk identified self-censorship, exhibition of ‘blind loyalty’-to party, ethnic, cultural group, etc., lack of political will, the upset of tenure, among others, as challenges plaguing the execution of smooth oversight by the National Assembly on the military.

The view expressed by the respondents are in consonance with and validated the studies of: Crisis Group Africa Report no. 237 (June 6, 2016), Aluko (2015), Onwe, Ibeogu & Nwede (2015) and IPU-DCAF (2003) respectively. According to Policy and Legal Advocacy Centre – PLAC (2016), sequel to the relative young age of Nigeria’s democracy, legislative oversight in particular and legislative business seems to suffer. In corroborating PLAC, Akomolede (2012) stated that the effect of long years of military rule in Nigeria has thrown up negative consequences that has continued to rear its ugly heads in institutions of democracy in Nigeria. The legislature is not an exception. But for

the 8<sup>th</sup> Session of the National Assembly, the legislature in Nigeria cannot be said to be truly independent of the Executive and therefore, is often incapacitated from acting as the watchdog of executive activities (PLAC, 2016). Consequently, the inordinate ambition of members and leadership of the two Chambers often lead them into fraternizing with the executive such that valuable time for law-making is lost in the process of lobbying for juicy leadership positions and committees in the legislative houses (Akomoledede 2012; PLAC, 2016). These situations give the executive avenue to undermine the oversight powers of the National Assembly. Aluko (2015) posited that the executive perceives the legislature as an inferior arm of government that should do the bidding of the executive arm. Therefore, they strive to undermine the oversight powers of the legislature by maintaining control of the leadership of the National Assembly.

Adverse legislative environment: Existing literature indicates that the views of the interviewees on adverse legislative environment constitute a major challenge to legislative oversight of the military is true. According to Orowolo (2010), the politically charged environment of conflicting interests, antagonism between the majority and opposition parties often resulting in a stalemate; antagonism between the legislature and the government with the latter often reluctant to accommodate a robust parliament that can hold it to account; and lack of adequate information, human and material resources. Sen. Anyim Pius Anyim had in December 2002 argued that the National Assembly's attempts at fulfilling its constitutional roles including the oversight functions were undermined by the executive on several occasions (Newswatch Magazine,

February 1, 2003). For instance the different sessions of the Senate faced several accusations of corruption by the executive such as the Sen. Alloysius Etuk led Senate investigative committee on the Nigerian Stock Market, etc. Although, the four Committees overseeing the nation's military has not been publicly accused by the executive several other Senate committees have been accused in the past. Onwe, Ibeogu & Nwede (2015), corroborated this argument when they added that the MDAs are always averse to legislative checks and balances as they deny law-makers access to useful pieces of information that would aid effective oversight. Onwe, Ibeogu & Nwede (2015) further added that law-makers inordinate and insatiable quest for wealth makes them lose sight of the importance of their oversight function to good governance in Nigeria. They instead engage in all form of subtle moves to extract some monetary gains during oversight assignments (Onwe, Ibeogu & Nwede, 2015)

To lay credence to the table above on what constitute challenges to their committee oversight activities, Senate Committee of Airforce added more to the above as the challenges facing them in their committees' activities:

- i. Inadequate funds for the Committee to carry out its oversight functions and other statutory activities on NAF and AFIT.
- ii. Inadequate local trainings and absence of overseas training and re-training programmes for Committee members and staff.
- iii. Inadequate funds for capital projects to NAF/AFIT and untimely/poor releases of capital funds also hinder Committee's oversight activities on NAF and AFIT. According to the Committee Clerk, "the one million naira imprest is grossly inadequate for the

Committee considering the fact that members of the committee are politicians who also want to make money while carrying out their committee mandates”.

Corruption is another identified challenge being faced by law-makers in the course of oversight assignments. The National Assembly has always been in the eye of the storm, as members of the National Assembly have been severally accused of bribery and corruption in the exercise of oversight functions (PLAC, 2016; Orowolo, 2010; Aluko, 2015). An example is the Securities and Exchange Commission (SEC) investigation which was carried out by the House of Representatives in the 7<sup>th</sup> Assembly. Arising from the crash of the stock market and the attendant loss of several billions of Naira, the House of Representatives commenced a probe on the activities of the SEC which is the regulatory body of the stock market. In the course of the probe and while the then Director-General of SEC, Ms. Arunma Oteh, was testifying before the Committee, she forcefully accused the Chairman of the Committee of demanding gratification from her; a demand she firmly refused to grant. She alleged that the hostile disposition of the investigating Committee towards her during the public hearing was due to her refusal to meet the demand of the Committee Chairman. The uproar generated by the accusation forced the Chairman to step down as Chairman and member of the Committee.

The National Assembly in Nigeria was plagued with allegations of corruption and the resultant compromise of their independence in the past. For example, members were bribed during the threatened impeachment of former President Obasanjo in order to dissuade them from supporting the impeachment. The executive was also alleged to



have given money to legislators to compromise their integrity in the discharge of their functions.

However, interviewees were quick to proffer solutions to the challenges identified above. The solutions are presented in Table 20.

**Table 20: Measures to ameliorate the challenges confronting the National Assembly**

|  | Frequency | Percent | Valid Percent | Cumulative Percent |
|--|-----------|---------|---------------|--------------------|
| Valid<br>Commitment to committees' mandate | 2         | 14.2    | 14.2          | 14.2               |
| Availability of fund                       | 5         | 35.8    | 35.8          | 50.0               |
| Cooperation among critical stakeholders    | 5         | 35.8    | 35.8          | 85.8               |
| Improved welfare of committee staff        | 1         | 7.1     | 7.1           | 92.9               |
| Training and retraining of committee staff | 1         | 7.1     | 7.1           | 100.0              |
| Total                                      | 14        | 100.0   | 100.0         |                    |

Source: Field Survey, (2019).

The table above indicates that, cooperation among critical/sector stakeholder (5, 35.8%) is important in mitigating the challenges confronting the National Assembly in the execution of smooth oversight of the military. Other strategies to resolve the challenges confronting the National Assembly in executing smooth oversight of the military are; availability of fund for committee activities (5, 35.8%), commitment to committee's mandates (2, 14.2%), improved welfare of committee staff (1, 7.1%), and, training and retraining of committee staff (1, 7.1%). To underpin the need for cooperation among stakeholders, the clerk of the committee on defense opined that "there should be a limit to secrecy.....the citizens should be totally aware of what government is doing. Citizen engagement is very critical for me. Government should be within the rule of law and standards. Citizens' education, awareness, etc. are paramount".

These findings uphold the position of PLAC (2016) that listed the following as remedial measures to ameliorate challenges facing effective legislative oversight of the MDAs in Nigeria:

- i. Amendment of Section 81(11) of the 1999 Constitution (as amended) to facilitate timely presentation of budget;
- ii. Demonstration of patriotic and nationalistic will by legislators in the conduct of oversight;
- iii. Provision of sufficient funds for conduct of oversight with a fair sense of neutrality, independence and effectiveness;
- iv. Creation of platforms to educate and enlighten the Nigerian citizens;

- v. Openness and transparency in creating citizens access to legislature and public participation in the law making process;
- vi. Development and utilization of workplans and oversight templates to guide effective conduct of the exercise and proper reporting; and,
- vii. Improved legislative-executive relations

**Commitment to committees' mandate:** This is imperative considering the fact that law-makers are peoples' representatives and are accountable to their constituents. Therefore, law-makers should predicate qualifications and experience as precondition for the appointment of legislative aids instead of using it as an instrument of political patronage. This will help most of the inexperienced law-makers in performing their oversight functions as these aids already knows the process and conditions of legislative oversight. This validated PLAC (2016) recommendation of "demonstration of patriotic and nationalistic will by legislators in the conduct of oversight" as a very potent solution to some of the challenges hindering effective oversight of the military. This calls for development and utilization of workplans and oversight templates to guide effective conduct of the exercise and proper reporting (PLAC, 2016)

**Availability of fund:** The leadership of Senate should scale up funding in the form of monthly impress to committees. There is no benchmark or ceiling on how much should be budgeted for the National Assembly per year. Therefore, National Assembly should seize the opportunity to improve funding for committee activities. This will even reduce perceived corruption on the side of the law-makers. PLAC (2016) recognized

this important measure when it asserted that the “provision of sufficient funds for conduct of oversight with a fair sense of neutrality, independence and effectiveness” would engender effective oversight of relevant institutions/organizations.

**Cooperation among critical stakeholders:** The three arms of government should be independent but coordinate in running the affairs of government. No arm should see the other as a rival simply because their preferred candidates failed to emerge as leaders in the legislature. According to PLAC (2016), “openness and transparency in creating citizens access to legislature and public participation in the law making process” is key to effective legislative oversight of the military.

**Improved welfare of committee staff:** Adequate premium should be placed on committee staff welfare because they constitute institutional memory of these legislative committees. If staff welfare is considered important by the leadership of these committees, staff will morally bound to put in their best in the affairs of the committees. Improved welfare may be in form of training, allowances, leave, etc. The welfare of employees at the workplace has been described by scholars as critical to the growth of any organization (National Assembly inclusive) and the productivity of its workforce (Odeku & Odeku, 2014; Hassan, 2014; Okereke & Daniel, 2010; Singh, 2009). According to the Industrial Global Union, an enhanced welfare package for workers serves as a natural boost for employee effectiveness and productivity.

**Training and retraining of committee staff:** Sequel to the fact that legislators have different backgrounds, training and supporting members to ensure that they acquire knowledge on policy formulation, budgets, budgetary processes and

oversight should be undertaken by the National Institute for Legislative and Democratic Studies, given the intricacies involved in formulating policies and debating the budget, etc., such training should be in collaboration with specialized international organizations such as the African Capacity Building Foundation (ACBF), European Union, World Bank Institute, etc. (Orowolo, 2004). This is very imperative in an assembly where the turnover rate is very high thereby throwing up inexperienced first-timers as law-makers. Again, the importance of training to productivity in every human organization and endeavor cannot be overemphasized.

## **CHAPTER FIVE**

### **Summary of Major Findings, Recommendations and Conclusion**

#### **5.1. Introduction**

This chapter presents the summary of findings, recommendations and conclusion arising from the study. All the findings were presented according to the objectives of the study, while the recommendations were done according to the findings.

#### **5.2. Summary of Findings**

The study was carried out to examine the state of civil-military relations in Nigeria since 1999; determine how Civil-Military relations has impacted the fight against insurgency, militancy, and internal insurrection; ascertain how well the National Assembly has performed in its mandate of overseeing the Military for improved civil-military relations; examine factors impeding the smooth execution of the oversight of the Military by the National Assembly and proffer strategies towards boosting effective oversight of the Military for improved civil-military relationships by the Nigerian Senate. The key informant interview and questionnaire design, employing the purposive sampling technique was used. Research findings based on stated objectives are as follows:

- i. Civil-military relations have improved tremendously in Nigeria since 1999 considering the militarized environment the nation found her immediately after the transition as a result of long years of military rule.

- ii. From a broad spectrum, civil-military relationship can be broken along the line of the functions of the legislature being; “lawmaking, appropriation and oversight”. On lawmaking, pieces of legislations that foster civil-military relationship are always considered, also, budgetary allocations are made to affect different facet of society, and oversight of the implementation of laws and budgetary provisions are done to ensure government objectives are met.
- iii. The active support of the National Assembly (NASS) through its Defense, Airforce and Navy committees which are vested with constitutional power to appropriate, could be seen in the feat recorded by the DHQ which has effectively sustained troops in various operations spread across the country and the sub region towards guaranteeing a secured Nigerian and successful peace support operations. This is clearly evident in some of the great feats achieved in the ongoing Northeast (NE) operations and containment of other security threats across Nigeria such as insurrection, militancy etc.
- iv. On the oversight function of the committee of the military for improved civil-military relationship, the study observed that the holding to account (through budget defence and oversight visits) ensures efficiency and drives effectiveness across the defence sector and National Assembly. This ensures that Military institutions must make the best possible use of public resources in fulfilling their respective role, responsibilities and missions.
- v. Findings showed that 3 (21.4%) each of the people interviewed argued that personal ambition, interest and agenda of legislators and corruption respectively

as being among the challenges confronting the National Assembly in executing oversight of the military, 4(28.6%) of interviewees stated that the greatest challenge facing Senate oversight of the military is the undermining legislative oversight functions by the executive arm of government. While 2 (14.3%) each of the people interviewed stated that lack of democratic culture and adverse legislative environment are some of the major impediment to the execution of smooth oversight by the National Assembly on the military.

- vi. Other challenges identified are; self-censorship, exhibition of 'blind loyalty'-to party, ethnic, cultural group, etc., lack of political will, the upset of tenure, etc.

### **5.3. Recommendations**

The following recommendations are made based on the findings of this study:

- i. **Cooperation among critical/sector stakeholder:** There is need for improved cooperation among critical stakeholders such as lawmakers and the military officers in order to bring about effective civil military relations. The American system where the Vice President is the Senate President is without much ranchor as it is the case in Nigeria. Therefore, the full weight of the Freedom of Information Act should take its course should any government MDA with-hold information from the oversighting National Assembly committee. Therefore, National Assembly should not be reduced to a mere approval-granting assembly where appropriation bills and appointments are ratified.



- ii. **Availability of fund for committee activities:** Committee activities are most time hampered by poor funding. The subvention given to Committees are most of the time insufficient for them to carry out their oversight functions. Therefore, funding should be made available to these committees in order to smoothen the wheel of their activities. This is to say that National Assembly overhead should be increased at budget preparation stage in order to make funding readily available to law-makers in their oversight assignments.
- iii. **Commitment to committee's mandates:** The habit of treating government business as no-man's business is the bane of civil and public service in Nigeria. Law-makers often pay minimal attention to their mandate of overseeing MDAs under their committee supervision and this has impacted no less profoundly on the effectiveness of good civil-military relations in Nigeria. Therefore, for the country to achieve improved civil-military relations, the relevant oversighting committees have to show more commitment and improved effort in performing their function of oversight military institutions in the country.
- iv. **Improved welfare of committee staff:** Improved committee staff welfare is very instructive considering the fact that they do the bulk of technical work within the committee. Therefore, there should be some allowances created as a form of motivation for them.

- v. Training and retraining of committee staff: Drawing from “d” above, committee staff should be subjected to regular training and retraining in order to equip them with all the skills and knowledge needed to perform on duty.

#### **5.4. Conclusion**

The study showed that civil-military relations have improved drastically and that the active support of the National Assembly (NASS) through its Defense, Airforce and Navy committees which are vested with constitutional power to appropriate, could be seen in the feat recorded by the DHQ which has effectively sustained troops in various operations spread across the country and the sub region towards guaranteeing a secured Nigerian and successful peace support operations. It is important to note that the committees on Defense, Navy, Airforce and Army envisage that the management of the affairs/activities of the defense sector should be done with high professional ethic based on good security sector governance (SSG), standards and best practices.

Civil-military relationship entails the relationship between civilian populace as a whole and the military institution or organizations established to protect and guard it. This also underscores the civilian control of the military as well as keeping the military in the barrack to perform their constitutional/ traditional role.

Conclusively, it is imperative that the recommendations outlined in this study be implemented, so as to ensure the sustenance of civil-military relationship for the overall achievement of the security sector governance (SSG) goals.

## **5.5 Suggested Areas of Further Study**

1. Analysis of the Implications of Legislative Oversight on the Fight against Boko Haram Insurgency in the North-East.
2. Civil-Military Relations and Issues of Human Rights Violation in Nigeria: The Role of the National Assembly.
3. Effective Legislative Oversight and Nigeria's Defence and Security Policy: A Case of Buhari's Administration.

