

CONSCIENTIOUS LEADERSHIP AND MANAGEMENT OF SECURITY VOTES IN NIGERIA

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Abstract

Nigeria has been bedevilled with serious terrorist attacks, kidnappings, cybercrimes and a series of security challenges for over a decade. The Nigerian constitution makes provision for the allocation of state resources for the good and welfare of the citizens. The constitution also vests powers on the President and Governors to make judicious use of these state resources. One of these powers is the management of huge sums received by heads of the executive arm of government under the guise of security. A leader must lead the people in good conscience. This paper examined conscientious leadership challenges in managing security votes in Nigeria. The paper examined the reasons for the failure of successive governments in Nigeria to provide security for the citizens. The paper examined jurisdictions such as South Africa and Libya and drew lessons for Nigeria to adopt in finding a lasting solution to its current insecurity. The paper adopted the doctrinal methodology and suggested how to tackle the menace of insecurity. The paper finds that it is not the absence of laws but the political will to comply with the mandatory constitutional provision that would help resolve the insecurity challenges, among others.

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1.0 Introduction

There is a demand for competent leadership and governance all over the world. The idea of modern leadership and its guiding principles are distinct from the conventional notion of a charismatic individual leader. Although leadership used to be vested in posts, today, it can be considered a position that changes depending on the circumstances. Conservative leadership theories have evolved to incorporate modern leadership skills, which include innovation, capacity building, logical and analytical thinking, transparency, and the competence to inspire others to work.¹ Conscientious leadership is a duty that necessitates competent governance. As a result, there should be no compromise in the state's security, and those in power must be held accountable for the huge amount of money voted for security as security connotes a state of being secured from potential danger; the act of safeguarding a country against any threat, intrusion, or attack, internally or externally. National security denotes a country's capacity to defend and strengthen itself, advance its valued interests and moral principles, and raise the level of living and well-being of its citizens.²

For a country to advance and achieve economic growth, there must be a strong connection between national development, security, and leadership. Therefore, it is considered that leadership is a symbol of national security.³

¹ D. J Klingborg, D.A Moore and S. Varea-Hammond, 'What is leadership?' (2006) 33(2) Journal of Veterinary Medical Education 280-283. <https://www.researchgate.net/publication/6937144> (accessed on April 13 2022)

² A.A Okene, 'National security, good governance and integration in Nigeria since 1999: A discourse' (2011) 7(10) Asian Social Science 166. https://www.researchgate.net/publication/271340309_National_Security_Good_Governance_and_Integration_in_Nigeria_since_1999_A_Discourse (accessed June 28 2022)

³ C. Effiong, A.A Usoro, C. E Effiong, and W. S Inyang, 'Nigeria's leadership, security and national development: A gap analysis of the missing link' (2019) 14(1) Nigerian Academy of Management Journal 107-115.

The most significant factor that can bring down a political figure is their incapacity to control the security situation in their nation, and this is because development cannot occur when there is insecurity.⁴ A responsible and people-oriented leader must ensure peace, progress, and good governance. Progress is a sufficient prerequisite for peace, security and social justice; therefore, a good leader must guide against any form of attack that is likely to threaten the peace of society.⁵

2.0 The Concept of Leadership

Leadership and management are not synonymous but are inextricably connected and complement each other. Any attempt to distinguish between the two can create more problems than it solves⁶. Nevertheless, quite enough theories have been propounded in delineating the existing differences. While the management's responsibilities include planning, organising, coordinating⁷, and managing complex issues, the leadership role entails inspiring, motivating others and managing change.⁸ Effective leaders must have social influence to gain the support of their colleagues and achieve organisational goals. Leadership is the ability to shape and impact others' behaviours and attitudes, consciously or unconsciously, and to channel their energies toward the organisation's goals

⁴ S. Joshua, I. P. Olarenwaju, and R.E. Loromeke, 'Leadership and Security Management in Nigeria's Fourth Republic: Implications for Democratic Sustenance' Presentation at the Conference on Leadership and Peace in Nigeria '2014' (Ibadan) <https://www.semanticscholar.org/paper/Leadership-and-Security-Management-in-Nigeria%27s-for-Joshua-Olanrewaju/9d19429e6bda4f3a7f76d4477e2e7f9c12af59> (accessed June 26 2022)

⁵ Ibid (n 3)

⁶ M.K. Sharma, and S. Jain, 'Leadership management: principles, models and theories' (2013) 3(3) *Global Journal of Management and Business Studies* 309-318. <http://www.ripublication.com/gjmbs.htm> (accessed June 20 2022)

⁷ G. Haranath, 'A comparative study of leadership styles in select public and private sector organisations' (2017). <https://www.financeindia.org/data/2017/FI312/FI312-Abs3.pdf> (accessed June 25 2022)

