



NIGERIA DEFENSE AND SECURITY GOVERNANCE FORUM Executive Summary

Overview

From 14-16 May 2024, the Africa Center for Strategic Studies (ACSS) convened the bilateral Nigeria Defense and Security Governance Forum designed for legislators from defense and security related committees, clerks from those committees, and senior defense and security officials to engage in peer learning and analyze current trends, challenges, and innovations in the work of defense and security policymakers as well as defense and security focused legislators to foster democratic and civilian oversight of the sector.

The Forum was opened by the Right Honorable Speaker of the House of Representatives, Dr. Abbas Tajudeen, and by Distinguished Senator Buba Umar Shehu (representing the President of the Senate, Distinguished Senator Godswill Akpabio). The Chief of Defense Staff, General Christopher Musa, was briefed about the Forum upon its conclusion. The Forum was attended by approximately 70 people from the National Assembly, Ministry of Defence, Defence Intelligence Agency, National Defence College, Department of State Services, Army, Navy, Air Force, National Police Force, National Security and Civil Defense Corps, Immigration Service, the diplomatic corps, and local civil society. The US House Democracy Partnership (HDP) and affiliated staff from the National Democratic Institute (NDI) and the International Republican Institute (IRI) attended and facilitated the involvement of several Members of Parliament from Ghana and Kenya. The West Africa Youth Assembly was also present.

This document shares key insights from leaders' exchanges during the Forum. It also lists the policy recommendations that leaders made about four critical issues in the current context: (1) enhancing strategy-oriented budgeting; (2) strengthening public procurement oversight; (3) furthering police and intelligence oversight; and (4) working with audit and anti-corruption institutions.

Key Insights

1. The Forum fostered discussion of how to strengthen the "3As" shaping the quality of legislative oversight of the defense and security sector: *ability* (whether legislators have resources and capacity for oversight), *authority* (whether they have the legal mandates), and *attitude* (whether they have sufficient motivation and political or institutional incentives). Some common challenges are that incoming legislators often have little specialized expertise on security issues; the legislators with prior defense and security experience do not always employ a human security framework for strategizing and budgeting for national security; and there can be a tendency for some legislators to shy away from insisting to exercise their constitutionally mandated oversight roles in certain areas of defense and security that are politically sensitive.
2. Civilian oversight that involves the work of the legislature, the judiciary, and independent oversight bodies can in some cases be cautious, hesitant, and overly deferential to security services. In the legislative context, these challenges arise largely because of ability and attitude, and not authority. As indicated in the keynote address by the Right Honorable Speaker, Chapter 1 of Nigeria's 1999 Constitution, Section 214 empowers the National Assembly to oversee the organisation and administration of the Nigerian Police Force, while Section 217 allows it to

regulate the equipment and maintenance of the armed forces. Additionally, while the President determines the operational use of the armed forces, Sections 218(1) and 218(4) grant the National Assembly the authority to legislate on the powers of the Commander-in-Chief and the appointment, promotion, and discipline of military personnel. Moreover, the National Assembly has defense and security under its purview on the Exclusive Legislative List. With extensive turnover in the National Assembly and new members frequently joining defense and security related committees, the 2nd A (ability) is an area that is under constant construction, with a wide range of state institutions – like the National Institute for Legislative and Democratic Studies (NILDS) and the National Defence College (NDC) – as well as local civil society and international partner institutions like the Konrad Adenauer Foundation (KAS) contributing to capacity-building. Most participants agreed that the 3rd A (attitude) was the area that was most difficult to strengthen, but was in most need of it. A variety of factors beyond individual dynamism can affect the 3rd A, including how formal and informal political institutions are structured to create incentives for effective oversight, and how different defense/security and legislative institutions’ cultures of leadership and professionalism have developed over time.