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## Appendix 1

### Interview Questions on the Civil – Military Relations and Legislative Oversight in Nigeria: A Study of the Fourth Republic Nigerian Senate

I am a post-graduate student of NILS and the University of Benin. I am undertaking a research on the topic: *Civil – Military Relations and Legislative Oversight in Nigeria: A Study of the Fourth Republic Nigerian Senate*. In this questionnaire, oversight means the informal and formal scrutiny the legislature exercises over other arms of government (in this case, over the nation's military). I therefore, appeal for your assistance in completing these few interview questions.

#### SECTION A: BIO-DATA

1. What is your sex category?
  - a) Male
  - b) Female
  
2. What is your marital status?
  - a) Married
  - b) Single
  - c) Others
  
3. What is your age Bracket?
  - a) 18-30yrs
  - b) 41-50yrs
  - c) 51-60yrs
  
4. What is your educational status?
  - a) HND
  - b) B.Sc./LLB
  
5. What is your Committee/Organization?
  - a) Senate
  - b) Information Technology
  - c) Defence Headquarters

## **SECTION A: OBJECTIVES 1-4**

6. Has the current Senate Committees on Defence, Army, Airforce and Navy made any significant achievement civil-military relations since 1999?
7. Describe how well the National Assembly has performed in its mandate of overseeing the Military for improved civil-military relations.
8. What is the impact of the achievements of these Senate Committees the fight against insurgency, militancy, and internal insurrection?
9. Are there challenges facing civil-military relations in Nigeria?
10. What recommendations in your opinion will engender effective legislative oversight of the Military in Nigeria?
11. Any other useful information?

Thank you for your time.

**Appendix 2: SESSIONAL REPORT OF THE SENATE COMMITTEE ON DEFENCE  
JUNE 2015 – JUNE 2019**



**SESSIONAL REPORT OF THE SENATE COMMITTEE ON DEFENCE  
JUNE 2015 – JUNE 2019**

**1.0 INTRODUCTION**

1.1 The Senate Committee on Defence was reconstituted as a Standing Committee of the Senate at its sitting on Tuesday 3<sup>rd</sup> November, 2015, pursuant to **Section 62 (1) of the 1999 Constitution** of the Federal Republic of Nigeria, as amended. The Committee was created in the Standing Order of the Senate.

**1.2 INAUGURATION**

The Committee was inaugurated alongside 11 other Standing Committees by the President of the Senate, Senator Abubakar Olubukola Saraki CON, on **Thursday 19<sup>th</sup> November, 2015**. The Senate President in his inaugural speech, charged the Committee to develop and implement series of programmes and legislative interventions to revitalize the Defence Sector.

**1.3 MISSION**

The Committee derived its mission from the inaugural speech of the President of the Senate, Senator Abubakar Olubukola Saraki CON, and retained a sequence from the mandate of the Committee on Defence as contained in the Senate Standing Order 2015 as amended to include:

- Interact with Stakeholders in the Defence Sector with the view to bringing tangible inputs that would help to move the Sector forward;
- Identify the challenges and constraints facing the Armed Services, including their Institutions and Systems;
- To proffer possible and effective solutions to achieve positive results;
- Propose Legislations in line with Government Policies that would bring about changes in the Defence Sector; and
- Oversight the function of the Ministry of Defence and other Institutions and Organizations within the Committee's jurisdiction.

## 2.0 MANDATE

The mandate of the Committee is split out in **Rule 95 (1)** of the Senate Standing Order 2015 (Amended).

The Committee was charged with performing the following functions, otherwise known as its jurisdictions;

- i. Payment, promotion, retirement and other benefits and Privileges of members of the Army;
- ii. Size and composition of Army;
- iii. Defence Headquarters;
- iv. Ammunition Depots, Forts, Arsenal Reservations and Establishments;
- v. Scientific research and development in support of Army;
- vi. Barrack projects;
- vii. Military application of nuclear energy;
- viii. Disarmament;
- ix. Army Cadets;
- x. Resettlement scheme for serving Officers of the Army;
- xi. War graves monuments, and memorabilia;
- xii. Peace keeping operations; and
- xiii. Annual budget estimates.

### 3.0 STRUCTURE OF THE COMMITTEE

As at the time of its inauguration on **Thursday, November 19, 2015**, the Committee comprised of **eleven (11) Members** including Chairman and Vice-Chairman. The Committee is served by a Secretariat headed by the Committee Clerk. The duties of the Officials of the Committee are stated in the Standing Orders of the Senate.

#### 3.1 MEMBERSHIP

The current membership of the Committee is as follows;

- |                            |   |                 |
|----------------------------|---|-----------------|
| 1. Sen. Abubakar Kyari     | - | <b>Chairman</b> |
| 2. Sen. Jeremiah. T. Useni | - | Vice Chairman   |
| 3. Sen. Buhari Abdulfatai  | - | Member          |
| 4. Sen. Sunny Ogbuoji      | - | Member          |
| 5. Sen. Bayero. U. Nafada  | - | Member          |
| 6. Sen. Aliyu. M. Wamakko  | - | Member          |
| 7. Sen. Duro. S. Faseyi    | - | Member          |
| 8. Sen. Gershon Basse      | - | Member          |
| 9. Sen. Rabiu M. Kwankwaso | - | Member          |
| 10. Sen. David A. B Mark   | - | Member          |
| 11. Sen. Ademola Adeleke   | - | Member          |

#### 3.2 SECRETARIAT

- |                                      |   |                           |
|--------------------------------------|---|---------------------------|
| 1. Vivian N. Njemanze (Mrs.)         | - | <b>Committee Clerk</b>    |
| 2. Nonye Uzodi (Mrs.)                | - | Assistant Clerk           |
| 3. Abdulyekeen Simiat Atinuke (Mrs.) | - | Prin. Legislative Asst. I |
| 4. Dike Rophina (Mrs.)               | - | Prin. Conf. Secretary II  |
| 5. Chinyere Asoanya (Mrs.)           | - | Prin. Conf. Secretary     |
| 6. Abubakar M. Bello (Mr.)           | - | Prin. Executive Officer   |
| 7. Cecilia Atin (Mrs.)               | - | Confidential Secretary    |

## 4.0 COMMITTEE ACTIVITIES

4.1 It is evident that the Senate Committee on Defence pursued and discharged its functions going by the number of Committees meetings/Activities it held within the period under review covering topical issues on Security/Defence as it engaged Stakeholders across the sectors; **Ministry of Defence (MOD), Defence Headquarters (DHQ), the tri-service (Army Navy Airforce), The Police, Directorate of Security Services (DSS), the Office of the National Security Adviser, Institutions under the Defence Sector, the Public, Private, Manufactures, Non-Governmental Organisations (NGOs), Civil Society Organisations (CSO), Academia, Media etc.**

### 4.2 SCHEDULE OF COMMITTEE MEETINGS

Within the period under reviewed, the Committee held seven (7) meetings as seen in the table below;

| S/N | MEETINGS  | DATES                                     |
|-----|---|---|
| 1   | Meeting with Officials of Centre for Democratic control of Armed Forces Geneva  | Wednesday 5 <sup>th</sup> July, 2017      |
| 2   | Meeting: Armed Forces Bill and Budget Consideration   | Wednesday 8 <sup>th</sup> November, 2017  |
| 3   | Meeting to discuss the modalities of the Committee's proposed Oversight visits  | Tuesday 23 <sup>rd</sup> January, 2018    |
| 4   | (i)The Committee considered Year 2018 Budget update,<br>(ii)Armed Forces (Restriction on the use of Arms in certain Internal Security Operations, etc.) Bill, 2017<br>(iii)Motion on Influx of Refugees from the Republic of Cameroon to some Boarder | Wednesday 21 <sup>st</sup> February, 2018 |

|    |  |  |
|----|--|--|
|    | Communities in Cross River State and attendant Security fallouts   |  |
| 5  | Year 2018 Budget Consideration   | Wednesday 28 <sup>st</sup> February, 2018  |
| 6  | Invitation to the Hon. Minister of Defence in Respect of the Influx of Refugees from the Republic of Cameroon to some Border Communities in Cross River State and its Attendant Security fall-outs | Thursday 1 <sup>st</sup> March, 2018       |
| 7  | Consideration of Draft Report on Ministerial Briefing  | Tuesday 13 <sup>th</sup> , March, 2018     |
| 8  | Meeting to discuss the modalities of the Committee Oversight   | Tuesday, 23 <sup>rd</sup> January, 2018    |
| 9  | Meeting of the Committee to consider Budget update, use of Arms Restriction and Motion on Influx of Refugees   | Wednesday, 21 <sup>st</sup> February, 2018 |
| 10 | Budget Consideration   | Wednesday, 28 <sup>th</sup> February, 2018 |
| 11 | Brief by the Hon. Minister of Defence in respect of the influx of Refugees from the Republic of Cameroon to some border Communities in Cross River and its attendant Security Fallout.             | Thursday, 1 <sup>st</sup> March, 2018      |
| 12 | Consideration of the Draft Report on the Ministerial Briefing  | Tuesday, 13 <sup>th</sup> March, 2018      |
| 13 | Consideration on Defence Research and Development Bureau (DRDB) Establishment (etc) Bill, 2018 (SB.623)  | Thursday, 11 <sup>th</sup> October, 2018   |
| 14 | Consideration of DRDB Establishment Bill and National War College Act Cap N*@LFN 2004 (Amendment) Bill, 2018 (SB. 551)   | Tuesday, 16 <sup>th</sup> October, 2018    |
| 15 | Public Hearing on Defence Research and Development Bureau and National War College   | Tuesday, 6 <sup>th</sup> November, 2018    |



|    |  |   |
|----|--|---|
|    | Amendment Bill   |   |
| 16 | Consideration of the report of the Public Hearing on DRDB and Deliberation on the programme for the 2018 oversight visit to Defence Institutions in Abuja, Kaduna and Lagos. | Thursday, 15 <sup>th</sup> November, 2018 |
| 17 | Public hearing to Investigate the Invasion of Federal Capital Territory Indigenes' Land around Nnamdi Azikiwe International Airport by Nigerian Army.                        | Monday, 29 <sup>th</sup> April, 2019      |

#### 4.3 INTERACTIVE WORKING SESSIONS WITH FEDERAL MINISTRY OF DEFENCE AND ITS AGENCIES

As part of the Committee's proposed plan of action at its inception, the Senate Committee on Defence amongst other important issues discussed, resolved to embark on series of in-house deliberation sessions with the Ministry, Agencies, Parastatals, Institutions and related Stakeholders and to partner with the Media and Civil Societies Organisations (**CSO's**) for a comprehensive understanding of the Nation's national security covering budget, oversight, decision-making processes, management and control of State activities and functions in the Security Sector.

The Committee invited the **Honorable Minister of Defence** and the **CEOs/DGs** of the various Agencies for series of meetings. They presented individual briefs to the Committee on activities of their Organisations from inception till date especially those directly under the Committee's jurisdiction. The Committee had baseline sessions with them and a lot of insight was drawn from the deliberative sessions which armed the Committee with first-hand knowledge of the workings of the various Agencies thereby ensuring democratic security sector oversight which is a part of democratic governance of the security sector where by democratically elected or appointed authorities, civil society, the media of the public oversee the policies and activities of the security institutions responsible for the defense of the State and the security of the population.

## 5.0 INVITATIONS /SEMINARS/CONFERENCES/TOURS

INVITATION TO THE COMMISSIONING CEREMONY OF PROJECTS AT THE DEFENCE INTELLIGENCE AGENCY, ABUJA, ON TUESDAY 24<sup>TH</sup> APRIL, 2018.

The Chairman, Senate Committee on Defence, Senator Abubakar Kyari was invited to the Commissioning Ceremony of Projects at the Defence Intelligence Agency.

5.1 The set of projects and platforms that were commissioned on **Tuesday, 24<sup>th</sup> April, 2018** included;

- a. DIC Student Hostels
- b. DIC Mosque and Church
- c. Mabushi Staff Quarters
- d. Fusion Center
- e. Newly Acquired Vehicles
- f. Other Completed Projects
- g. Ongoing Projects.

## 6.0 SENATE REFERRALS

6.1 The Committee received **Motions, Petitions**, by way of **referrals** from the Senate Plenary which also transmitted several **Bills** to it for further legislative actions. It held public hearings as part of the Legislative procedure for carryout such assignment to elicit the input of various stakeholders and to subject such Documents to public scrutiny.

### 6.2 BILLS

The **Bills** received included;

- (I) Armed Forces (Restriction on Use in Certain Internal Security Operations, Etc.) Bill, 2017 (SB.341).

The Bill seeks to provide an effective legal framework for the deployment and use of the Armed Forces in aid to other Civil Security Authorities in certain internal security operations and domestic emergencies such as insurrections, ethno-religious crisis, interdiction of narcotics and controlled substances, riots, mobs and other related civil disorders.

▪ The objectives of the Bill are:

- (a) Provide an effective legal frame work for use of the Armed Forces in internal security operations;
- (b) Ensure the observance and internal conventions on the use of force and fire arms by the Armed Forces during internal security operations;
- (c) Promote information sharing and effective collaboration between the Armed Force and the Civil Security Authorities in the interest of Nigeria’s counterterrorism campaign;
- (d) Stipulate conditions, procedure and other safeguards in the use of the Armed Forces in internal security operations;
- (e) To ensure that the Military capability of the Armed Forces to discharge its primary constitutional duty is not undermined and the statutory responsibilities of the Civil Security Authorities is not unintentional stultified;
- (f) To stipulate punitive measure against arbitrary use of the Armed Forces; and
- (g) Promote accountability regarding the use of the armed forces in aid to Civil Security Authorities.

- STATUS: Awaiting Public Hearing

(ii) An Act to Amend the National War College Act (Cap. N82, 2004) To Provide For Change of Name to National Defence College and For Other Connected Purposes.

The Objectives of the Bill are to;

- (a) Prepare Senior Military and Civilian Officers for operational and strategic level responsibilities at national and international environments.
- (b) Under leadership and command functions with a firm understanding of geo-political considerations affecting Nigeria, Africa and the world at large;
- (c) Develop an in-depth understanding of elements of national power, which will aid in the formulation of Grand National Strategy;
- (d) Provide knowledge of the political and strategic framework of the policy making and operations in joint and multi-national environments;
- (e) Relate within a democratic framework, the higher management of defence to the broader national interest;
- (f) Undertake advanced academic research at national strategic policy level; and
- (g) Proffer policy recommendations on specific national and International issues that border on National security.

- STATUS: Awaiting Public Hearing

(iii) The Bill for an Act to Provide for the Establishment of the Defence and Research and Development Bureau (**DRDB**) and Other Related Matters (**SB.623**)

It may be recalled that the Defence Research and Development Bureau (DRDB) for Other Connected Purposes Bill 2018 (SB. 623) was read the first time on **Wednesday, February 14<sup>th</sup> 2018**, the Senate at its sitting on **Wednesday, 18<sup>th</sup> July 2018**, read it a Second time and referred same to the Senate Committee on Defence for further legislative action.

- The Bill seeks to establish the Defence Research and Development Bureau with the following objectives;

- (a) To coordinate activities of all defence related laboratories and R & D establishments in Nigeria, It shall also formulate and execute

programmes of scientific research, design and development for induction into the Armed Forces, a state of the art weapons and other equipment. It shall also coordinate industries, MDAs, tertiary institutions and private sector to meet critical national defence requirements.