⁸ J.P. Kotter, 'What leaders really do?' In *Leadership Perspectives* (Routledge, 2017) 7-15.

while influencing policies on both individuals and groups.⁹ While on the other hand, Management refers to the formal function of decision and authority¹⁰. Leadership, in general, is the capacity to motivate individuals to pursue an objective and to steer an organisation in a way that makes it dependable and consistent while reaching mutual goals.¹¹

For many individuals, leadership could represent different things.¹² Some classify leadership as the personal relationship between an individual and a group; others classify it as the method of pursuing common goals and values; while some individuals characterise it as an aspect of behaviour, whether intentional or impulsive resulting from the external influence¹³ which can be attributed to the change in leadership roles and functions resulting from the position occupied. Nevertheless, all leaders, regardless of status, must adhere to the same fundamental leadership principles. However, because of the differences in the leader's positions and functions, different leaders have diverse understandings of leadership.¹⁴

In governance, democratic and charismatic leadership are needed to run a smooth administration. Charismatic leadership entails developing a secure and comfortable group and paying close attention to safeguarding the followers. However, leaders are encouraged to invest a lot of time in protecting their image and developing their skills. Charismatic leaders are encouraged to build confidence when analysing their sacrifice, hard work and risks they have personally taken while protecting the citizens. This, therefore, will establish a great deal of confidence in the minds of the

⁹M. H. Mescon, M. Albert and F. Khedouri, *Management* (3rd ed., Harper & Row, New York 1988).

¹⁰ B. J. Hodge and H. J. Johnson, *Management of Organisational Behaviour* (99th ed., John Wiley and Sons 1970) 250.

¹¹ P. G Northouse, *Leadership: Theory and practice* (E-Content Generic Vendor 2012) 23.

¹² *Ibid* (7)

¹³ A. Kakabadse, *Leadership for the Third Millennium. Handbook of Management* (S. Crainer and D. Dearlove, (2001) 551-5.

¹⁴ *Ibid* (7)

citizens¹⁵. Beyond an established status, charismatic leaders separate themselves from other leaders by their ability to persuade and motivate other people's loyalty towards them which makes their followers' perceptions justify their ability¹⁶.

Democratic leadership is collective leadership. Democratic leaders participate in the collective development that will help in the growth of the organisation, give group members instructions, and welcome suggestions from colleagues.¹⁷ Leaders in this kind of leadership allow their followers to interact, communicate and share their ideals without fear or intimidation.¹⁸ The most effective leadership approach is presumed to be democratic leadership.

Democratic leaders delegate responsibility to followers; they encourage them and provide the necessary support when given complex tasks. They look inward, see what the people need, and take steps to meet those needs and create compelling and long-lasting results. Because of the trust and belief of followers in their leaders, members are more satisfied under this type of leadership. Although involvement and participation increase with this kind of leader, it is constrained by the lengthy decision-making process, which often affects productivity.¹⁹

¹⁵ J.W Gardner, *Leadership Theories and Principles* (Jones and Bartlett Publishers) available on http://www.jblearning.com/samples/0763750506/50506_CH01.pdf (accessed on 26 July 2022)

¹⁶ A.R Willner and D. Willner, 'The rise and role of charismatic leaders' (1965) 358(1) *The Annals of the American Academy of Political and Social Science* 77-88. <https://www.jstor.org/stable/1036358> (accessed on July 12, 2022)

¹⁷ R.L Kahn and D. Katz, 'Leadership practices in relation to productivity and morale' (Ann Arbor, MI: Institute for Social Research, University of Michigan, 1952) 612-628.

¹⁸ I. C Uzundu, 'Assessing Nigerian political leadership with a democratic paradigm' (2019) 15(1) *OGIRISI: a New Journal of African Studies*, 52-72. available on <https://www.ajol.info/index.php/og/article/view/200544> (accessed on July 27, 2022)

¹⁹ L. J. K. Sharma and S.K Singh, 'A study on the democratic style of leadership' (2013) 3(2) *International Journal of Management & Information Technology*, 54-57.

3.0 Conscientious Leadership Provisions and the 1999 Constitution

A constitution is a government document created by the people that establish a nation's framework, regulates the government's powers and functions and the individual's rights and responsibilities, and offers redress for activities that violate the constitution.²⁰

The Constitution consists of a written and established structure for government; it grants the three arms of government the authority to implement the provisions in the Constitution²¹. In furtherance of this, an entire Chapter II of the Constitution focuses on fundamental rights and lists the essential goals and guiding principles of state policy. Similarly, the judiciary has the constitutional power to uphold and safeguard citizens' rights.²² Although the 1999 constitution is considered good, nonetheless, it contains many different basics that are far from an ideal constitution.²³ Nevertheless, the Nigerian Constitution is liberal and open-minded. It, therefore, allows anyone to hold significant political posts and govern a nation regardless of post-secondary academic records.²⁴