3. One aspect of Nigeria’s legislative system that may shape both ability and attitude – and which contrasts with the Ghanaian and Kenyan approaches to defense and security oversight – is that Nigeria has multiple defense and security focused committees that are divided by branch of the armed services (Army, Navy, Air Force, police institutions, police affairs) rather than one or two committees with a more holistic focus.
4. Participants discussed the merits and challenges associated with involving parliamentarians and citizens with defense and security officials in the development and implementation of a National Security Strategy (NSS). Experts discussed how Nigeria has a robust tradition of developing a NSS to guide the elaboration and implementation of defense and security sector budgets, having established a national security vision in 2000, and having developed a NSS in 2014 that was reviewed in 2019 and will soon again be reviewed. The NSS can be a critical tool for legislators for enhancing their understanding of the strategic logic behind how defense and security resources might be allocated and why. Using insights from this to conduct oversight during all four stages of the budget cycle (preparation, approval, execution, evaluation based on key performance indicators) can enhance sound public financial management, including the contestability, predictability, and flexibility of defense and security budgets. Given their links to constituents and local civil society groups, parliamentarians and their staff could help the national security officials engaged in the NSS process develop a more people-centered national security approach to enhance trust in government.
5. There is a culture of secrecy about defense and security budgets and procurements in Nigeria, despite the legislature’s formal authority to oversee it. Improving the systems in place to facilitate legislative access to relevant and sufficiently detailed information about these issues is in the interest of the defense and security sector in addition to the public; ultimately, the National Assembly is responsible for ensuring that the defense and security services have the infrastructure, equipment, manning, and welfare provisions that are key to keeping citizens safe and secure. The Tshwane Principles were discussed as a tool that participants could contextualize to the needs in Nigeria when determining what information should be confidential or classified and how the oversight officials who may need access to such information acquire it and are required to protect it. There is an opportunity to innovate, update, and refine national

guidelines for categories of information where secrecy is merited (e.g., operational plans) and where secrecy is undesirable or technology has rendered it irrelevant (e.g., procurements).

6. Transparency and accountability that facilitates oversight of defense and security resource use was identified as a weakness in the Nigerian system. There is desire for parliamentarians, legislative staff, and civil society to access information about budgets and procurements in greater depth, in multiple disaggregated tiers. Providing more granular breakdowns of overview figures will allow legislators to monitor budget planning and implementation more ably.
7. In terms of public procurement, participants debated the possible merits of passing a National Defense and Security Sector Acquisition Act that would make defense procurements less decentralized across branches of the armed services. They also discussed the challenges that arise from the current definition of procurement in domestic law and policy, which facilitates oversight of procurement up to the awarding of a contract but does not incorporate other parts of the procurement cycle (acquisition, disposal) into this purview. Both such potential reforms could enhance experts' ability to comprehensively evaluate how much "value for money" Nigerians will get from any given procurement before awarding a contract.
8. Police and intelligence oversight were emphasized as critical areas for ensuring that officials exercising such functions obtain the resources and support that they need to do their work. The importance of locating and using independent data to conduct both police and intelligence oversight was underscored. Challenges in these two areas are distinct, however, given that the police operate in the open and are subject to the scrutiny of state oversight institutions, the media, and citizens themselves, whereas intelligence officials often operate in secrecy, with classified documents, and with foreign intelligence agencies. Thus, there are also differences in how legislators treat these different branches of the security services and access the information they need to do ask relevant questions and conduct relevant checks in service of the public. Examples from South Africa of police station level oversight and closed committee oversight of intelligence were examined in tandem with current successes and challenges faced in the Nigerian system.
9. Police oversight is a passionate topic for many in Nigeria given the current federal and state level reforms being debated. Outcomes of this debate aside, the disparity in the budget that the police have to cover their salaries and logistics, when compared to the military, is significant. It is especially striking in light of the internal nature of security challenges the country faces. There is potential for the Nigerian Police Service Commission's recent efforts to improve the logistics and the welfare of police personnel, and to yield new forms of collaboration with the National Assembly's relevant committees. Participants also debated the possibility of restructuring the Police Training Academy to further professionalize the Nigerian Police Force with adequate recognition and remuneration systems in place.
10. Anti-corruption institutions like the Office of the Auditor General of the Federation (OAuGF), the Economic and Financial Crimes Commission (EFCC), and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) are critical to integrate into executive and legislative branch discussions about defense and security oversight. At the Forum, defense and security procurement fraud was analyzed as a core issue that such institutions grapple with. Participants discussed possible ways to help institutions like the ICPC further exercise their preventative mandates, while also continuing to work with the criminal justice system to recover

property stolen from the state. There is also potential for enhancing how audit reports are used by the legislative and executive branches in defense and security oversight. Currently, Auditor-General reports are often submitted late, are inconsistently used in parliamentary examination of defense and security issues, or are not passed swiftly to the executive branch for implementation. The Forum acknowledged the work of defense and security officials and legislators who are promoting a culture of accountability and transparency, while also facilitating exchange about the importance of combating the notion that the defense/security sector is “untouchable” by audit and anti-corruption institutions. Questions were also raised about how the system of “security votes” and other off-budget allocations creates heightened risks for the mismanagement of public sector resources, and of how to strengthen *de facto* (and not only *de jure*) whistleblower protections.