- (b) To research into and acquisition of knowledge in technology relevant to the design and development of materials to meet the requirements of the Armed Force of Nigeria.
- (c) Monitor latest development in weapon systems and military technology for the purpose of localizing their production.
- (d) Liaising with various research institutions locally and abroad on behalf of the Defence Headquarters in order to partner with them on latest research initiatives for the benefit of the Armed Forces of Nigeria.
- (e) Make Defence Policy for basic and applied research on defence items and equipment, to initiate and coordinate the scientific, technological and environmental research activities of the Armed Forces, to provide strategic direction for self-reliance in defence and security needs, to evaluate needs and liaise with private and government research institutions on defence related items and equipment, and
- (f) Organize Annual joint research and development seminars/exhibitions and participating in Research and Development seminar locally and abroad.

#### i. PUBLIC HEARING

A well-attended public hearing held on Tuesday November 6<sup>th</sup>, 2018 at Senate Conference Room 022, Zero Floor, Senate New Building, National Assembly Complex, Abuja to consider the enactment of *Defence Research and Development Bureau (DRDB) and the National War College (Amendment) Bill 2018. (SB. 551)* The Public Hearing was declared open by the President of the Senate ably represented by the Senate Leader, Distinguished Senator Ahmed Lawan.

The Federal Ministry of Defence and its Agencies, other line Federal Agencies of the Defence Sector which encompassed Army, Navy, Air Force, Police, Para-

Ministry, Experts, Non-Governmental Organizations, the Organized Private Sector (Indigenous Organizations collaborating with the Defence Research and Development Bureau (DRDB), including the Academia were actively represented at the Public Hearing.

The following Stakeholders made written and oral presentations to the Committee at the Public Hearing.

- Kaduna Polytechnic
- Geomine Technology Ltd
- Sunup Logistics (Mg Vowgas Limited Group)
- Erisco
- Abu Zaria Department of Polymer and Textile Engineering
- Proforce Safety Assured Limited.
- Federal University of Technology, Minna Directorate for Research Innovation and Development
- Jahab Mubarak (Nig.) Ltd
- Defence Research and Development Bureau.

The Committee and the Stakeholders were all in agreement with the draft Bill and gave it received full support. The establishment of the Bureau will provide a veritable platform for coordination and control of military hardware leading to the establishment of military industrial complex in Nigeria while providing a Legal framework for the recognition, encouragement and licensing of private entrepreneurs with bias for research and production of military hardware.

- STATUS: Third reading and passage on *Thursday, 24<sup>th</sup> January, 2019.*

### 6.3 MOTIONS

*“Influx of Refugees from the Republic Of Cameroon to Some Boarder Communities in Cross River State and Its Attendant Security Fallout.”*

A letter of **Ref: NASS/8S/R/03/10L.1/927** which emanated from the office of the Clerk (Senate) *dated September 13<sup>th</sup> February, 2018* formally conveyed the Senate Resolution on this Committee’s assignment contained in the Votes and

Proceedings of **Wednesday, 7<sup>th</sup> February, 2018 under Resolution: S/RES/180/03/18**, a Motion made by Senator John Enoh and others on: ***Influx of Refugees from the Republic of Cameroon to some border Communities in Cross Rivers State and its attendant security fallout*** which was debated by the Senate of the Federal Republic of Nigeria and resolved to; *“Invite the Minister of Defence to brief the Committee on Defence on the situation of trespass reported”*.

#### 6.4 MODUS OPERANDI OF THE COMMITTEE / WORK METHODOLOGY

##### 6.4.1 PREPARATORY WORK

The Committee met on **Wednesday, 21<sup>st</sup> February 2018** to discuss the modalities for the assignment and agreed to;

- a) Invite the Under listed for the Ministerial Briefing;
  - ii. Minister of Defence;
  - iii. Minister of Interior;
  - iv. Chief of Army Staff;
  - v. Chief of Naval Staff; and
  - vi. Inspector General of Police.
  
- b) A well-attended briefing by the Honourable Minister of Defence held on Thursday 1<sup>st</sup> March, 2018 at the Conference Hall 022, Senate New Building National Assembly Complex, Abuja, by 2: 00 pm to consider the Motion on ***“Influx of Refugees from the Republic of Cameroon to some border Communities in Cross Rivers State and its attendant security fallout”***.
  
- c) Furthermore, the Committee received high powered representatives of the Minister of Interior, Chief of Army Staff, Chief of Naval Staff and Inspector General of Police on the Occasion.

d) At the Briefing, the Motion received inputs from the various Stakeholders who made several positions and presentations before the Committee with the Honourable Minister of Defence on the lead.

i. SUBMISSIONS/PRESENTATIONS

Oral and written submissions were presented to the Committee by the Honourable Minister of Defence and other Invitees.

ii. FINDINGS/OBSERVATIONS

After analysing the brief by the Honourable Minister and having Interactions with other Stakeholders, the Committee established findings and made observations as follows;

1. That the emergence of Ambazonian Separatists Movement in Cameroon and the subsequent clampdown on the Movement by the Government of Cameroon led to the influx of refugees from neighboring Southern Cameroon villages into Nigeria border communities especially in Cross River and Akwa-Ibom States. There were reports in newspapers and other media networks that currently over 3,000 Cameroonian refugees are camped in the border communities in Cross River State along the Nigeria - Cameroon border. Attempts by the Cameroon Defence Forces (CDF) to arrest the Ambazonian Separatists in Nigeria has led to incursion into Nigeria territory.
2. A compendium of some of the key occurrences indicated that on 13<sup>th</sup> October 2017, Cameroonian Gendarmes while attacking some Cameroonian border towns of Dadi, Bodam and Boka made incursions into Nigeria territory under the guise of pursuing dissident Cameroonians who ran into Nigeria. Similarly, on 5<sup>th</sup> December 2017, about 32 armed Cameroonian military men invaded Ekang village in Cross River State and arrested five (5) citizens amongst other reported cases of incursions and harassment by the



Cameroonian Security Forces without due regards to the International Laws and bilateral agreements between the two (2) Sovereign Nations.

3. More recently, on 1<sup>st</sup> January 2018, Cameroonian Soldiers crossed into Inuan village of Boko LGA of Cross River State and arrested two (2) Nigerians and took them to Cameroon but however released them on 6<sup>th</sup> January, 2018 after confirming that they were Nigerians. On 30<sup>th</sup> January 2018, over 100 Gendarmes were reported to have crossed the international border between Cameroon and Nigeria in search of Ambazonian refugees. The Cameroonian forces were reported to have camped in Danare Forest in Cross River State, Nigeria. It is apparent that Cameroonian forces in a bid to respond to acts of aggression by Ambazonian secessionists have been violating the territorial integrity of Nigeria by embarking on these incursions across the borders.
  
4. That the various harsh treatment Nigerian citizens in Cross River State are subjected to in the hands of the Cameroonian military and their incursions into the Nigeria territory are becoming increasingly unbearable. Most of these invasions though very unjustifiable, may not be unconnected to the Cameroonian refugees settlements along the borderline communities located in Akamkpa, Bakassi, Boki, Etung, and Obanliku LGAs of Cross River State, presence of secessionist agitators among the refugees with consequent suspicion by the Government of Cameroon leading to occasional violation of Nigerian territory by Cameroonian security forces in pursuit of Ambazonia Defence Force Militants.

5. The refugee's influx resulting from the Cameroonian crisis is growing. Though the United Nation (**UN**) estimates the figures to be about 10,000 refugees, State Emergency Management Agencies of Benue and Cross River States indicated that the figures were higher as the United Nation (**UN**) only accounted for refugees arriving through conventional routes. Considering their large numbers therefore, coupled with their proximity to Cameroon Republic, monitoring their movements in and out of Nigeria leaves much to be desired.
6. That, the ability of Nigeria Security to effectively and efficiently monitor the movement of arms, light weapons and other incriminating items into the Country could be sabotaged/compromised as long as the refugees remain within the border Communities.
7. That the Nigerian Government through the Ministry of Defence, Ministry of Interior, Minister of Foreign had already engaged in diplomatic moves with the Cameroonian Government to stem the situation.
8. That the Cameroonian Government has been advised to employ all possible strategies in the Anglophone crisis. There are also plans to synchronize Cameroon and Nigeria military efforts in engendering peace in the Southern Cameroon.
9. The Committee observed that Nigeria has appointed a liaison officer in the Nigerian Embassy in Cameroon. The Cameroonian Government is yet to do same while the Defence Intelligence Agency (DIA) is awaiting the MOU to strengthen this liaison between the two (2) countries.

10. The Committee observed that there is lacuna among Security Operatives in terms of synergy, poor funding, lack of equipment and the need to strengthening security along our border posts among others.

### iii. RECOMMENDATIONS OF THE COMMITTEE

1. That the Senate in unambiguous and strongest possible terms condemn the incursion of Cameroon into Nigeria territory as well as the arrest and abduction of five (5) of her innocent citizens amongst other reported cases of incursion and harassment by the Cameroonian Security Forces.
2. The Committee calls for resolve on the part of the Nigerian Government to protect lives and properties of her citizens, the buildup of capacity for the Nigerian Armed Forces to defend the territorial integrity of the country at all times in the midst of reported/recorded security threats and for synergy among Security Operatives.
3. The Committee further calls on the Federal Government of Nigeria at bilateral level to draw the attention of the Cameroonian Government to the various violations of Nigeria's territorial integrity by the Cameroonian forces, with a view to caution them to desist forthwith and the Ministry of Foreign Affairs to Fast-track and strengthen the diplomatic means to address the situation of Nigeria territory by Cameroonian Defence Forces.
4. The Governments of Akwa-Ibom, Benue, Cross River and Taraba States in collaboration with National Commission for Refugees Migrants and Internally Displaced Persons (NCRMIDPS) and the UNHCR should fast-track the provision of basic infrastructure (***central camp for the refugees, at a location that will not be less than 50 kilometers away from***

***the borderline***) to cater for the growing refugees population. This when achieved, will help to keep the Cameroonian military away from the refugees, and deny them of the usual excuses with which they invade Nigeria territories at will.

5. The National Emergency Management Agency (NEMA) to urgently provide relief support for the refugees and host communities to avoid a humanitarian crisis as refugee numbers were bound to increase due to the lingering confrontations between the Cameroonian Military and the Anglophone Agitators.
6. The Nigerian Military should make adequate deployments to these border communities even after the relocation of the refugees into the hinterland to reassure the Nigerian citizens living along border Communities of their security and safety more so to checkmate further violation of Nigeria territory by Cameroon. In addition, the recently established Force Operation Bases (FOBs) by the Nigerian Army due to the aforementioned incursions would need to be reinforced with critical equipment and logistics.
7. Notwithstanding the cordial relationship that exists between Nigeria and Cameroon, the Committee urges both Governments to strengthen the capacity of Nigerian-Cameroon trans-border security and also call on the United Nations High Commission for Refugees to intensify on-going efforts aimed at protecting the Cameroonian Refugees and assist their voluntary repatriation, local integration, and resettlement.
8. Call on the Immigration Department to take cognizance of Nigerians crossing over to Cameroon and vice-versa. On the

part of Nigerian Government, high sense of restriction towards fleeing refugees and not the kind of open access that is currently witnessed by the influx.

9. The Committee recommends adequate funding for Security Operations.

- **Status:** REPORT laid in plenary and awaiting consideration

## 6.5 PETITIONS

The Committee during the Legislative year received various petitions dealing with related issues on the Defence Sector. These included;

(i) Complaint of acts inimical to service law by major General BI Ahanotu (**General Office Commanding 3 Division**) against warrant officer dodo Joshua (**91NA/42/3789**) request for urgent intervention.

(ii) Complaint of my wrongful dismissal from the Nigeria Army by Eke Bartholomen.

(iii) Petition over nonpayment of compensation payable for interests on land acquired for Nigeria Army Barracks along Ibadan-Akure dual carriage way at Ibodi-ljesa/Igila, Atakumosa West Local Government Area of the State of Osun.

(iv) The attempted murder of Mr. Emmanuel Stephen by officers and men of Nigerian navy led by an officer popularly called and known by his nickname “Grand- P” OF Majidun Awori Navy Barracks, Ikorodu, Lagos State: Our demand for compensation to Mr. Emmanuel Stephen and Disciplining of the affected Officers and Men.

(v) The Dismissal of **2002NA/51/1224** PTE Ibrahim Abdullahi Letter for Redress.

(vi) Petition To Investigate The Invasion Of Federal Capital Territory Indigenes’ Land Around The Nnamdi Azikiwe International Airport By Nigerian Army.

The Senate at its sitting on **Wednesday, 10<sup>th</sup> April, 2019**, considered Personal Explanation: the Invasion of Federal Capital Territory Indigenes’ Land around the

Nnamdi Azikiwe International Airport by the Nigerian Army; and mandated the Chairman, Committee on Defence to investigate the matter and report back to the Senate.

The Senate decision on the matter was accordingly committed to the Ad-hoc Committee for further legislative action vide a **letter Ref: NASS/8S/R/03/VOL.1/1363** to report within the time frame.

## 6.6 METHODOLOGY

- iv. The Ad-hoc Committee in a meeting held on *Tuesday, 16<sup>th</sup> April, 2019*, resolved that the modalities for the assignment should be as follows:
  1. Adopt a Term of Reference;
  2. Adopt a Roadmap for the Ad-hoc Committee's assignment with the intent to investigate and ascertain the following;
    - i. Illegal and forceful acquisition of lands comprised within Iddo-Sarki, Giri (along Abuja Airport Road), TungaMaje, Kpakuru, Gaku, AngwanGwari, AngwanSamu, Yelwan Zuba, AngwanNasara, Tungankwaso, Anagada, Zuba among others by Nigerian Military;
    - ii. Wanton Destruction of Houses, farm crops/produce of the FCT natives by Nigerian Military;
    - iii. Brutal infringement, Violation and abuse with impunity of the fundamental human rights of the original Inhabitants of the land and;

- iv. Gruesome extra judicial killing of Hamza Usman, (a native of TungaMaje, FCT) and infliction of serious degrees of injury of 28 others by Nigerian Army consequent upon the forceful acquisition of the land.
3. Conduct a One day Investigative Public Hearing to procure all such evidence, written or oral, direct or indirect or circumstantial, as the Ad-hoc Committee may deem necessary or desirable and to examine all persons as witnesses whose evidence may be material or relevant to the subject matter and to require such evidence to be given on oath; in accordance with *Section 89 (1) (a) (b) (c)* of the Constitution of the Federal Republic of Nigeria, (1999) (as amended).

## 6.7 INVESTIGATIVE PUBLIC HEARING

The Committee held an Investigative Public Hearing ***on Monday, April 29<sup>th</sup>, 2019*** to receive the input of Stakeholders.

The following Persons and Institutions/Organisations were enlisted for appearance before the Ad-hoc Committee.