Notwithstanding the fact that the constitution is silent on the attributes of a leader, the constitution only made available the requirement to hold a

²⁰ E. Malemi, *The Nigerian Constitutional Law with Fundamental Rights* (Princeton & Associates Publishing Co. Ltd, Lagos 2017) 1

²¹ Law & Human Rights, 'Law and leadership in the 21st century Nigeria' (2011) <https://www.vanguardngr.com/2011/04/law-and-leadership-in-the-21st-century-nigeria/> (accessed on July 27, 2022)

²² See Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

²³ Ngozi Olehi, 'Constitutional conundrum and challenge of leadership in Nigeria' (2021) <https://guardian.ng/features/law/constitutional-conundrum-and-challenge-of-leadership-in-nigeria/> (accessed on July 27 2022)

²⁴ F. Gbajabiamila, F, 'Leadership recruitment and our constitution: Femi Gbajabiamila's speech at the 52nd convocation ceremony of the University of Lagos titled: 'Building Back Better: Creating a New Framework for Tertiary Education in Nigeria in the 21st Century' (2022) <https://www.thecable.ng/leadership-recruitment-and-our-constitution> (accessed on July 29 2022)

leadership post in Nigeria. The limitations imposed by section 131 of the 1999 Constitution are out of date and even too weak for the 21st century.²⁵ Leadership is essential in achieving excellent government; it inspires and enlightens others by charismatic management and personal example, transforming and bringing out the best in everyone while embedding a sense of moral and social responsibility into every element of human behaviour with the same beliefs and philosophies.²⁶ Therefore, a great nation must have great leaders.

4.0 Management of Public Funds and the 1999 Constitution

Conscientious leadership requires the rebirth of the management of security votes. Globally, the management of public funds is a crucial objective of government financial administration, and the effective use of these funds is aimed at ensuring that the government's limited financial resources are used constructively for the welfare and adequate security of the citizen.²⁷

Public funds are funds designated for programs and grants which have not been allocated for specific recipients and are not part of a governmental procurement;²⁸ they are part of government expenses that are focused on public infrastructures such as healthcare, community programs, refurbishment of exciting government facilities, and other social projects for community members. These funds come majorly through tax collections which are the main revenue source for governments, even though funding also comes from fines and fees.²⁹ Public funds are received and dispersed

²⁵ See S131 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

²⁶ <https://www.gdrc.org/u-gov/leadership/leadership.html> (accessed 26 April 2022)

²⁷ O. I Robert 'Public Funds Management in Nigeria: The Praxis and Prognosis of Treasury Single Account Policy (2015-2019)' (2021) 6(1) American Journal of Management Science and Engineering, 26-33.

²⁸ Public monies definition <https://www.lawinsider.com/dictionary/public-monies> (accessed 22 April 2022)

²⁹ Public Funds: Definition, Restrictions & Examples <https://study.com/academy/lesson/public-funds-definition-restrictions-examples.html> (accessed 22 April 2022)

on several levels, including the federal, state, and local levels of each political division.

Globally, governments exist to create happiness and increase wealth amongst their populace, and in doing this, governments add great significance to the lifestyles of their citizens by providing remarkable lifestyles. For a society to enjoy good services and infrastructural development, the government has to properly utilise the resources at its disposal, safeguard them and ascertain that those resources are used in the standard first-rate of the citizens.

The phrase “public financial management” (PFM) refers to the guidelines, frameworks, and cycles that democratic nations (and sub-public governments) use to raise money, distribute public resources, carry out public disbursement, account for funds, and financial audit transactions. It incorporates a higher range of capacities than financial management, and it is divided into six categories, starting with policy development and concluding through official review and assessment. This “PFM cycle” involves a vast number of participants, which guarantees its efficiency and transparency while maintaining accountability.³⁰ PFM is crucial for the effective delivery of public administrations. The ability to spend public funds appropriately and effectively is a vital element of democracy, while a robust PFM is essential for advancing results. These are fundamental traits of “inclusive” governmental institutions that foster trust and new ideas that help society to grow.³¹

In the United Kingdom, public resources are managed through different organisations delivering public services, and the requirement for doing this include but are not limited to objectivity, transparency, responsibility, truthfulness, tolerance, ethics, and clarity, among others. Organisations that provide public services are expected to conduct their operations and report

³⁰ <https://gsdrc.org/professional-dev/public-financial-management/> (accessed 20 April 2022)

³¹ M. Careaga, B. R Weingast and D. Rodrik, ‘In search of prosperity: Analytic narratives on economic growth’ (2003) <https://tinyurl.com/y86sudop> (accessed 22 April 2022)

on their management of public resources in cost-effective and appropriate ways.³²