11. Security sector governance rooted in effective legislative oversight depends on high levels of professionalism and ethics. Parliamentarians and security sector officials do not have identical codes of ethics or cultures of professionalism, but mutual understanding of each other’s codes and cultures can help them collectively deliver people-centered security. The changing nature of the security challenges that Nigeria is facing – to include an intensification of asymmetric threats from non-state armed actors – has meant that the military gets deployed alongside other security services more often than in the past. Inter-agency coordination and collaboration, as well as adherence to norms and standards of professionalism in the defense and security services as well as in politicians’ practices of oversight, are more consequential than ever. Forum participants considered how to bridge gaps in understanding of each other’s codes of conduct and professional standards of excellence. The inherently less professionalized nature of politics as a vocation introduces disparities across parts of civilian-military divide that must be considered in the search for strategy and policy solutions for defense and security oversight.
12. There is potential for even greater synergy in how Professional Military Education (PME) and Parliamentary Training Institutions (PTI) socialize democratic and civilian oversight of defense and security issues by the legislature in Nigeria. NILDS provides a trainings to legislators and staff on security sector reform and governance, handbooks for oversight, and security-related legislative analysis. NILDS has also offered content to educate legislators on ethics for military operations in domestic and international settings. At the NDC, the Department of Governance and Public Policy teaches students about parliamentary oversight and civilian control of the defense and security sector as part of its mission to cultivate the art of intelligent questioning and critical thinking. The College’s Module 3 material on military expenditure covers both theory and practice. The cordial relationship between NDC and the National Assembly allows for senior officers at the Directorate rank in the latter institution to study at the former. The NDC has also contributed to National Assembly secretariat and defense committee retreats, and could also provide useful information about the workings of the wider defense and security sector to a wide variety of legislators and staff who cycle in and out of relevant committees. Synergizing their work with that of legislative liaisons from the armed services and police could also bolster capacity-building.
13. Gender sensitivity in security sector oversight – especially Chapter 5 of the toolkit published specifically for Nigeria by UN Women and NILDS – was a facet of the Forum discussion. It emphasized how evaluating defense and security budgets to ensure that the security needs and experiences of both men/boys and women/girls are properly addressed are critical to

countering terrorism, organized crime, insurgency, and other threats. Benue and Bauchi States have invested in training state-level legislators to assess budgets in relation to Nigeria's National Action Plan for Women, Peace, and Security and its success on the state level is suggestive of potential that may also exist on the federal level.

14. As was pointed out by representatives of Partners West Africa Nigeria (PWAN), BudgIT, the Civil Society Legislative Advocacy Centre (CISLAC), and other local civil society organizations, community leaders, think tanks, and academics have knowledge and access to the populace that could enhance parliamentary oversight of the security sector. Participants explored the resources that civil society can provide to defense/security and parliamentary/staff stakeholders for the oversight process: training and support on defense/security topics and security sector governance practices, information about committee proceedings, empirical data about security trends and challenges, and access to citizens addressing these issues.

Policy Recommendations from the Forum

The leaders who participated in the Forum identified a variety of measures that could be pursued to carry forward their peer learning and experience sharing. These recommendations could be useful for supplementing the National Assembly's upcoming Legislative National Security Summit and for advancing the specific elements of the 10th House of Representatives' agenda that are focused on improving accountability in the security sector. These recommendations may also help to advance the work that the Nigerian defense and security sector does with the legislature through the defense and police liaison offices.