- Nigerian Army
- Federal Capital Territory Administration
- Ministry of Defence
- Nigeria Police Force
- Department of State Security Service
- The National Security Adviser
- Coalition of FCT Indigenous Associations
- Chairmen of Area Councils within the FCT
- Traditional Rulers of affected Communities

## 6.8 COMMITTEE'S OBSERVATIONS/FINDINGS

1. The Committee received a strong submission by the Nigerian Army alluding to their ownership of the Giri Land alongside other Services. The Nigerian Army called upon the Ad-Hoc Committee to;
  - i. Discountenance the report that the NA has no allocation in respect of the MOD/AFN land at Giri, Airport Road.
  - ii. Cause the HMFCTA to assist the NA in hastening the process of computing the compensation due to the local Communities currently settling on the AFN's land at Giri and all other NA lands within the FCT towards their expeditious settlement by the Federal Government.
  - iii. Cause the HMFCTA to, in conjunction with HMOD, assist the NA in the recertification and expeditious Gazetting of the AFN's lands at Giri along the Airport Road.
  - iv. Cause the HMFCTA to assist the NA in the recertification and issuance of Cs of O in respect of all other NA lands within the FCT.
  - v. Cause the HMFCTA to assist the NA in intimating the Emir of Zuba and his subjects that the NA indeed has valid allocation for the land at Giri.
  - vi. Direct the HMFCTA to set up a Commission of Inquiry to thoroughly investigate the disappearance of the FCDA File Reference No: **FG 2375** which contains the allocation of the Giri land to the NA as well as several other documents relating to it and inform this revered Committee and the AHQ of the outcome.



- vii. Direct the HMFCTA to ensure that all those found culpable of the removal and possible destruction of FCDA File Number **FG 2375** on the allocation of the AFN's land at Giri and environs along with volumes of related documents contained therein are appropriately sanctioned for this dastardly act.
2. The Ad-Hoc Committee noted the position presented by the Navy thus;
    1. That a high powered delegation setup by the President is looking into the matter and so the Nigerian Navy awaits the outcome/report of the Presidential Committee.
    2. The Navy requested for fair treatment by the Ad-Hoc Committee on the matter before it.
    3. The Navy also informed the Ad-Hoc Committee of a court proceeding on the matter.
    4. The Navy further requested the Ad-hoc Committee to take a critical look at the presentation by the Nigerian Armed Forces and the FCTA and to make resolutions based on informed decision.
  3. The FCT Administration respectfully invited the Committee to observe the following;
    - i. That the Nigerian Armed Forces has laid claim to a large expanse of land along Airport Road/Giri-Zuba axis without any valid document to support their claim. Furthermore, took possession of the acclaimed land without observing the laid down procedures and extant practices of the FCTA.

- ii. There is no record whatsoever in the Geographic Information System (GIS) and Land Information System (LIS) of the Abuja Geographic Information Systems (AGIS) or anywhere else in the FCTA regarding the allocation of land at Giri-Airport Road to the Nigerian Armed Forces.
- iii. That the action of the Nigerian Armed Forces threatens the right of the indigenous Communities and settlers on the said land which triggered prompt protest from the affected population.
- iv. That allowing Nigerian Armed Forces access to the said land will truncate the development of the planned Engineering Infrastructure facilities in accordance with the Abuja Master Plan.
- v. The development and expansion of the Abuja International Airport will also be adversely affected.
- vi. That the Armed Forces should be advised to observe due process and extant regulations of the FCTA in asserting their claim to the said land. That the extant procedures of land acquisition in the FCT provides for compliance with the requirements for land allocation in the FCT.

4. The Ad-Hoc Committee's findings on the presentation by the Police stands as follows;

That the Nigerian Police Force wish to recommend the following in order to maintain peace and avoid a break-down of law and order and stated;

- i) That since the matter is being investigated by a high - level Committee headed by the Chief of Staff to the President, Alhaji Abba Kyari, the directives of the Presidential

Committee on parties maintaining status quo be adhered to pending the outcome of its findings; and

ii) That since the Federal Capital Territory Administration has categorically stated that there is no record whatsoever regarding the allocation of land at Giri – Airport Road to the Nigerian Armed Forces, all forms of development on the property should be stopped.

iii) That the Nigeria Police Force will continue with its ***ongoing investigation with the aim of arresting the perpetrator(s) who killed Hamza Usman 'M', and wounded others at TungaMaje.***

5. The Ad-Hoc Committee noted the assertions of the DSS thus;

1. That the DSS is working on an in-depth investigation on the request from the Ad-Hoc Committee on the matter before it.
2. That based on the various investigations, there are issues that need to be unraveled.
3. Further stated that the Report of the DSS will be presented to the Ad-Hoc Committee after the completion of their investigations.
4. Said that there is need to look into the complains of the Communities/Indigenes.

6. The Ad-Hoc Committee Observed the submission of the Local Government Chairman of AMAC, *Hon. Abubakar Adamu Candido*. accordingly as follows;

1. Stated that there have been series of concerns raised on the matter contained in correspondences between his office and the Ministry of the Federal Capital Territory Administration.
  2. Raised concerns for the seemingly threat to security in respect to the matter at hand.
  3. Observed that the Indigenes have not been accorded any recognition regarding their status.
7. The Ad-Hoc Committee Observed the submission of the Local Government Chairman of GWAGWALADA, *Hon. Adamu Mustapha* accordingly that;
1. The Committee should direct the Army to suspend all its activities on the affected land pending the outcome of the Committee's assignment to forestall the present and future crises.
  2. The Senate should subject the Military to **Section 44(1)** of the 1999 constitution (as amended), **Section 28** of the Land Use Act, **Article 14** of African Charter Peoples' Rights, **Article 26** of UN Declaration on the Rights of Indigenous People, and **Article 17** UN Declaration on Human Right.
8. The Ad-Hoc Committee Observed the submission of the Local Government Chairman of BWARI, *Hon. Musa Dikko* accordingly as follows;
1. He recalled that as part of the Indigenes of FCT, they were moved from Maitama District within the FCT and resettled in Kubwa in 1990.
  2. He further stated that during the rule of the former Head of State Gen. Olusegun Obasanjo, a presidential letter

emanated and was addressed to the then Military Administrator of Kwara State on **14<sup>th</sup> July, 1978** which read in paragraph 2(d) that: emphasis should be on the development of infrastructure rather than paying minor compensation to Indigenes.

3. He said that everyone including the Military should submit to the Authority whose role it is to administer land matters and therefore requested that they as Indigenes should be allowed to deal with the FCT Administration.

4. He further observed that subjecting Traditional Rulers to constant investigation by Security Agencies will trigger unrest among their Subjects.

9. The Ad-Hoc Committee Observed the submission of the Local Government Chairman of KWALI, *Hon. J.kShazin* accordingly as follows;

1. He concurred with the earlier presentations by the other Executive Chairmen of the Local Governments.

2. The Committee however noted that the Honourable Minister during his presentation made mention that the Army has been allocated land in Kwali LGA.

10. The Ad-Hoc Committee observed the submission of HRH, Alhaji Mohammed Bello Umar III (Agora Of Zuba) who prayed the Committee to;

1. Direct the Army to suspend all its activities on the affected land pending the outcome of the Committee's assignment to forestall the present and future crises.

2. The Senate should subject the Military to Section 44(1) of the 1999 constitution (as amended), Section 28 of the Land Use Act, Article 14 of African Charter Peoples' Rights, Article 26 of UN Declaration on the Rights of Indigenous People, and Article 17 UN Declaration on Human Right.

11. The Ad-Hoc Committee observed the submission of HRH, Dr. Idris Musa (MFR) Emir Of Jiwa (Agora Of Zuba) as follows;

1. Stated that FCT land is indigenous.
2. Informed the Ad-hoc Committee of the trenches built by the Military around the farm lands.
3. Alleged that the Life Stock Market on the disputed land is owned privately by Army Generals.
4. Requested that villagers should be allowed to go to their farms in the rainy season.

12. The Ad-Hoc Committee observed the submission Chairman, Council of Chiefs as follows;

1. Asked the Army to put their heads together with the Minister of FCT to pursue and get approval for their newly allocated land in Kwali.
2. Requested investigation into the death of Hamza Usman.
3. On behalf of the Traditional Rules thanked the Senate Committee on Defence for undertaking the task to investigate the invasion of the indigenes land in the FCT by the Nigerian Army.

13. The Coalition of FCT Indigenous Associations in Collaboration with the affected Communities prayed the Senate to;

1. Prevail on the Nigerian Army to stop any construction work and vacate the land forthwith.

(a) The original titled allocation letter of the said land.

(b) The building plan as approved by Development Control Department FCDA hence the Nigerian Army have commenced construction of building structures and even with a completed international cattle Market, Abattoir and other structures.

(c) Title Deed Plan (TDP) as approved by Survey Department FCDA.

2. Issue order to other Government relevant institutions to ensure and prevail on the Nigerian Army to stop harassing and intimidating their traditional rulers and the original inhabitants of the land forthwith.

3. Prevail on the Nigerian Army to pay a quantifiable amount and punitive compensation to the family of **Late Hamza Usman** for the irreparable loss of the life of the innocent young man, even though no amount of money worth his life.

4. Prevail on the Nigerian Army to foot the medical and other bills for the treatment of the 28 other people who sustained serious degrees of injuries and were left unattended to by the Nigerian Army.

5. Prevail on the Nigerian Army or any relevant prosecuting authority to investigate, court martial and bring to justice the group of Army officers that shot Hamza Usman to death and injured other 28 persons with live bullets.
6. Prevail on the Nigerian Army to pay compensation of the sum of two billion four hundred and fifty thousand naira only (₦2,000,450,000.00) to the original inhabitants of the affected communities for the destruction of their farm produce, crops, valuable properties and the psychological trauma inflicted on them thereof.
7. Urged the National Assembly which doubles as the State House of Assembly of Federal Capital Territory to in the spirit of sportsmanship, take up the matter expediently to its logical conclusion with a view to ensuring that justice is served on the concerned parties, and particularly to avoid further bloodshed.

## 6.9 RECOMMENDATIONS

Based on the statements received, the Committee proposes as follows;

1. Since there is a high level Presidential Committee working on the matter setup by *Mr. President*, the Ad-hoc Committee demands that they hasten their work to conclusion to enable the Ad-Hoc Committee finalize its assignment.
2. That the Senate do communicate to *Mr. President* on the need for a comprehensive resolution to the issue.
3. The Committee wishes to strongly advise that the Nigerian Army in the interest of peace and Military-Civil co-existence suspend any further action on the land in contention along



Giri-Zuba axis pending the conclusion of the High Level Committee work setup by *Mr. President*.

4. Requests that the Community show respect and pursue their grievances according to the rule of law.
5. Police and Department of State Service (**DSS**) to urgently investigate the Killing of **Hamza Usman** and all those injured in the fracas.

(2015 BUDGET SESSIONS/APPROPRIATION BILLS (FGN BUDGET PROPOSAL  
(2015 - 2019)

6.10 In compliance with its statutory functions in connection with the **Appropriations Bills** presented by Mr. President of the Federal Republic of Nigeria to the National Assembly, the Senate referred the Appropriation Bills to the Committee as a Sub-Committee on Appropriation for further Legislative action.

6.11 Within the period under review, the Committee in discharging its Legislative functions invited the Hon. Minister of Defence alongside the Agencies to defend the Ministry's Budgets.

1. The Committee in the period under review scrutinized the Executive Proposals of each year's budget as submitted to the Ministry of Finance by the Ministry of Defence and its Agencies based on prioritized projects and developmental needs of the Sector.
2. The Committee considered the Budget proposals (**2015 - 2019**) of the Ministry of Defence and its Agencies, implementations and expenditures and directed for the submission of the level of performances.
3. The Committee with the active support of the National Assembly (**NASS**) which is invested with the constitutional power to appropriate funds and also power to either decrease or increase the budget of the Ministry or reassign

provisions based on prioritized projects and development need of the Sectors. Attention was also given to the human resource development as adequate budgetary allocation was made for recurrent expenditures. Provisions were also deployed to effectively sustain troops in various operations spread across the country and the sub-region towards guaranteeing a secured Nigeria nation and successful peace support operations through the Defence Headquarters (DHQ).

4. The Ministry's overall objective in its budget presentations was to improve on the present state of security and safety of Nigerians and will, accordingly, ensure that our Armed Forces are provided with the necessary platforms to enhance their operational capabilities. Barracks rehabilitation to provide suitable accommodation for officers and men was given priority in 2019. It is important to take adequate care of the welfare of the officers and men of the Armed Forces to boost their morale. The recruitment of needed personnel was a priority amongst other strategic plans. The Services had accordingly made provisions in their respective Budget proposals for procurement of armaments/ammunition in 2019 to enable them prepare for their operations. The Agencies such as Nigerian Defence Academy, National Defence College, Armed Forces Command and Staff College, Jaji etc. would concentrate on their mandates of providing the required manpower, training and retraining of the Armed Forces Personnel.

#### 6.12 Specific Area of Needs For The Defence Sector Covering The Period Under Review Included The Following;

1. The Inclusion of the re-prioritized list of line budget items re-submitted by the MDAs.
2. Additional request of **₦5,322,217,750.00** for emolument under Personnel to cover regular and non-regular allowances.

3i. The request for Intervention Fund in respect of the purchase of equipment and training of Personnel of Defence Space Agency Administration and requirement of Staff Accommodation which cuts across all the departments of the Administration amounting to **₦17,688,350,234.10**.

3ii. The need of Defence Space Administration also included detailed requirements which amounted to **₦34,821,828,754.00** for the purchase of equipment, set up of facilities and training for three (3) of the Directorates prioritized as capable of having immediate impact on the current security challenges faced by the Country. There is also the need to implement the DSA Act 2016. The release and access to the Intervention fund will provide for the purchase of equipment, laboratories and training to provide requisite support to the Armed Forces and other Security Agencies.

3iii. Thirdly the increase in the DSA Personnel budget to the tune of **₦931,809,070** captures the approved salary and wage structure for Defence Space Administration based on the established strength of DSA personnel on its strategic projections for the period 2017 to 2019 only. Emolument also covered shift allowances.

3iv. DSA also seeks approval for increase of the overhead budget proposal to **₦360,720,000** as the 2018 Overhead proposal is grossly inadequate for the Administration based on the strategic plan 2017 – 2022 coupled with rising cost of goods and services which necessitated the need to increase proposal by 100 percent.

3v. Within the current year, the Administration plans to carryout Staff recruitment to enable it achieve its approved strategic plan 2017 – 2022 which justifies the need for adequate funding.

4. Whereas the Defence Mission received a Presidential Approval of \$580 Million USD equivalent of **₦2,800,000,000** as takeoff Grant in 2017, it was for inclusion in the 2018 budget proposal.

5. Defence Industries Corporation of Nigeria is requested for increase in its overhead cost to the tune of **₦360 Million** from the sum of **₦141,972,939** which is considered grossly inadequate to meet DICON's overhead challenges which include – purchase of diesel to power its plants/equipment for production activities among others, hence the plea for

consideration of the increase of its overhead appropriations to enable it meet its overhead needs.

## 6. Ministry of Defence (MOD)

### a. Construction of A 120 bed Armed Forces Trauma Centre in 2019

Due to the casualties sustained in the continued crisis in the North East and other parts of the country, the MOD is compelled to propose the establishment of a 120 bed, world class Armed Forces Trauma Centre.

The estimated cost of establishing the Centre, (Construction, furnishing, equipping of the Centre, as well as provision of a Helipad) is **₦ 15.6 Billion**, to be completed within a medium-term-period of 3 years, at a budgetary rate of **₦5 Billion**, **₦5.6Billion** and **₦ 5 Billion** in the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> years respectively.

Accordingly, the Minister made some adjustments to the initial proposal for its 2019 Capital projects and has been able to raise **₦2.5Billion** for this project within the total **₦10.11 Billion**.

With this adjustment, it will be most appreciated if this esteemed Committee will provide for additional sum of **₦2.5Billion** to augment the sum of **₦2.5Billion** raised from within and meet the total **₦5Billion** required for phase 1 of this important project.