Nevertheless, the authority to distribute public funds existed before establishing a written constitution which came in via various sources, including common law, primary and secondary legislation, parliamentary procedure, ministerial duties, and other enduring conventions. The minister in charge of such a department sets the department's policies, and the parliament adopts the laws granting ministers the power to implement those laws. The parliament also looked to the Treasury to guarantee funds were raised and ensure that the departments only used their authority as intended. On this, established yardsticks were utilised alongside the resources provided.³³

The relationship between the public authority, acting in the Crown's best interests, and Parliament, speaking to the broader public, is crucial to how public funds are utilised in the UK. Ministers can only use their departments to carry out government policies and communicate with public administrations when Parliament has permission to generate, invest, and disburse money.³⁴

A study conducted in Nigeria revealed that there is a severe deficiency when it comes to public funds, and this is as a result of the inability of the citizens to access reliable, high-quality, timely information about the economic, social, and political activities of the government, and particularly to question the performance of public officials, especially those in political offices.³⁵

³² www.gov.uk/official-documents (accessed 25 April 2022)

³³ <https://www.gov.uk/government/publications/ministerial-code> (accessed 16 May 2022)

³⁴ ICAEW Better Government Series, 'The UK Central Government Public Financial Management System: A Guide for Stakeholder. (2017). <https://www.icaew.com/-/media/corporate/files/about-icaew/what-we-do/policy/public-policy/public-financial-management-system-guide.ashx> (accessed 16 May 2022)

³⁵ A.C Onuorah and E. Appah, 'Accountability and public sector financial management in Nigeria' (2012) 1(6) *Arabian Journal of Business and Management Review*

In each economic system, one of the targets of the government agenda is the vital aspect of the government's financial administration and efficient use of public funds. The purpose of this is to make sure that the limited financial resources in the country are properly utilised for the advancement and well-being of the citizens.

Due to the despicable financial reckless, misconduct and misappropriation of funds going into the ministries, departments, and agencies (MDAs) as a result of the operation of multiple accounts, the federal government came up with the concept of the Treasury Single Account (TSA)³⁶. This concept enables efficient reconciliation between the government bank account and cash flow statements from the banking industry³⁷. The purpose of TSA is to bring all government funds into a single bank account for effective control and operation under the authority of the government Treasury. Also, it provides better accounting financial management, financial reporting, cash accessibility, and careful money regulation. It also offers the best investment scheme, bridge financial management gaps, establish a reliable management scheme, and block tax avoidance.³⁸

In 2012, TSA was introduced as a trial project for a public accounting system. It was created to manage government income and ensure that the payments go through the Central Bank of Nigeria's Consolidated Revenue Account (CRA). One of the key reasons for introducing the TSA was to fight against corruption that has bedevilled the country and to ensure transparency in government agencies. Interestingly, this approach enabled the government to completely control \$3 trillion in cash assets in less than a year.³⁹

³⁶ Ibid (27)

³⁷ www.aziza.com.ng (accessed 23 May 2022)

³⁸ Guidelines for the Operation of Treasury Single Account (TSA) by State Governments in Nigeria. (2016)

<https://www.cbn.gov.ng/out/2016/bpsd/guidelines%20for%20the%20operations%20of%20tsa%20by%20state%20governments%20in%20nigeria.pdf> (accessed 17 May 2022)

³⁹ <https://www.legit.ng/1128320-advantages-disadvantages-treasury-single-account-nigeria.html> (accessed 17 May 2022)

The Federal Government began to operate the Treasury Single Account on September 17, 2015, transferring over ₦1.2 trillion from Nigerian banks to the Central Bank of Nigeria. This action has enormous advantages as it is a practice globally. This action was applauded by the Nigerian citizens as it was considered a courageous effort to combat corruption and ensure that taxes collected are effectively used and carefully monitored⁴⁰. In furtherance of this, in 2010, the International Monetary Fund's Working Paper Fiscal Affairs Department Treasury Single Account acknowledged that the Treasury Single Account (TSA) serves as a crucial tool for managing and combining governments' financial resources and lowering borrowing costs. It further suggested that creating a TSA should prioritise the public financial management reform agenda in countries with fragmented government banking arrangements.⁴¹ The Treasury Single Account (TSA) policy was created to close revenue gaps, encourage accountability and transparency, prevent mishandling funds, unify government bank accounts, improve payment and collection procedures, and reduce borrowing costs. It enhances operational and appropriation control while ensuring real-time information on financial resources.⁴² Additionally, implementing TSA strengthens and enhances appropriation control, operational control, and budget execution and facilitates effective cash management. Using TSA lowers bank fees and financing costs, enables integrated payment frameworks, enforces bank reconciliation, and improves the accuracy of financial records. This eradicates the destabilisation of cash flows through the Treasury, allowing it to keep a

⁴⁰ <https://nairametrics.com/2015/09/17/these-are-the-eight-advantages-of-treasury-single-account-tsa/> (accessed 22 April 2022)