On Strategy-Oriented Defense and Security Budgeting:

- a. Incorporate appropriate stakeholders into the process, to include staff of the National Assembly, defense and security officials with relevant technical expertise, and staff from the Budget Office of the Federation.
- b. Implement the adjustment of the timing of the approval of the annual budget to October, so as to allow for timely presentation and thorough, inclusive consultation of its specifics. Having time to examine the budget on this timeline will allow NASS to do the relevant analysis, research, and consultation that will ensure that the budget aligns properly with the strategic requirements of defense and security sector.
- c. Create conditions in which relevant committees have the information and capability they need to interrogate the budget sub-headings and line items, not just lump sums. This will ensure that the budget detail reflects the strategic needs of the defense and security sector and provide for what is needed.
- d. Align the budget of security sector with the National Development Plan as the release of the fiscal strategy paper and the medium-term expenditure framework alignments happen prior to the defense and security budget debates.
- e. Professionalize the budget making process instead of leaving it in hands of people in the accounting departments within various ministries, departments, and agencies (MDAs) of the defense and security sector. The accountants themselves may not be the people within those MDAs or within the administration who know what the people need in this domain.

- f. Continuously train and retrain legislators, staff, and clerks at the National Defence College on these issues. Expand NDC relationship and training to include the National Assembly Research and Budget Office.
- g. Work towards ensuring a transparent defense and security budget-making and budget implementation process in order to minimize risks of corruption.

On Public Procurement Oversight,

- h. Review the Public Procurement Act and consider amending its definition of public procurement. The current definition is not fully aligned with global standards and does not encompass post-procurement management of equipment and other acquisitions.
- i. The current legislation and practice on public procurement in the defense and security sector could also be enhanced to ensure that procurements are more clearly aligned to the National Security Strategy.
- j. Further centralize research and development work that is done under the auspices of the Public Procurement Act. Currently, each service branch within the armed forces and other parts of the security sector do their own research and development (R&D). Any unintended adverse effects of this could be mitigated by coordinating within a single agency this range of R&D work, as well as creating a Key Performance Indicators (KPI) that incentivizes the coordination of available resources for defense and security R&D through a single agency and its financing through a certain percentage of Nigeria's GDP. Positive effects of this reform might include enhanced local content utilization and reduced reliance on imports.
- k. Continue to pursue organizational capacity building of legislative and defense/security institutions to conduct effective public procurement and oversight. Facilitate research and training that builds on what NILDS has provided in this arena to expand offerings that foster improved capacity and greater resilience to security challenges that hinge upon efficient, effective, and contestable public procurements.

On Police and Intelligence Oversight,

- l. Parliament must make funds available for effective police and intelligence oversight.
- m. Require capacity building to parliamentarians and staff about how to effectively oversee these parts of the security sector.
- n. Harmonize conflicting legislation as it relates to police and intelligence oversight as it relates to regulations in the Freedom of Information Act and (in contrast) the Official Secrets Acts. There are existing guidelines for classification of information issued by the Office of the Attorney General of the Federation, but they are not being used consistently.
- o. Ensure strict adherence by parliament to its legislative agenda, with the benefit of enhanced knowledge and expertise by parliament about the agencies and services they are overseeing through strengthened outreach to liaisons in the services who can provide relevant advice.
- p. Bridge information gaps and educate the populace about the roles of parliament in defense and security oversight and the importance of that activity for security and safety.

On Working With Audit and Anti-Corruption Institutions,

- q. Establish a technical working group that regularly convenes prior to, during, and after the annual defense and security budgeting process, and that includes the wide range of security sector stakeholders whose work is interdependent: staff from defense and security ministries, departments, and agencies engaged in budget formulation and planning; legislators and legislative staff focused on defense and security oversight; representatives of audit and independent anti-corruption institutions; and civil society.
- r. Ensure inclusivity at parliamentary sessions at which the defense and security budget is debated and defended, to involve critical stakeholders like civil society organizations, the independent media, audit bodies, and anti-corruption institutions, so as to facilitate more robust budget evaluation and accountability throughout each cycle.
- s. Facilitate further capacity building for auditors, parliamentarians, the judiciary, civil society, and the media to develop a deeper understanding and ability to contribute to effective oversight as it relates to the specialized nature of certain budget items in the defense and security space (e.g., equipment, specialized training and services).
- t. Perhaps starting with the Tshwane Principles as a reference, identify concrete ways to improve information sharing and communication between key defense and security oversight stakeholders, including parliamentarians, audit bodies, and anti-corruption institutions in ways that systematically balance the need for public disclosure with the need to ensure the nation's safety and security.
- u. Explore ways to improve the quality of external auditors in the defense and security budgeting and procurement process as well, and the possible roles that parliamentary committees could play in such an initiative.