- II. The sum of **₦23 Million** required for the PPP Unit has been raised through internal adjustment in the 2019 Budget proposal and will enable the Unit process, monitor and evaluate PPP projects across the nation's Defence Sector in liaison with the Infrastructure Concession Regulatory Commission.
- III. Request for inclusion of the Sum of **4 Billion Naira** only in the 2019 Capital Appropriation to cater for the premium of the Group Life Assurance Programme (GLAP) for the Armed Forces which is part of the welfare package put in place by the Federal Government to ameliorate the sufferings of the Next-of-Kins

(NOKs) of officers and men of the Armed Forces who lost their lives in the Defence of the Nation's territorial integrity up till 2018 premiums approved for the Armed Forces Group Life Assurance were paid and released from service wide vote, however Mr. President directed the Ministry of Defence to start making yearly budgetary provision for the Armed Forces Group Life Assurance policy.

7. **Defence Headquarters(DHQ)** - Sustained

8. **Nigerian Defence Academy (NDA)**

- a. Facilitate the release of Capital in the year 2018 Appropriation with the balance of **₦4,770,956,921.30**.
- b. Facilitate the release of the balance of **₦1,373,733,313.50** for Personnel Emolument in **2018 Appropriation**.
- c. Consider and approve the NDA original 2019 Personnel Emolument proposal of **₦ 9,016,884,828.28** by adding the difference to the tune of that **₦944,254,471.5**.
- d. Consider an upward review of Overhead to meet the critical needs of highly specialized units in the Academy.

9. **Defence Space Administration (DSA)**

- a. Upgrade and revert the DSA 2019 Capital Budget from **₦1,115,907,700.85** to that of 2018 which was **₦1,678,056,693.00**.
- b. Approve an annual Special Training fund in the sum of **₦975,000,000.00** henceforth for DSA from the 2019 Budget.
- c. Cause for the increase of DSA PE from **₦651,286,547.84** to **₦911,267,089.70**.

## 10. National Defence College (NDC)

- a. Request for improvement in the overhead budget of **(~~₦~~4,008,130,588.00)** only allocated in 2018.
- b. Request for **(~~₦~~250, 000,000)** only to accommodate research grants for participants, faculty Members and Research fellows.
- c. **₦42, 000, 000** only be appropriated for seminars and conference.
- d. Deliberate funding of the permanent site.
- e. Approve the sum of **₦716,098,820** balance for shortfall of allocation in year 2018 under Personnel Emolument and to cover salaries for the recruitment done in year 2018.

## 11. Defence Research and Development Bureau (DRDB)

- a. That the DRDB earlier submitted 2019 budget proposal be reviewed upward to **₦5, 286, 859, 559. 34** and passed in line with its proposal to enable them provide the necessary support to the AFN.
- b. Consideration for project/programme justification is placed in the efficient, effective and timely employment of strategic and standardized response to the Armed Forces of Nigeria's defence research and development imperatives. In line with this, the sum of **₦ 5, 286, 859, 559. 34** is proposed as DRDB 2019 budget. The breakdown of this amount is detailed below.
  - i. Personnel Emolument - **₦ 268, 457, 490.34**
  - ii. Overhead Estimate - **₦ 1, 851, 142, 514.00**
  - iii. Capital Estimate - **₦ 3, 167, 259, 555.00**
- c. To approve for DRDB the Annual R&D Expenditure Budget which is 15 percent(%) of the Defence Sector's Annual Capital Expenditure Budget as captured in Chapter 7 para 3, sub para (d) of the NNDP 2019.

## 12. Defence Intelligence Agency (DIA)

- a. Favorably consider the **DIC, DIA** and **DMs'** 2019 budget estimates.
- b. Review of the 2019 DIA PE and Overhead Cost to a minimum of the sums of **₦2,930, 321,480.00** and **₦1,842,342,185.00** respectively approved in the 2018 Budget Appropriation Act.
- c. Significantly, increase the **PE**, overhead Cost and Capital Expenditure budgets of the **DMs** to address the perennial shortfalls in their allocations occasioned by the parallel and official FOREX rates in 2016.
- d. Increase the Overhead Cost and Capital Expenditure of **DIC** considerably to accommodate the rising recurrent expenditure and the need to enhance infrastructural development of the College.

## 13. Defence Industries Corporation of Nigeria (DICON)

Submitted a re-prioritized document on 2019 budget Capital proposal

- |  |   |           |
|--|---|-----------|
| 14. <b>Military Pensions Board (MPB)</b>                     | - | Sustained |
| 15. <b>Armed Forces Command and Staff College (AFCSC)</b>    | - | Sustained |
| 16. <b>Nigerian Armed Forces Resettlement Centre (NAFRC)</b> | - | Sustained |

## 7.0 OVERSIGHT

### 7.1 PREAMBLE

### 7.2 EXECUTIVE SUMMARY

In compliance with the Senate President’s policy statement as encapsulated in the Senate Legislative Agenda of conducting effective, constructive and productive Oversight, the Senate Committee on Defence at its meeting held on **Thursday, 11<sup>th</sup> October** adopted a draft programme for **2018 Oversight** visits to **Defence Installations** in **Abuja, Kaduna and Lagos** respectively. Legislative Oversight/Inspection refers to mission embarked by Legislators to Ministries, Departments and Agencies (**MDAs**) to promote transparency and accountability in governance.

#### v. AUTHORITY TO CONDUCT OVERSIGHT

#### vi. CONSTITUTIONAL IMPERATIVES UNDERPINNING OVERSIGHT

The Nigeria Constitution endows the National Assembly (**NASS**) with the legislative authority to make laws for the “peace, order and good government” of the Federation. The Constitution further envisages a society founded on democratic principles in which:

- “sovereignty belongs to the people, from whom government derives all its powers and authority”;
- “the security and welfare of the people shall be the primary purpose of government”;
- A key “principle of state policy” is to “abolish all corrupt practices and abuse of power”;

#### 7.2.1 COMMITTEE MANDATE ON OVERSIGHT

The Committee’s Oversight visit was in fulfillment of its mandate and keeping abreast with the Legislative Power of the Federal Republic of Nigeria vested in the National Assembly as contained in **sections 88 & 89** of the 1999 Constitution (as Amended).



### 7.2.2 AIMS/OBJECTIVES OF OVERSIGHT

To give effect to above imperatives, the objectives of oversight within the National Assembly (**NASS**) are to:

- protect the right of citizens by curbing excesses of government;
- determine the extent of compliance with constitutional and statutory directives;
- prompt the National Executive authority to report (through annual reports, national and departmental budgets) on compliance with constitutional and statutory directives;
- detect waste within government and public agencies;
- improve transparency and enhance public trust in government; and
- generate information to develop new legislative proposals or amend current legislations; and promote transparency and accountability in public expenditure management.

The Committee's objective was particularly to assess the economic performance of the Ministry of Defence and its Agencies (**MDAs**) in the usage of economic resources deployed to it within the period under review (**2015–2019**) budgetary appropriations for achieving specific goals of projects implementation, performance and outcomes of specific, measurable, achievable, realistic time bound objectives.

The Committee also intended through its oversight jurisdiction, to evaluate and monitor services measured in terms of input, output and outcomes of the **year 2018 budget** derivable of the Ministry and its Agencies and to ensure that funds appropriated to the Agencies were judiciously utilized.

### 7.2.3 OVERSIGHT ACTIVITIES

The Committee carried out oversight function/visits with the intent of monitoring and evaluating the execution of prioritized projects provided for in the budget and executed by the Ministry of Defence. It also supervised the operations of other relevant institutions/bodies whose activities impact on the Defence Sector.

Committee also visited Institutions within the zones e.g. Ministry of Defence (**MOD**), Defence Headquarters (**DHQ**), Nigerian Defence Academy (**NDA**), Defence Research and Development Bureau (**DRDB**), Defence Industries Corporation of Nigeria (**DICON**), Armed Forces Command and Staff College (**AFCSC**), National Defence College (**NDC**), Defence Space Agency (**DSA**), Defence Intelligence Agency (**DIA**), Military Pensions Board (**MPB**), Nigerian Armed Forces Resettlement Centre (**NAFRC**).

Such visits were undertaken to acquaint members with the enormity of security challenges and to proffer solution by adopting appropriate policies and institutional structures to combat the security problems through legislation.

#### 7.2.4 HIGHLIGHTS OF INSPECTION VISITS

The inspection visit of the Committee was geared towards achieving the following;

- The need to access the performance annual budget;
- The need to ascertain the releases made in respect of recurrent and capital expenditure;
- The need to ascertain completed and ongoing projects;
- The need to identity projects in the pipe line;
- The need to ascertain the level of preparedness for future budget; and
- Observations/Challenges of Budget Implementation.

#### 7.2.5 FINDINGS WITHIN THE PERIOD UNDER REVIEW;

1. The Committee discovered that non-release and inadequate releases of funds across board to MDAs have negatively affected operational plans of the Ministry.

2. The Committee observed poor performance of overhead implementations across board by MDAs.
3. Interrogation of Soldiers at the theater of operation revealed that lack of equipment is bane and therefore the need to facilitate provisions for the Defence Sector.
4. The Committee was told by the Chief of Defence Staff (CDS) that the President had graciously obliged to increase ration cash allowance from **₦500** - **₦1000** and operation allowance from **₦1000** - **₦1500**.
5. The DHQ informed the Committee that issues of allowance are being taken very seriously as against the barrage of negative news on the network.
6. At the Defence Research and Development Bureau (DRDB), the Committee observed that IED is a major threat to the troops in the North-East and said that the output of Research and Development (R&D) by the Bureau will deal with this and also create economic and development for the Nation.
7. The Committee also detected a particular Agency that domiciled money in its account without use to the tune of **₦ 6,000,000,000** naira.
8. The Committee observed the slow pace of implementation of some projects that were still under construction due to late releases of funds.

9. There were recorded achievements attained by some Agencies in the areas of Information Communication and Technology (ICT) as was seen at the **DSA deployed in the fight against cybercrime and the development of Research and Development (R&D) leading to the production of armaments for Armed Forces of Nigeria so as to make them more responsive to the national security commitments.**
10. Observed that intelligence depends on Information Communication and Technology (ICT) to create a better Nigeria that is safe and secured.
11. The Chairman said that the Committee noted and commended some of the achievements and innovations in the fields of innovation of Defence and Security recorded by DICON in line with the strategic vision of the **CDS**, Gen A.G Olanishakin, to promote Science and Technology for self-reliance in Defence needs of the AFN which is to be sourced locally.
12. Up to date payment of Pensioners allowances up till the time of the Committee visit.

#### vii. CHALLENGES

- There are emerging new challenges with attendant security fallouts facing the Country at the moment.
- The major challenge faced by the **MDAs** among others was poor budgetary releases which hindered the implementation of projects.
- Lack of intervention fund.

## viii. RECOMMENDATIONS ON APPROPRIATION BILLS (2015 - 2019)

Flowing from the Highlights of the Visit of the Committee and briefings received from the Honorable Minister, the Chief of Defence Staff and Chief Executives of other Agencies, observations and findings, the Committee hereby makes recommendations as follows;

1. The Committee recommends that Government has responsibility to make use of economic resources and therefore the need to put to best use of available resources which involves assessing the identified needs of the people in the Defence sector.
2. That implementation of budget should be intended to achieve specific, measurable, achievable, realistic time bound objectives to satisfy the three functions of budget namely; Allocation, Distribution and Stabilization of the economy for attaining sustainable development.
3. The Committee recommends and is in agreement that budget must fall within the National plan and must have performance measures.
4. Without doubt, realistic budgetary allocations and appropriation with on time release of funds would go a long way in achieving enduring goals, but more importantly is the judicious use and deployment of allocated funds to achieve aimed objectives, set goals and targets.

5. The need for additional funding for the Defence sector such as **intervention fund** to enable it meet up with the current enormous security challenges confronting the Nation.
6. Need to re-prioritize security in term of releases and funding as it was said to be number one (1) for intelligent gathering.
7. Efforts should be put in place by the Nigeria Military to ensure that criminals don't cross the border.
8. The need for National Assembly to appropriate takeoff grant of **45 Billion** naira operation maintained released to **DSA**.
9. Committee to liaise with the authority to enhance releases and encourage the Defence Sector for the services they render – international security, territorial integrity and civil security.
10. The need to use Space Technology to fight Insurgence.
11. The need for advocacy to drive funds for the Defence Sector in a way and manner that will produce result and requested that the Heads of Agencies/Institutions spell out needs in specific terms.
12. Requested CEOs to work assiduously to beat the budget session.
13. Recommended that the Senate should ensure that the budget of Defence Sector should be released on time for proper implementation of Defence policies, programs and projects. The committee also recommended that intervention funds should be allocated to the Defence sector.
14. Sen. Kyari emphasized the need for timely release of budgetary appropriations and effective allocations as it would go a long

way in achieving the objectives set by the Agency and subsequently the judicious use of funds to achieve desired goals.

15. The Chairman expressed that DICON's strategic importance in the current world of competitiveness in Science and Technology cannot be ruled out and envisaged that DICON and DRDB will collaborate in the years to come therefore advocated for continuous engagement and liaison between DICON, DRDB, formations and Units in operation.

## 8.0 EXECUTIVE BODIES

8.1 Section 9 majored on the Executive bodies under the oversight of the Committee i.e. the Ministry of Defence and its Agencies as well as their powers, mandate, role, functions including achievement/contribution to the National Economy.

### 1) Ministry Of Defence (MOD)

The  
with  
profile  
it



Ministry of Defence was established on 1<sup>st</sup> October, 1958 the statutory responsibility of overseeing the Defence of the Country from the perspective of the Armed Forces, supervises the Defence Headquarter which comprise of Army, Navy and Air force as well as Tri-services Institutions/Parastatals.

The office is located at Ship House, Olusegun Obasanjo Way, Area 10, Garki, Abuja, FCT. The highest ranked Officer is the Minister whose name is Mansur Mohammed Dan Ali.

### 2) Defence Headquarters (DHQ)

the



Defence Headquarters is located at Plot 1092, Mohammed Buhari Way, Area 7, Garki, Abuja. FCT. The Chief of Defence Staff [CDS] General Abayomi Gabriel Olonisakin oversees the institution and its main role is to supervise services namely: Army, Navy and Air force as well as the Tri-services which include NDC, AFCSC, NDA, NAFRC, MPB, DIA, DICON and DSA.

### 3) Nigerian Defence Academy (NDA)

NDA



Major

was founded in 1964, it is located at Kaduna with the Commandant as the highest ranking officer known as General A. Oyeade. NDA is the only Military University in Nigeria and the duration of training in the academy is 5 years, which include 4 years of academic studies and 1 year of military training. It also has an ongoing record as one of the best Military schools in Africa.

### 4) Defence Intelligence Agency (DIA)

The



for

Defence Intelligence Agency was established in 1986 to provide an efficient system of obtaining military intelligence for the Armed Forces/Ministry of Defence. This function is carried out through the Defence sections. Part of the objectives of the section is: Promotion of Nigeria's Defence Policy and enhancement of military cooperation with the host nations. The Defence sections also assist in the maintenance of the territorial integrity of Nigeria and protect the lives of her citizens. The Chief of Defence Intelligence is AVM MS Usman.

### 5) National Defence College (NDC)

the  
in



National Defence College is the apex Military Training Institution for the Nigerian Armed Forces. NDC was established in 1992 as the highest military institute for training of senior military Officers in Nigeria. It is located in Abuja and the Commandant of NDC is Rear Admiral Adeniyi Adejimi Osinowo. NDC also has affiliations with NDA (Nigerian Defence Academy) and AFCSC (Armed Forces Command Staff and College) in the training of cadet Officers and middle level training.