⁴¹ S. Pattanayak and I. Fainboim, 'Treasury single account: Concept, design and implementation issues. IMF Working Papers' (2010) 143 <https://www.imf.org/external/pubs/ft/wp/2010/wp10143.pdf> (accessed 26 April 2022)

⁴² L. Amadi and P.C Obute, 'The Treasury Single Account and the search for effective revenue management in Nigeria's oil and gas sector' (2018) 9(2) *Journal of Sustainable Development Law and Policy*, 101-124.

relatively small cash reserve and be better prepared to deal with unforeseen fiscal fluctuation.⁴³

To regulate and oversee the operation of the various types of government funds, the 1999 Constitution of the Federal Republic of Nigeria (as amended) vested the legislature with the authority to control public funds. This authority is demonstrated by the creation of the Consolidated Revenue Fund, which states that “All Revenues or other money raised or received by the Federation (not being revenue or other money payable under this constitution or any Act of the National Assembly into any other public fund of the Federation established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the Federation” authorising expenditures from the Consolidated Revenue Fund, approving expenditures in the absence of an appropriation, setting up a contingency fund, authorizing payments to the president and certain other officers⁴⁴, and authorizing an audit of the financial documents, in that order.⁴⁵ Section 162 of the 1999 Constitution (as amended)⁴⁶ provides that all revenues collected by the Government of the Federation shall be paid into the Federation Account except for the proceeds of personal income taxes of the Armed forces of the federation, the Nigerian Police Force, External Affairs personnel and residents of the Federal Capital Territory. Expenditure in Nigeria involves all the expenses which the public sector incurs for its maintenance, for the benefit of the economy, external bodies, and for the country.⁴⁷

5.0 Security Vote Provisions and the Constitution

⁴³ Ibid (41)

⁴⁴ K. O Oladele, ‘Overview of the Statutory Guidelines for Public Sector Accounting’ (2002) 9 The College Review.

⁴⁵ O. Abifarin, N. A. O Ijaiya and J.O Olatoke, ‘Control of public fund by the legislature: a comparative analysis of Nigerian National Assembly, American Congress and British Parliament’ (2018). <https://ir.nilds.gov.ng/handle/123456789/385> (accessed on 25 April 2022)

⁴⁶ See S162 1999 CFRN (as amended)

⁴⁷ Ibid (35)

Incontrovertibly, the security problem keeps on upsetting administrations globally⁴⁸. In Nigeria, for example, the security problems have become a nationwide threat starting from the Indigenous People of Biafra (IPOB)⁴⁹, Fulani Herdsmen, Niger-Delta Militants and the like. The rise of the most harmful and blood-parched association called Boko-Haram and different gatherings all over the nation have momentarily increased the harm caused by these groups.⁵⁰ This ugly insecurity problem has not only brought unfavourable publicity from across the world to the country, but it has also made it a target for terrorists who have been taking turns causing chaos, and there is hardly a day without news or report of insecurity. The Kaduna-Abuja train bomb remains a piece of shocking news on March 28, 2022, when bandits were reported to have ambushed the train conveying 398 passengers heading for Kaduna from Abuja. The attack, which the authorities were blamed for not responding to intelligence information, occurred just a few days after it was claimed that unknown gunmen attacked the Kaduna airport and killed an official on the runway.⁵¹

Despite all the predicament and the awful state of affairs in the country, it is a known fact that state governors and local government chairmen in the 36 states of the country receive the sum of ₦375 billion annually in the name of security votes, an act not captured or recognised in the Nigeria

⁴⁸ J.N Ezeilo, U. Nwoke and S.N Anya, 'The (Un) Constitutional Appropriation and Expenditure of Public Funds in Nigeria: Analysing the "Security Vote" Paradigm through the Law' (2018) 62(2) *Journal of African Law*, 225-253. available <https://doi.org/10.1017/S0021855318000141> (accessed on 22 April 2022)

⁴⁹ C. Alozie, 'Breaking: Police arrest suspected IPOB bomb manufacturer in Imo' (2022). <https://www.vanguardngr.com/2022/04/breaking-police-arrest-suspected-ipob-bomb-manufacturer-in-imo> (accessed 22 April 2022)

⁵⁰ O. Nwachukwu, 'Insecurity: Govs, LG Chairmen pocket over ₦375bn security vote annually, yet situation persists' (2021) *Business Day News* available on <https://businessday.ng/news/article/insecurity-govs-lg-chairmen-pocket-over-n375bn-security-vote-annually-yet-situation-persists/> (accessed on 22 April 2022)

⁵¹ <https://dailytrust.com/how-nrc-ignored-warnings-on-planned-attack-on-abuja-kaduna-train>

constitution.⁵² Meanwhile, security votes, on the other hand, are allocated funds given to specific federal, state, and local government office holders to use of their own volition or, theoretically, for any issue arising from insecurity. They are budgeted independently from projected security expenses such as employee wages, benefits, training, and operational costs.⁵³

In the history of security vote in Nigeria, there is nowhere in the 1999 constitution that made provision for security vote or any section of the law that allowed it to be enjoyed by anybody. Security votes crept into the governance of the country during the military era. The military needed security votes to know what was going on around them because they came into power through a coup, and as a result of this, it was believed that they could be removed by another coup hence the need for a security vote. The military authorities sought for security vote in order to enjoy the right to have a special allocation that would enable them to use the vote as a source of security for information against coup plotters, and when the 1999 constitution came into operation, the constitution did not make any provision for security vote.⁵⁴

Notwithstanding the fact that security votes have no precise constitutional or statutory justification, it is unusual for a codified country like Nigeria not to have such provisions in its constitution because they are not entirely prohibited.⁵⁵ In 2020, a federal court in Lagos state dismissed a suit that

⁵² Ibid (50)

⁵³ N. Ibekwe, 'How Jonathan, Okonjo-Iweala illegally diverted ₦61.4 billion Abacha loot to NSA, Sambo Dasuki' (2015) Premium Times: <https://www.premiumtimesng.com/news/headlines/194870-how-jonathan-okonjo-iweala-illegally-diverted-n61-4-billion-abacha-loot-to-nsa-sambo-dasuki.html> (accessed 16 April 2022)

⁵⁴ R. Clarke, 'No law supporting security vote in Nigeria' (2016) <https://www.vanguardngr.com/2016/12/no-law-supporting-security-vote-nigeria-robert-clarke-san/> (accessed 14 April 2022)

⁵⁵ M. T Page, 'Camouflaged Cash: How 'Security Vote' Fuel Corruption in Nigeria. Transparency International, Defense & Security' (2018) <https://ti->

prayed that the 36 state governors be accountable for the security votes received in their state. Though, the case was struck out on the grounds that the court lacked the jurisdiction to hear the matter and that the appropriate court is the high court within the jurisdiction. The plaintiffs, in their brief, claimed that the security votes, which each amount to hundreds of millions of naira provided by the federal government and meant to spend for security services, are usually spent at the governor's discretion without supervision and control.⁵⁶ Security votes are budgeted separately from anticipated security costs like employee salaries and benefits. A distinction between security votes and extra-budgetary defense spending is that the former may be mandated by the President and comes from obscure sources like the Federal Government Independent Revenue account⁵⁷. Security votes are similar to Nigeria's "Contingencies Fund" which empowers federal and state legislators to create a fund for the executive to draw from whenever there is an "urgent and unforeseen need for expenditure for which no other provision exists". Section 6(d) of the National Security Agencies Act of 1986 (later enshrined in Section 315 of the 1999 Constitution) gives the President broad authority to make provisions for "any other matters concerning or incidental to any of the matters mentioned in this Act as the President may deem fit."⁵⁸ This can therefore be used as a legal justification for security votes.⁵⁹ On the continuous insecurity, it is therefore advisable

defence.org/publications/camouflaged-cash-how-security-votes-fuel-corruption-in-nigeria/ (accessed on April 14, 2022)

⁵⁶ B. Ezeamalu, 'Court strikes out suit seeking accountability of security votes by governors' (2020). available on <https://www.premiumtimesng.com/news/top-news/396588-court-strikes-out-suit-seeking-accountability-of-security-votes-by-governors.html> (accessed on April 14, 2022)

⁵⁷ Ibid (55)

⁵⁸ The President is given broad authority to make provisions for "such other matters concerning or incidental to any of the matters mentioned in this Act as the President may deem fit," according to Section 6(d) of the National Security Agencies Act of 1986, which was later codified in Section 315 1999 CFRN (as amended). Potentially, security votes might be justified legally using this broad terminology.

⁵⁹ S83 1999 CFRN (as amended)

for various governments in Nigeria to appropriate tremendous amounts of money in their budgets for “national security” (“tagged security vote”)⁶⁰ and use it effectively.

6.0 Comparative Practices in the Management of Security Votes in Selected Jurisdiction

6.1 South Africa

Changes in the social backdrop of South Africa resulted from the country's transition to a more democratic government through negotiations and structurally altering elections which eventually resulted in new demands for security policy discussions in the state⁶¹. Security governance has undergone an enormous, broad, and systematic structural transformation nearly ten years after the inauguration of South Africa's first inclusive, democratic government. The procedure is primarily recognised as having been effective and serving as a precedent for other “security sector reform” processes in the context of changes from authoritarian to democratic government systems.⁶² The African National Congress (ANC) led administration had formidable security difficulties that were ill-equipped. The apartheid state established a thorough national security management system to address internal and external security threats.⁶³