### 6) Defence Space Agency (DSA)

DSA  
of



is located at plot 6 Garki Post Office Abuja. The main aim of DSA is to support the Nigerian Armed Forces with relevant space products necessary for the conduct of



operations in peace and war time in line with the national space policy. The overall leader is Major General EG Whyte Gss psc(+) fdc MSc CFIN.

#### 7) Military Pensions Board (MPB)



the

Established in 1975 as the Directorate of Military pensions (DPM), the name Military Pensions Board took effect in 2003 after major restructuring. MPB is saddled with dual mandate of payment of gratuity and pension to retirees of Nigerian Armed Forces and to provide financial advice and payment of the death benefits to Next-of-kin of deceased personnel. The Chairman of Military Pension Board is Brigadier General A. A. Adesoye. They are also located in Abuja. Dutse Alhaji, Bwari Area Council, FCT Abuja.

#### 8) Nigeria Armed Forces Resettlement Center (NAFRC)



life. The Commandant is AVM Jekenu.

One of the components of Ministry of Defence (MOD) located at Oshodi, Lagos State, Nigeria. NAFRC was established to be a training institution capable of repositioning Ex-service men and women to cope with challenges of service in their post service

#### 9) Armed Forces And Staff College (AFCSC)



AFCSC is Air vice Marshal Lawal Shittu Alao.

AFCSC was established on May 29<sup>th</sup> 1976. It is a joint service institution to produce operational level Military Officers of the highest professional standard as well as to ensure standardization of Staff duties in the Nigerian Armed Forces located at Jaji, Kaduna, Kaduna State. The Commandant of

#### 10) Defence Industries Corporation Of Nigeria (DICON)

The  
an



Defence Industries Corporation of Nigeria was established by Act of Parliament in 1964, its Headquarters is located at Kaduna, Kaduna State. Consequently West German Manufacturing firm Fritz Werner was assigned the task of

providing technical expertise and set up the ordnance Factory in Kaduna. Fritz Werner designed and built the Kaduna Ordnance factories in 1964 with the following production capacities:

- 5,000 units of BM 59 RIFLES per annum;
- 18,000 units of SMG 12 per annum;
- 12,000,000 rounds of 7.62mm x 51 per annum and
- 4,000,000 rounds of 9mm x 19 per annum.

The Director General of DICON is Major General B. O. Ogunkale.

It may be noted that the Mandate of the Committee as contained in Order 98 Rule 18 of the Senate Standing 2015 as Amended excludes the Jurisdiction covering the Army as its was carved out of the Senate Committee on Defence.

## **9.0 OBSERVATIONS**

### **COMMITTEES OBSERVATIONS/FINDINGS WITHIN THE PERIOD UNDER REVIEW (JUNE 2015 – JUNE 2019)**

9.1 During the period under review, the Committee noted the diversity, enormity and magnitude of security challenges facing the Country in view of their regularity and intensity.

1. The Need to create institutional framework backed by legislations in the format of Act to back the programs on security and for the Defence Sector;
2. It was observed that the Budget performance of the Federal Ministry of Defence and its Agencies has been low, attributable to poor selection of capital projects, outstanding liabilities as Contractor payments, uncompleted projects, non-take-off of projects due to lack of due process.
3. The Ministerial briefing and that of Chief Executive of Agencies served as a report card to the Committee with respect to the MDAs activities within the period and a guard for oversight

function ascertaining the status of implementation of projects and their justifiability;

4. The Nigerian Armed Forces procured assorted Platforms and Ammunitions;
5. The Nigerian Armed Forces to acquired Off Shore patrol vehicles for protecting our territorial waters;
6. The Nigerian Armed Forces has also done well with the purchase of various Aircraft Spares, equipping of Quick Response Force and construction of Officers and Airmen Accommodation across the Country;
7. Increased funding for the Defence Sector has ensured the capacity of the Armed Forces to contain insurgency in the country; and
8. Capital allocation to Ministry of Defence, Military Institutions and Agencies over the years has been slow and still remains a serious challenge as seen in the non-releases of funds allocated for Overhead Cost and Capital Projects.

## 10.0 COMMITTEES RECOMMENDATIONS

10.1 Based on its observations, the Committee made recommendations as follows;

1. Observed the exiting gaps in the nation's security architecture and the need for an open and frank forum to interrogate the capacity of Nigeria's Security assets to respond to the Multifarious and evolving security challenges the country is currently facing.

2. The need to put in place a systematic and coordinated approach that is holistic in tackling all the problems of the Defence Sector and the need to interrogate the capacity of Nigeria's Security assets to respond to the multifarious and evolving security challenges the country is currently facing.
3. The need to improve budget implementation through planning based on developmental indices and SMART mechanism. It must relate to government's macroeconomic policy, fiscal consolidation and job creation in particular. Budget must drive the welfare of citizens through exploited impacts and a high level of implementation.
4. The Ministry's Budget must be target driven by the need to put the best use of resources available and addressing identified needs of the people in the Defence sector.
5. The need to carryout functions by Members of the Committee for effective evaluation and monitoring of implementation of the prioritized projects budget for in the annual estimates.
6. The Committee took a very strong stance on the nature of the projects being undertaken by the Ministry and emphasized on the need to make the best use of public funds.
7. The Committee resolved to pay more attention to projects that can be finished within the appropriate period and therefore mandated that abandoned projects must be finished in a timely and cost efficient manner.
8. On the year 2019 budget, the Committee committed to accessing the data on the implementation of the 2018 budget so for the New Year's proposal.

9. The Federal Government should continue to acquire up to date Military equipment and arsenals for the three Services;
10. The Federal Government should sustain ongoing barracks rehabilitation projects across the country;
11. The Senate should partner with the Executive branch of the Federal Government to ensure speedy establishment of a Military Industrial Complex through private public-participations.
12. The Ministry of Finance and all relevant Agencies of Government should ensure that the budget of the Defence Sector is promptly released to enable speedy implementation of Defence policies, projects and programs.
13. It is imperative to review the Defence Act to bring it in line with contemporary realities;

## 11.0 CONCLUSION

It is evident that the Senate Committee on Defence pursued and discharged its functions going by the number of Meetings and Interactive Working Sessions held within the period under review, covering topical issues on Defence.

The Committee made observations and recommendations targeted towards addressing the constraints in the Defence Sector. It is no gain saying that the Committee accomplished much work within the given period of time.

The Committee tackled challenges within the Sector by repositioning the Defence Operations in its fight against the myriad of problems be devilling the Country's

Security challenges through Legislations and creation of Institutional Frameworks, Oversight Activities and engagement with the Stakeholders in the Defence Sector.

The period under review has been quite eventful for the Committee as Members were acquainted with the challenges of the Defence sector from oversight visits, commissionings, seminars and international/oversea missions.

Committee has identified the existing gaps in both jurisdictions and executions and has been able to access the needs of the Defence Sector.

Based on this informed position, the Committee is better equipped in its role to contribute to Government policy on Security/Defence, monitor programme implementations through oversight functions and make appropriate legislations such that must be seen to rapidly metamorphose into clear cut action plans that will consolidate on conservation strategies using a broad based participate approach model involving all Stakeholders of the Security Sector in the successful implementation of policy on Defence.

The Committee expresses gratitude to the Leadership of the Senate for the support received in the course of discharging its mandate within the period under review and puts forward the track record of the Legislative - Executive cooperation/synergy which existed between the Committee and the MDAs.

**Senator Abubakar Kyari**  
*Chairman*

**Vivian N. Njemanze (Mrs.)**  
*Committee Clerk*

SESSIONAL REPORT OF THE SENATE COMMITTEE ON AIRFORCE  
JUNE 2015 – JUNE 2019

**1.0. Introduction**

Pursuant to rules 95 and 98(8) of the Senate standing orders 2011 as amended and in conjunction with section 62 (1&2) of the 1999 Constitution of the Federal Republic of Nigeria (with alterations), the Committee hereby submits report of its activities for the 8<sup>th</sup> Senate. The report covered the period between June 2015 to June 2019. It is presented under the following sub-headings

**1.1. Committee Membership**

The members include the following:

1. Distinguished Senator Duro Samuel Faseyi (Chairman)
2. Distinguished Senator Mallam Ali Wakili (mni) - Late (Vice Chairman)
3. Distinguished Senator Balaibn Na' Allah (Member)
4. Distinguished Senator Akpan Albert Bassey (Member)
5. Distinguished Senator David Umaru (Member)
6. Distinguished Senator Oluremi Folashade Tinubu ( Member)
7. Distinguished Senator Theodore Orji A. (Member)
8. Distinguished Senator Jonah David Gang (Member)
9. Distinguished Senator Isa Lau Shuaibu (Member)

## **1.2. Secretariat**

The Secretariat is headed by the Committee Clerk. They include:

- |                          |                         |
|--------------------------|-------------------------|
| 1. Adeleke Baderinwa     | Committee Clerk         |
| 2. Toluwalope C. Ajanaku | Assistant Clerk         |
| 3. Anthonia Nwabufo      | Prin. Conf. Secretary 1 |
| 4. Audu Adakole          | Leg. Officer 1          |
| 5. Mercy Mbeh            | Leg. Officer 11         |
| 6. Theresa Belang Obi    | Executive Gen. Duties   |

## **1.3. Jurisdiction**

In pursuance of the Senate standing rules 2011 (as amended), the Committee's jurisdiction covers the following areas, as stated in rule 98(8) (i-viii). These include:

- i. Payments, Promotion, Retirement and other Benefits and Privileges of Membership of the Air Force;
- ii. Size and Composition of the Air Force;
- iii. Scientific Research and Development in support of the Air Force;
- iv. Air Force Barracks;
- v. Resettlement Scheme for Serving Officers of the Air Force;
- vi. Clearance of Foreign Military Aircrafts;
- vii. Air Force Reservations and Establishments;
- viii. Annual Budget Estimates



#### **1.4. Inauguration of the Committee**

The Committee was inaugurated by the President of the Senate of the Federal Republic of Nigeria, Senator Dr. Bukola Saraki alongside with other special and standing Committees on the 19<sup>th</sup> November, 2015

#### **2.0. The 8<sup>th</sup> Senate's Agenda and President of the Senate's Policy Statement.**

##### **2.1. The 8<sup>th</sup> Senate's Agenda**

This among others is premised under the following:

- a. Organizing Committee Meeting: This is a forum for Committee members to deliberate and resolve on the Committee's activities.
- b. Organizing Stakeholders' Meeting /Forum/Interactive Session.
- c. Performance of Oversight Visits to the various Establishments of the Nigerian Air Force.
- d. Recommend Annual Budget Estimates for Appropriation
- e. Conduct Investigative/Public Hearing
- f. E- parliament: The use of ICT in the conduct of legislative activities of the Senate to improve service delivery is promised
- g. Sponsoring of Bills, Motions, Receiving of Petitions and Provision of other legislative supports to the MDAs.

## **2.2. Policy statement of the President of the Senate, Senator (Dr) Bukola Saraki.**

Senator (Dr) Bukola Saraki remarked in his speech at his swearing-in-ceremony as the President of the Senate on June 9, 2015 that the change our people voted for is a change from a life of poverty, misery and hopelessness to a life of prosperity, happiness and confidence in the future, a change from pervasive culture of fear to a life of security and comfort, a change from impunity and elite arrogance to a life of accountability and respect for every citizen, regardless of tribe, gender, religion or political persuasion, the change that all of us in the National Assembly must strive to bring about, if we must justify the privilege of representation conferred on us by our people. Nigeria wants to see a proactive National Assembly that will devote itself to rigorous thinking, rolling up sleeves to forge a new and prosperous Nigeria. He stressed further that legislative body will strive at all times to be just, equitable and fair to all, build a National Assembly that will enjoy greater confidence and trust among the people they represent, and ensure the performance of oversight duties which must be constructive, supportive, and productive.

Furtherance to the above, the Senate President in his remarks at the inauguration of the Committee on November 19, 2015 stated that the Senate Committee on Nigerian Air Force is one of the unique Committees that oversees the critical security super-structure on which the Nation's territorial integrity rests. He

commended men and women who through sheer dedication and patriotism continues to wade off nation's enemy especially Boko Haram. Coupled with this, the Chairman, Senator Duro S. Faseyi at the maiden meeting with the personnel of the Nigerian Air Force on 15<sup>th</sup> December, 2015 declared the Committee commitment to exercise its constitutional mandate to support and partner with NAF in combating the activities of the insurgents with a view to promote national peace and security.

### **2.3. Impact of policy statement of the President of the Senate on the Committee.**

Based on the policy statement of the President of the Senate, the Committee performed various legislative activities on the Nigerian Air Force to achieve the desired goal of this policy statement

These included the following:

#### **2.3.1 Meetings**

The total of 10 (ten) Committee meetings were held during the period under review. They were aimed at wading off nation's enemies within and outside the country.

#### **2.3.2 Budgetary Function:**

##### **a) NAF's 2015 - 2018 Appropriations**

The performance of the Committee’s legislative duties resulted to NAF’s appropriations from 2015 to 2018. These are contained in table I below.

**Table I: 2015 -2018 Appropriations on Comparative Analysis**

| <b>Fiscal Years</b> | <b>2015<br/>₱</b> | <b>2016<br/>₱</b> | <b>2017<br/>₱</b> | <b>2018<br/>₱</b>  |
|---------------------|-------------------|-------------------|-------------------|--------------------|
| Total Personnel     | 62,326,160,584.00 | 58,274,960,146.00 | 57,126,160,584.00 | 58,483,162,441.00  |
| Total Overhead      | 7,060,931,382.00  | 7,491,187,491.00  | 8,850,534,571.00  | 8,850,534,571.00   |
| Total Capital       | 7,630,105,522.00  | 37,652,021,940.00 | 33,650,720,453.00 | 44,651,160,134.00  |
| Total Allocation    | 77,017,197,488.00 | 90,709,802,101.00 | 99,627,415,608.00 | 111,984,857,146.00 |

**b) NAF’s 2015 – 2018 Capital budget performances**

This is as tabulated in table II below:

**Table II: Comparative analysis of NAF’s Capital budget performances from 2015 to 2018 fiscal years.**

| <b>Fiscal years</b> | <b>Amount Appropriated<br/>₱</b> | <b>Amount Released &amp; Utilized<br/>₱</b> | <b>%</b> | <b>Performance</b>  | <b>Remarks</b> |
|---------------------|----------------------------------|---|----------|---|----------------|
| 2015                | 7,630,105,522.00                 | 6,782,870,576.68                            | 88.9%    | All projects completed                                      |                |
| 2016                | 37,652,021,940.00                | 37,652,021,940.00                           | 100%     | All projects completed                                      |                |
| 2017                | 33,650,720,453.00                | 28,088,283,557.94                           | 83.5%    | Some projects have been completed while others are on going |                |
| 2018                | 44,651,160,134.00                | 21,767,811,583.50                           | 49%      | Some projects have been completed while others are on going |                |

*See appendix i, ii, iii & iv for the details of the 2015 to 2018 capital budget performances.*

Firstly, it should be noted from table II above that 2018 Capital budget of ₦44,651,160,134.00 was the highest appropriation from 2015 to 2018 fiscal years but the poorest amount of ₦21,767,811,583.50 was released and utilized. This represents 49% of the total appropriation. Secondly, in 2016, the total of ₦37,652,021,940.00 was appropriated, released and utilized, representing 100% of the appropriated amount. 2017 appropriation of ₦33,650,720,453.00 is ranked third, while only ₦28,088,283,557.94 was released and utilized. The percentage released and utilized stands at 83.5%. Ranked fourth is the least amount of ₦7,630,105,522.00 appropriated in 2015 with the total amount of ₦6,782,870,576.68 released and utilized, representing 88.9%.