The South African instance is not exceptional to insecurity. Similar to Boko Haram and the Fulani Herdsmen in Nigeria, marauding gangs terrorise communities and murder people in places like the Cape Flats and parts of Kwa Zulu Natal, Gqeberha, the unchallenged invasion of illegal immigrants

⁶⁰ *Ibid* (58)

⁶¹ I. Liebenberg, C. Schutte and A. Minnaar, ‘Civil control over the security institutions in South Africa: suggestions for the future and notes on replicating the experience in Africa’ (1999) 1(1) African Journal on Conflict Resolution, 77-101. available on <https://www.accord.org.za/ajcr-issues/civil-control-over-the-security-institutions-in-south-africa/> (accessed on 24 July 2022)

⁶² G. Cawthra, ‘Security Governance in South Africa; Paper for the Friedrich Ebert Stiftung Security Governance Project’ <https://library.fes.de/pdf-files/iez/global/50093.pdf> (accessed on 24 July 2022)

⁶³ Section 83 of the 1999 Federal Republic of Nigeria Constitution (as amended)

who frequently engage in violent clashes with locals over resources, the deliberate destruction of vital economic infrastructure, and the general lawlessness throughout the country.⁶⁴ The Total Onslaught rubric made the politicians invite the military to take centre stage, putting the National Security Management system in place alongside the military and the police to combat the revolution inside and outside the nation.⁶⁵

Notwithstanding this, South Africa was engulfed in a climate of anxiety and insecurity, contrary to the national security provisions of section 198 of the Constitution⁶⁶. Speaking to members of the parliament during the State Security Department Budget Vote 2022/23, Minister Mondli Gungubele informed the house that unless something is done to change the situation, the government will experience the most incredible levels of destruction from which it will be difficult to recover. As a result, the nation's civilian intelligence service's role and position must be strengthened to build the relationship between the people and the government.⁶⁷

The restructuring of South Africa's security sector was one of the most challenging aspects of its transition. Ahead of 1994, the apartheid government depended on a significant, oppressive surveillance apparatus and institutional rules and practices, all of which were intended to ensure that a minority government would have political domination over the country. A new legislative and constitutional framework for the modern security agencies, the consolidation of statutory and non-statutory institutions under a centralised controller, and other measures, among others, helped to solidify the security sector's transformation after 1994. In several of these nations, it was necessary to clarify the duties of security agents during the transitional period and to place them under civilian

⁶⁴ Address by Minister in the Presidency responsible for State Security, Mondli Gungubele, on the occasion of the 2022/23 Budget Vote debate, Parliament, Cape Town, 2022 available on <https://www.gov.za/speeches/minister-mondli-gungubele-state-security-dept-budget-vote-202223-24-may-2022-0000> (accessed on 24 July 2022)

⁶⁵ Ibid (67)

⁶⁶ S 198 of the South African Constitution

⁶⁷ Ibid (66)

authority. As part of its revolution, South Africa disarmed, demobilized, rebuilt its society, and changed the direction of its security industry.⁶⁸

The South African minister, while addressing the management of the security vote of South Africa, said acts of corruption and misbehaviour have intensified over the last two years, and several people had been arrested, while others had already been found guilty by the commercial crimes' courts. The state concluded eleven disciplinary cases in the prior fiscal year and has already concluded three of these this fiscal year. The administration hopes to conclude nine disciplinary investigation hearings before the end of the quarter.⁶⁹

The South African government established a panel in June 2018 to facilitate the restructuring of a credible national intelligence capacity for South Africa to preserve and safeguard the Constitution. The panel asked itself, "What went wrong?" and its response was based on its findings. The panel asked itself, "What went wrong?" and its response was based on its findings. The panel came up with five high-level explanations for the problem in the report by Sydney Mufamadi. The panel identified Politicisation, Doctrinal Shift, Amalgamation, Secrecy and Resource Abuse. The panel concluded that for many years, the State Security Agency (SSA) had turned resources into a "cash cow".⁷⁰

6.2 *Libya*

Libya's path to democracy has stalled four years after the revolution of February 17, 2011. Following the successful parliamentary elections in early July, there are still local conflicts over resources, power, and identity.