From the forgoing, it could be stated that there were increases in capital budgets from 2015 to 2018 appropriations which are still inadequate. It could be stated that inadequate release of funds is one of the challenges facing NAF from accomplishing the bulk of its capital payment commitments, particularly, poor payment for projects in 2018 fiscal year. (i.e. ₦21,767,811,583.00 was released from the total appropriation of ₦44,651,160,134.00, representing 49%).

**c) NAF's 2019 BUDGET PROPOSAL**

This is as tabulated in table III below:

**Table III: NAF’s 2019 BUDGET PROPOSAL**

| <b>Sub – Head</b> | <b>2019 Estimates<br/>₦</b> |
|-------------------|-----------------------------|
| Total Personnel   | 63,433,592,977.00           |
| Total Overhead    | 8,850,534,571.00            |
| Total Capital     | 45,051,160,134.00           |
| Total Allocation  | 117,335,287,682.00          |

*See Appendix v for the list of proposed 2019 Capital Budget*

### **2.3.3. AIR FORCE INSTITUTE OF TECHNOLOGY (AFIT) KADUNA**

The AFIT Establishment Act 2017 empowered the Institute to undertake various courses in Engineering programmes and allied disciplines leading to the award of diplomas, graduates and post graduates certificates. It also has the mandate to attract international researchers and stakeholders in aerospace, aeronautics, aviation and related industries towards development of home grown technology. The AFIT had budget defence meeting with the Committee on Thursday 28<sup>th</sup> March, 2019 where its maiden budget proposal was presented.

#### **a) AFIT’s 2019 BUDGET PROPOSAL**

This is contained in Table IV below:

**Table IV: AFIT's 2019 BUDGET PROPOSAL**

| <b>Sub – Head</b> | <b>2019 Estimates<br/>₦</b> |
|-------------------|-----------------------------|
| Total Personnel   | 1,153,220,006.00            |
| Total Overhead    | 152,994,499.00              |
| Total Capital     | 400,000,000.00              |
| Total Allocation  | 1,706,214,505.00            |

*See Appendix vi for proposed 2019 Capital Budget*

**2.3.4      Petition:**    Nil

**2.3.5      Motion:**      Nil

**2.3.6      Bill:**

**Nigerian Air Force Institute of Technology, Kaduna (Establishment, etc.)**

**Bill, 2016 (SB.180)** was referred to the Committee.

This Bill was for an Act to establish the Air Force Institute of Technology, (AFIT) Kaduna, to give technical training to personnel of the Nigerian Air Force, other services of the Armed Forces of Nigeria, Nigerians and other African countries, and for matters connected there with. It was sponsored by the Committee Chairman, Senator Duro S. Faseyi (Ekiti North). The Bill was undertaken between the first and second session of the 8<sup>th</sup> Senate. The Bill went through its first reading on Thursday 25<sup>th</sup> February, 2016, second reading on 16<sup>th</sup>, March, 2016, third

reading and passage on Tuesday, 17<sup>th</sup> November 2016. The Bill was however assented to, by the President of the Federal Republic of Nigeria, President Muhammadu Buhari on Tuesday, December 5, 2017. The benefits of the Act to AFIT would help the organization to be included into the national budget of the Federal Republic of Nigeria and enjoy subventions from NUC, NBTE, TETFUND, and Petroleum Trust Fund (PTF). The Act would also help to receive supports from International Research and Development Organizations such as the United Nations Development Programme (UNDP), European Union and many others.

### **2.3.7 Performance of Oversight Visits:**

The Committee performed oversight visits to some establishments of the Nigerian Air Force from 13<sup>th</sup> to 15<sup>th</sup> October, 2016 in the second session of the 8<sup>th</sup> Senate.

These places included the following:

- Nigerian Air Force (NAF) Training Command, Kaduna.
- Composite Group (CG 89) Bauchi.
- Tactical Air Command (TAC) Makurdi
- Logistic Command, Lagos.

### **2.4 Impact of the Policy Statement of the President of the Senate on the Public.**

The Policy Statement of the President of the Senate made positive impact on the operations of the Committee's statutory duties. In this regard, the Committee was



able to discharge its activities as it relates to the oversight visits, sponsorship of the bill, responses to annual budget estimates of NAF for the overall well being of the masses etc. However, the President of the Senate's policy statement and the Committee's compliance to the Senate's 8<sup>th</sup> agenda impacted positively on the public. These among others included the following

### **1. Security**

The NAF's budgets were targeted to combating various problems of insecurity in the country which do not exclude the activities threatening the unity and corporate existence of Nigeria brought about by Boko Haram, Niger Delta Militancy, Armed robbery, Herdsmen-Farmers clashes, religions clashes and tensions, Intertribal clashes, Pipeline vandalism, Extra-judicial killings and many more. The Committee's supervisory activities on NAF resulted to realizing the policy statement of the Senate President in providing security for the Nigerian populace.

### **2. Education**

The passage into law and Mr. President's assent to the Bill of the Nigerian Air Force Institute of Technology, (AFIT) Kaduna, had legally empowered the Institution to operate as a full-fledged Institute with the Act of the Parliament. The public is benefiting from AFIT today because it offers various courses at the National Diploma (ND), Higher National Diploma

(HND), Undergraduates Courses (i.e. B. Engineering & B. Sc in other Management Courses such as Accounting, Business Administration, Marketing, Economics etc.), and Post Graduate Courses in various Engineering fields.

### **3. Provision of good medical care**

The NAF had commissioned various health Institutions which are providing medical care for NAF's personnel and other citizens of Nigeria. Through this intervention, the staff of NAF and other citizens attend various health Institutions of NAF across the country to solve their various health challenges.

## **3.0 Observations**

### **A. Observations of the Committee on NAF included the following:**

1. Very poor releases of funds for capital projects. For example, in September, 2017, the sum of ₦17,122,874,323.02 was released as first quarter capital fund, and ₦1,914,906,447.38 released in December, 2017 as second quarter capital fund. However, the total sum of ₦19,037,780,770.40 was received by NAF for capital expenditure in 2017 representing 57% of the appropriated amount of ₦33,650,720,453.00. Also, in 2018 appropriation, just

₦21,767,811,583.50 was released as at 28<sup>th</sup> March, 2019, representing 49% of the total appropriation of ₦44,651,160,134.00.

2. Inadequate budgetary allocation to Nigerian Air force. The Air Force is capital intensive in respect to the acquisition of combat platforms, maintenance of existing platforms, purchase of aircraft spares, arms and ammunition and provision of sufficient infrastructural equipment and personnel. Other observations noted by the Committee showed that NAF's radars are grounded and most of their barracks needed to be provided with modern basic amenities. The NAF's capital budget is being characterized with insufficient allocations as noted in 2015, 2016, 2017 and 2018 appropriations of just ₦7,630,105,522.00, ₦37,652,021,940.00, ₦33,650,720,453.00 and ₦44,651,160,134.00 respectively. Coupled with this, very poor amount of ₦45,051,160,134.00 was also proposed for 2019 capital budget
3. The Committee observed that some NAF's aircrafts are grounded in other countries.

## **B. Observations of the Committee on AFIT**

The Committee observed that:

1. AFIT presented its maiden budget after the passage of its Bill into law and that it is now operating with the Act of the Parliament.

2. AFIT requires take off grant of ₦3,000,000,000.00
3. AFIT budget proposal for 2019 capital and overhead expenditures of N400, 000, 000. 00 and ₦152,994,499.00 respectively are inadequate.
4. AFIT is not a member of Academic Staff Union of Universities(ASUU)
5. AFIT has University and Polytechnic Status

#### **4.0 Constraints of the Committee**

Some of the Committee's challenges included the following

1. Inadequate funds for the Committee to carry out its oversight functions and other statutory activities on NAF and AFIT.
2. Inadequate local trainings and absence of overseas training and re-training programmes for Committee members and staff.
3. Inadequate funds for capital projects to NAF/AFIT and untimely/poor releases of capital funds also hinder Committee's oversight activities on NAF and AFIT.

#### **5.0 Achievements**

The following were recorded by the Committee:

1. Hitch-free budget defence sessions with NAF for 2015,2016, 2017 and 2018 fiscal years. Committee budget defence meetings for NAF/AFIT for 2019 budget estimates on Thursday 28<sup>th</sup> March, 2019 were also successful.

2. Passage of AFIT Bill into law in the 2<sup>nd</sup> Session of the 8<sup>th</sup> Senate. The Bill received the assent of Mr. President on December 5 2017. AFIT now accommodated in the national budget of the federal government
3. Successful performance of oversight responsibilities. For example, the impact of the Committee's oversight visits on NAF, particularly, in the second session contributed to the successes recorded by NAF. Among these included the following
  - i. NAF contributed immensely to the fight against insurgency like Boko Haram in the troubled regions of the country.
  - ii. NAF embarked on the recruitment of officers (i.e. DSSC staff recruitment) and sub-officers (i.e. recruitment of trade/non-trade men and women) into the NAF and also trained its members in the period under review. (i.e. foreign and local training of pilots, special forces personnel, engineers, technicians and other Air crew support personnel.)
  - iii. In addition to the above, some officers were elevated to the ranks of Air force Commodore and Air vice Marshal while other officers and Airmen/Airwomen were promoted in the period under review to boost their morals and as a mark of appreciation for personnel's efforts to fighting terrorism in Nigeria.

- iv. NAF maintained its platforms and equipment within the available resources in the period under review.

## **6.0 Recommendations**

Following the observations and the experiences gained in the performance of Committee's statutory duties by members, the following were recommended.

### **a) Recommendations on NAF**

1. Increase in the budgetary allocation to NAF. This will help NAF to:
  - a. Acquire and maintain its platforms to effectively confront the various security challenges in different parts of the country, particularly, the North-East and Niger Delta regions of Nigeria.
  - b. To procure various aircraft spares from the original manufacturers or licensed and authorized vendors to help in fighting terrorism in the different parts of the country.
  - c. To procure various Arms and Ammunition to fight insurgents' hideouts, particularly, in the North-East regions of Nigeria. These include bombs, rockets, cannons, missiles and other air portable ammunition.
  - d. To procure infrastructural facilities to improve living standards and condition of NAF's personnel serving in different locations. These

include accommodations, offices, roads, water supply and electricity grids among others

- e. To recruit new staff, provide local and foreign trainings for staff, promote officers and Airmen/Airwomen in boosting their morales.
2. Prompt/Timely releases of quarterly allocations to NAF. This would help NAF to carry out its military operations and other statutory duties effectively. (i.e. combating insurgency).
3. Ensuring judicious use of the appropriated amount for NAF's operations.
4. Ensuring repairs and continuous maintenance of NAF's radars that were grounded.
5. Provision of adequate local and overseas training for Committee members and staff
6. Provision of adequate funds for the Committee to undertake its activities. (i.e. oversight visits to NAF's bases in Nigeria and fact finding tours to countries where NAF's aircrafts have been grounded to ascertain their status). This would help the Committee in making recommendations to the Senate as deem necessary.

## **b) Recommendations on AFIT**

The Committee resolved to continuously intervene into the emerging issues of AFIT with a view to providing legislative interventions.

## **7.0 CONCLUSION**

The Nigerian Air Force (NAF) being capital intensive military force of the Nigerian armed forces plays vital role in providing adequate security for Nigerian citizens. The NAF is being underfunded to provide required facilities needed to undertake its statutory duties in respect to the procurement and maintenance of its platforms, aircraft spares, arms and ammunition (such as bombs, rockets, missiles), infrastructural facilities, training and re-training of staff etc.

The President of the Senate, Senator (Dr.) Bukola Saraki in his remarks on June 9 2015 at the inauguration of the 8<sup>th</sup> Senate and also on November 19 2015 during Committees' inauguration charged the Committee on Nigerian Air Force to ensure constructive, supportive and productive oversight responsibilities targeted to combating various problems of insecurity threatening the unity and corporate existence of Nigeria, being a unique Committee that oversights the critical security super-structure on which the nation's territorial integrity rests. These included the activities of Boko Haram, Niger Delta Militancy, Armed robbery, Herdsmen/farmers clashes, religions clashes and tensions, inter-tribal clashes, pipeline vandalism, extra-judicial killings and many more. In addition, the



Chairman at the maiden meeting with the personnel of the Nigerian Air Force on 15<sup>th</sup> December 2015 declared the Committee commitment to exercise its constitutional mandate to support and partner with NAF in combating the activities of insurgents with a view to promote national peace and security. Likewise, AFIT is yet to be provided with take-off grant and its operations been threatened with poor budgetary allocation.

Based on the policy statements of the President of the Senate and the Committee goals on its effectiveness to providing adequate security to the Nigerian citizens, the Committee embarked on various activities to achieve these objectives. Among the strategies adopted were Committee meetings (which did not exclude budget defence meetings), oversight visits, sponsoring of bills and so on. Achievement of the Nigerian Air force objectives to wade off nation's enemies in the geo-political zones of the country such as the destructive activities of the Boko Haram group in the North-East and Niger Delta militants in the South–South require adequate funding of the Nigerian Air Force and other sister agencies such as the Army and Navy, while AFIT as an institution having dual status for providing university and polytechnic education requires adequate funding for its operations as a fully-fledged institution endowed with an Act of Parliament.

Therefore, the Federal Government of Nigeria in collaboration with the National Assembly should increase as appropriate the budgetary allocations to NAF and AFIT to help them acquire the required facilities needed for their operations, train and re-train their personnel as deem necessary.

In addition, the National Assembly should provide adequate funds to the Committee on Nigerian Air Force and other sister Committees (Army and Navy), to carry out their oversight responsibilities effectively and also provide other related legislative interventions. The Committee members and staff should also be given special considerations for the local and overseas training to provide them the adequate knowledge, skills and values required in the performance of their legislative and administrative duties.

**Senator Duro Samuel Faseyi**  
Chairman

**Adeleke Baderinwa**  
Committee Clerk

**APPENDIX I**

**NIGERIAN AIR FORCE 2015 CAPITAL BUDGET PERFORMANCE**

| Serial | Line Items   | Amount Appropriated (₦) | Releases (₦)            | Performance (₦) | % Financial Performance | Remarks    |
|--------|--|-------------------------|-------------------------|-----------------|-------------------------|------------|
| (a)    | (b)  | (c)                     | (d)                     | (e)             | (f)                     | (g)        |
| 1      | Equipping of Quick Reponse Force   | 770,250,870.00          | 746,123,520.82          | Completed       | 96.87                   |            |
| 2      | Purchase of Various Aircraft Spare Parts   | 2,257,289,247.00        | 2,006,643,391.00        | Completed       | 88.90                   |            |
| 3      | Provision of Uniforms and Accountments   | 330,350,780.00          | 324,369,197.15          | Completed       | 98.19                   |            |
| 4      | Construction of Offrs and Airmen Accommodation in Bayelsa, Sokoto, Warri, Ikeja and Port Harcourt (by direct labour) | 324,251,553.00          | 318,947,218.75          | Completed       | 98.36                   |            |
| 5      | Barracks Infrastructural Development in Yenagoo  | 960,800,790.00          | 915,515,076.70          | Completed       | 95.29                   |            |
| 6      | Reactivation of C-130H Fleet   | 414,416,782.00          | —                       | —               | —                       | Not Funded |
| 7      | Construction of Office Block and Accommodation at Newly Established FOBs   | 1,962,605,500.00        | 1,867,481,061.67        | Completed       | 95.15                   |            |
| 8      | Purchase of Operational and Utility Vehicles   | 610,140,000.00          | 603,791,110.59          | Completed       | 98.96                   |            |
|        | <b>Total</b>   | <b>7,630,105,522.00</b> | <b>6,782,870,576.68</b> |                 |                         |            |

## APPENDIX II

### NIGERIAN AIR FORCE 2016 CAPITAL BUDGET PERFORMANCE

| Serial | Line Items   | Amount Appropriated<br>(₦) | Releases<br>(₦)          | Performance<br>(₦) | % Financial<br>Performance | Remarks |
|--------|--|----------------------------|--------------------------|--------------------|----------------------------|---------|
| (a)    | (b)  | (c)                        | (d)                      | (e)                | (f)                        | (g)     |
| 1      | Purchase of Aircraft Spares  | 2,147,411,164.80           | 2,147,411,164.80         | Completed          | 100                        |         |
| 2      | Purchase of 10 x Super Mushshak Trainer Aircraft   | 3,356,023,520.00           | 3,356,023,520.00         | Completed          | 100                        |         |
| 3      | Procurement of 2 x Mi-35M Helicopter   | 18,949,847,715.20          | 18,949,847,715.20        | Completed          | 100                        |         |
| 4      | Purchase of Various Arms and Ammo e.g 30MM Canon, 68MM SNEB Live Rocket, F3 & F4 Practice Bomb etc   | 487,309,644.80             | 487,309,644.80           | Completed          | 100                        |         |
| 5      | Procurement of 3 x JF17-Thunder Multi Purpose Role Combat Aircraft   | 8,121,827,411.20           | 8,121,827,411.20         | On-going           | -                          |         |
| 6      | Purchase of complete combat Equipment, Outfits and Training for Quick Response Force (QRF)   | 150,000,000.00             | 150,000,000.00           | Completed          | 100                        |         |
| 7      | Infrastructural Development at Newly Established FOBs and NAF Units  | 2,460,316,566.00           | 2,460,316,566.00         | Completed          | 100                        |         |
| 8      | Establishment of Training Institutions at NAF Base Yola, Ipetu Ijesa and Kaduna  | 500,000,000.00             | 500,000,000.00           | Completed          | 100                        |         |
| 9      | Upgrading of Educational and Training Institution at NAF Base Kaduna and Makurdi (By Direct Labour)  | 500,000,000.00             | 500,000,000.00           | Completed          | 100                        |         |
| 10     | Construction of Officers/Airmen Accommodation at NAF Base Shasha, Sokoto, Kaduna, Minna, Warri, Yenagoa and Port Harcourt (By Direct Labour) | 550,000,000.00             | 550,000,000.00           | Completed          | 100                        |         |
| 11     | Provision of Operational Infrastructural (Taxi Way and Apron) at NAF Base Bauchi, Sokoto and Minna   | 250,000,000.00             | 250,000,000.00           | Completed          | 100                        |         |
| 12     | Construction of Hospital at 97 SOG Port Harcourt   | 179,285,918.00             | 179,285,918.00           | Completed          | 100                        |         |
|        | <b>Total</b>   | <b>37,652,021,940.00</b>   | <b>37,652,021,940.00</b> |                    |                            |         |

### APPENDIX III

#### NIGERIAN AIR FORCE 2017 CAPITAL BUDGET PERFORMANCE

| Serial | Line Items   | Amount Appropriated (N) | Releases (N)      | Performance (N) | % Financial Performance | Remarks                                     |
|--------|--|-------------------------|-------------------|-----------------|-------------------------|---|
| 1      | Reconfiguration of 2 x Agusta AW101 Helicopters  | 620,000,000.00          | -                 | -               | -                       | Project not executed                        |
| 2      | Procurement of 2x Agusta AW109 Power Helicopters   | 4,559,369,119.00        | 4,559,369,119.00  | On-going        | 100                     | Projected Delivery is 15 Dec 18             |
| 3      | Procurement of 2x MI - 35M Helicopters   | 16,478,002,303.00       | 11,564,573,698.40 | On-going        | 70                      | Fund could only procure 1xMI-35M Helicopter |
| 4      | Procurement of Ground Support Equipment and Back-up Spares for MI - 35M Helicopter   | 481,818,182.00          | 481,758,265.20    | Completed       | 100                     |   |
| 5      | Periodic Depot maintenance of 2 x Alpha Jets Aircraft  | 1,255,071,808.00        | 1,253,689,600.00  | On-going        | 100                     | Projected Delivery is Apr 19                |
| 6      | Periodic Depot Maintenance of C - 130H Aircraft (NAF917)   | 1,438,693,182.00        | 1,438,693,182.00  | On-going        | 100                     | Projected Delivery is Oct 18                |
| 7      | Overhaul of 4 x C - 130H Engines, 2 x APU & 8 x Propellers   | 1,000,937,500.00        | 1,000,937,500.00  | On-going        | 100                     | Projected Delivery is Oct 18                |
| 8      | Procurement of Various Aircraft Spares   | 1,100,500,000.00        | 1,097,380,570.59  | Completed       | 100                     |   |
| 9      | Rehabilitation of Educational Infrastructure and Procurement of E-Learning Aids in Selected Air Force Schools in the South-West Zone of Nigeria. | 500,000,000.00          | 499,477,989.16    | On-going        | 100                     | Funds paid into APG of vendors.             |
| 10     | Water Treatment Plant, NAF Base Makurdi  | 200,000,000.00          | 199,018,633.44    | On-going        | 100                     | Funds paid into vendor's APG.               |
| 11     | Procurement of Various Arms and Ammo (30mm Canon, 68mm SNEB Live Rockets, F3&F4 Practice   | 290,625,000.00          | 289,478,000.00    | Completed       | 100                     |   |
| 12     | Procurement of Marauder Vehicles   | 604,500,000.00          | 601,468,200.00    | On-going        | 99                      | Projected Delivery is Oct 18                |

# **REPORT ON THE ACTIVITIES OF THE 8<sup>TH</sup> SENATE**

**2015-2019**

## **SENATE COMMITTEE ON NIGERIAN NAVY**

### **MEMBERSHIP**

- |     |                              |   |               |
|-----|------------------------------|---|---------------|
| 1.  | Sen. IsahHammaMisau          | - | Chairman      |
| 2.  | Sen. Osinakachukwu T. Ideozu | - | Vice-Chairman |
| 3.  | Sen. Abdul-Aziz M. Nyako     | - | Member        |
| 4.  | Sen. Stella A. Oduah         | - | Member        |
| 5.  | Sen. Danjuma La'ah           | - | Member        |
| 6.  | Sen. Francis Alimikhena      | - | Member        |
| 7.  | Sen. Ahmed Ogembe            | - | Member        |
| 8.  | Sen. Umar I. Kurfi           | - | Member        |
| 9.  | Sen. Robert A. Boroffice     | - | Member        |
| 10. | Sen. Hope O. Uzodinma        | - | Member        |

### **JURISDICTION**

The Committee is mandated to among other things, carry out the following duties:

- a) Payment, Promotion, Retirement and other benefit and privileges of Officers and Ratings of the Nigerian Navy.
- b) Establish the Size and Composition of the Navy
- c) Carry out Scientific, Research and Developments in the support of the Navy.
- d) Development of Navy Barracks
- e) Navy Cadets
- f) Clearance of Foreign Military Warships

- g) Resettlement scheme for serving members of the Navy
- h) Development Projects
- i) Annual Budget Estimates

## **COMMITTEE ACTIVITIES**

### **A. REFERRALS**

No Petitions, Matters of Urgent Public Importance, Personal Explanation and Bills were referred to the Committee

### **B. BUDGET DEFENCE/PERFORMANCE 2015-2019 2015**

The Committee in the course of performing its legislative assignment treated and forwarded to the Senate Appropriation Committee the 2015 Navy budget estimate which was eventually passed into law by the Senate.

#### **Budgetary Provision**

The Nigerian Navy submitted an initial Capital estimate of N205, 443,166,053.50 to the budget office of the Federation. The submission was based on the determination of the Navy to fight and curtail the menace of oil theft and other illegal activities on the nation's maritime environment.

The proposal was however cut down to a meager N8, 065,590,681 based on the envelope issued by the Ministry of Finance. It is unfortunate that this figure is just about 4 percent of the Nigerian Navy original budget proposal.

#### **Performance of Budget**

The non-release of the total Capital expenditure appropriated to the Nigerian Navy has severely hampered the operations of the Nigerian Navy at Sea. The efforts of the Committee to

ensure the release of the outstanding balance could not yield the desired results.

However, in spite of these shortcomings, the Nigerian Navy operations and presence in the maritime environment increased significantly in 2015, mainly due to the availability of acquired platforms. Several illegal bunkering and poaching Ships were arrested and handed over for prosecution

## **2016**

### **Navy Budgetary Provision 2016**

The main focus of the 2016 Nigerian Navy capital budget proposal are the six (6) priority projects that will enhance the operational efficiency and effectiveness of the service.

The priority projects are:

- a) Fleet Renewal
- b) Upgrade of Hydrographic capacity
- c) Operational Logistics Procurement
- d) Personnel Welfare
- e) Operational Infrastructure Upgrade
- f) Capacity Development and Upgrade of Training Facilities

The 2016 Nigerian Navy capital estimate proposal to the budget office was N317,631,689,042.96, unfortunately only the sum of N25,646,409,841.00 was eventually proposed by the budget office, and this is just 8.1 percent of the entire N317,631,689,042.96 proposed by the Nigerian Navy as 2016 capital budget estimate.

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### **Budget Performance**

In 2016, the Nigerian Navy Capital expenditure fell short of expectation of the Navy; subsequently most of the critical projects could not be executed.



## **2017**

### **Navy Budgetary Provision 2017**

The Nigerian Navy initial Capital budget proposal was N317, 631,889,043.00, the Nigerian Navy was however prevailed upon to review the estimate down to N26, 446,409,842.00. The Committee visited most of the formations of the Nigerian Navy and was confronted with several challenges militating against the optimal performance of the service. It is the wish of this Committee that reasonable amount of money would be appropriated for the Nigerian Navy as Capital Expenditure to enable it acquires vessels and other sophisticated infrastructure for policing the maritime environment.

### **Budget Performance**

The sum of N26, 446,409,842.00 was appropriated to the Nigerian Navy for Capital Expenditure in 2017, out of this amount, the sum of N representing 66.6 percent was released to the Nigerian Navy leaving a balance of N

The Nigerian Navy could not execute most of its Capital projects in 2017 because of the non-release of its total Capital expenditure.

## **2018**

### **Budgetary Provision**

The Nigerian Navy initial Capital budget proposal was 365,276,672,399.45 the Nigerian Navy was however prevailed upon to review the estimate down to N27, 451,409,842.00. The Committee visited most of the formations of the Nigerian Navy and was confronted with several challenges militating against the optimal performance of the service. It is the wish of this Committee that reasonable amount of money would be appropriated for the Nigerian Navy as Capital Expenditure to enable it acquire vessels and other sophisticated infrastructure for policing the maritime environment

## **Budget Performance**

The amount of Capital funds released to the Nigerian Navy is insufficient to completely fulfill the 2018 payment obligations hanging on Nigerian Navy.

## **2019**

### **Budgetary Provision**

The Nigerian Navy initial Capital budget proposal was N71,434,467,586.65, however this amount was reduced by the Budget Office of the Federation to N27,451,409,842.00. Consequently the Nigerian Navy 2019 Capital Budget proposal largely continued on the same programme trajectory spread over 5 priority projects, namely:

1. Fleet Renewal;
2. Operations Logistics;
3. Fleet Support Infrastructure;
4. Capacity Development and
5. Personnel Welfare

After a careful perusal of the submissions of the Nigerian Navy, the Committee realized that the needs and requirements of the service are genuine and pragmatic. There is therefore the urgent need to vary the Capital component of the Nigerian Navy 2018 budget estimate.

## **2019**

### **Overhead Cost Provision**

The Nigerian Navy Overhead Budget proposal for 2019 was N35, 625,528,657.76; this proposal was drastically reviewed downward to N7, 740,714,955.00 by the Budget Office of the Federation. The Committee discountenances this proposal as not only inadequate but meager.

## **C. OVERSIGHT**

### ***i. Policies/Programs***

This is a very critical and important responsibility of the Committee as provided in sections 88 and 89 of the

Constitution of the Federal Republic of Nigeria 1999 as amended.

The Committee embarked on a working visit to Naval Headquarters on the 19<sup>th</sup> of July, 2016. Chief of Naval Staff informed members that since his appointment as the Chief of Naval Staff his focus have been on training, motivation of personnel and ensuring operational availability of assets in order to enhance the Nigerian Navy ability to effectively perform her roles.

Amongst the formations visited were Headquarters Western naval Command, naval Dockyard, Training Command, Navy flying Unit and barracks located at Ojo on the 25-27 January, 2018

Some of the projects inspected were on-going while works on others were stalled due to inadequate funds. Representations were made by most of the Units to the Committee to increase the budgetary funding to the Navy to enable it carry out its statutory responsibility.

However, the Command made some remarkable achievements as follows:

- a) Reduction in Pipeline Vandalization
- b) Reduction in Crude oil theft
- c) Reduction in illegal fishing activities

**ii. Projects**

The Committee, in continuation of its Legislative duties undertook an oversight of naval formations, Commands, Units Installations and Institutions in the Eastern (14-15 March, 2018) and Central naval Commands (25-27 March, 2018). The purpose of the oversight was with the aim of assessing the operational requirements of the navy, determining its strength or weaknesses,

particularly its ability to defend the nation's territorial waters.

In the course of the visits, the Committee inspected some projects at the various naval formations and Units. The Committee also discovered that some of the projects were stalled because of inadequate funding. In spite of the challenges, the navy made some remarkable progress in curtailing oil theft and bunkering. The reduction in oil theft will help boost the revenue accruable to the Government of the Federation.

### **iii. Bills Referral**

Two bills were referred to the Committee namely

- a) Suppression of Piracy Bill, 2017 (SB.254)
- b) United Nations Conventions on the law of sea 1958 and 1982 relating to Piracy bill, 2017 (SB.364)

The Committee worked rigorously on the Bills as forwarded to it by the Senate. The Committee however has challenges of inadequate funding to conduct Public Hearing on the two Bills.

### **Conclusion**

After the inauguration of the Committee, it undertook an extensive tour of naval Institutions, Installations Units and formations in 2016 and in 2018, with a view to appraising the performance, strength, weaknesses and challenges of the Nigerian Navy.

The Committee realized the difficult and enormous challenges facing the Nigerian Navy. In most of the formations visited there were inadequate or broken down facilities like Shipways platforms, Jetties, Barracks accommodation, Forward Operating Bases amongst others. It is very pathetic that amount of Capital expenditures appropriated to the Nigerian Navy for the past four years are far inadequate, and has impaired the navy from executing most of its Capital projects.

The Overhead expenditures of the navy are also not properly funded, the navy is therefore not able to carry out an effective policing of the maritime environment to check oil theft, pipeline vandalization and other criminal activities on the nation's maritime environment.

It is therefore suggested that since it is well acknowledged that the navy plays a pivotal role in securing the nation's maritime infrastructures it is very imperative that extra budgetary funds be provided to it to avoid leakages in the nation's income derived from the maritime environment.

**Senator Isah Hamma Misau**  
**Chairman**

**Yunusa Isa**  
**Committee Clerk**