⁶⁸ Sandy Africa, 'The transformation of the South African security sector: Lessons and challenges' (2011). Geneva Centre for the Democratic Control of Armed Forces (DCAF) Policy Paper - No 33 <https://www.files.ethz.ch/isn/128692/PP33.pdf> (accessed on 7 July 2022)

⁶⁹ Ibid (66)

⁷⁰ Report on the High-Level Review Panel on the State Security Agency, 2018 https://www.gov.za/sites/default/files/gcis_document/201903/high-level-review-panel-state-security-agency.pdf (accessed on 26 July 2022)

These conflicts put the weak administration under pressure, discourage foreign investment, and even interfere with the development of democratic institutions. The most serious of these conflicts is the increase in insecurity in the Barqa region of eastern Libya. Benghazi is fueled by long-term neglect, Salafi terrorism, and conflict between ethnic Tabu and Arab people. The state, therefore, contends for legitimacy and control of the east because it lacks an efficient national army and police force.⁷¹

In August 2014, the country experienced the formation of two competing governments, which resulted in a rapid rise in violence and a practical paralysis of the state's ability to provide services. Extremist organisations take advantage of the Libya's insecurity to consolidate their position and constitute an increasing threat to the government. The ongoing crisis in Libya on the political, security, and economic fronts, has an adverse effect on security. The security situation is still precarious even though the ceasefire agreement made in 2020 is still in effect. Fathi Bashagha reached Tripoli in the early hours of May 17, 2022 with the support of armed organisations. Armed militias supporting Abdul Hamid Dbeibeh engaged in an extensive clash in and around the city, and due to the Government of National Unity's unwillingness to pay the Libyan National Army's salaries for the first quarter of 2022, numerous oil fields and ports had to close. Although the unpaid salaries were eventually paid, still, oil production has not resumed properly in the state.⁷²

The use of oil revenue to pay mercenaries and organisations for assistance makes cities more unstable and escalates the armed presence there. Though the Libyan lost out on the profits from their natural resources due to the

⁷¹ F. Wehrey, 'The struggle for security in eastern Libya' (2012) Vol. 14 Washington, DC: Carnegie Endowment for International Peace. available on <https://carnegieendowment.org/2012/09/19/struggle-for-security-in-eastern-libya-pub-49425> (accessed on 26 July 2022)

⁷² Rosemary Dicarolo, 'A briefing on Despite Progress towards Forming New Government in Libya, Political Impasse Remains, Threatening Security, Human Rights, Under-Secretary-General Tells Security Council' (2022) <https://press.un.org/en/2022/sc14910.doc.htm> (accessed on 26 July 2022)

politically driven collapse of their oil industry, the international community will be pleased with the prospect of resuming oil production⁷³. Meanwhile, the Economic Working Group of the Berlin Process is currently developing a revenue management system to resolve the dispute over the management and usage of public funds. ⁷⁴On this, the international community must ensure that production resumes, and when it does, they must ensure that the Libyan National Oil Corporation is impartial and revenue must be handled openly and responsibly.⁷⁵

7.0 Lessons in Conscientious Management of Security Votes

Leadership is a challenging task; it is not easy; it needs hard effort, diligence, and perseverance. Although it is very difficult and time-consuming, if done right, it is rewarding and enticing as it is natural for one to go for more after achieving success. However, as exciting as leadership may appear or is appreciated, leadership is not for everyone, particularly when it comes to managing a state or country. Leaders, particularly government leaders, ought to be approachable, results-driven, kind, pleasant, and empathic⁷⁶.

Conscientious leaders care about the welfare and security of their citizens and complete the tasks given to them correctly while preparing for a project or managing the affairs and operations of their states; they are highly meticulous and thorough, deliver results that match or exceed expectations, analyse all possibilities, focus on correctness, and employ anticipated details. It is a result of these attributes that make citizens look forward to people that are straightforward, open, and honest. Citizens anticipate

⁷³ Ambassador Jeffrey DeLaurentis, 'Remarks at a UN Security Council Briefing on Libya' (2022) <https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-libya-9/> (accessed on 26 July 2022)

⁷⁴ Ibid (75)

⁷⁵ Ibid (76)

⁷⁶ E. K. Ostergaard and Bloch Ostergaard, 'The Mindset of a Leader: A guide to conscious leadership' (2015) <https://blochoestergaard.com/wp-content/uploads/2019/01/The-Mindset-of-a-Leader.pdf> (accessed on 26 July 2022)

leaders that have never engaged in any misconduct, who can effectively manage public funds, and who also care about the safety of people and property; they are seen to be accountable.⁷⁷

It is natural for humans, organisations, communities, and entire countries to feel secure. The whole essence of security is self-preservation. Security denotes a secure, largely predictable environment in which members of the society can pursue their goals without interference, risk, and fear of being disturbed or harmed while pursuing their goals.⁷⁸

In Nigeria, the government and citizens are faced with insecurity, from kidnapping to extremist insurgencies; Nigeria is witnessing a significant wave of numerous but interwoven security crises⁷⁹. The report on insecurity remains one of the major headlines reported daily. While this problem is experiencing constant growth across the country despite the increase in regional security men created by the government of each state to address it, crime and violence have affected nearly every area of the nation, and this dreadful predicament has not only affected the country's growth but has also negatively projected the country as a country with security treat.⁸⁰

Insecurity in Nigeria is as far back as the military era, though not as rampant as it is now as the military was able to curtail it except for the ones that interest the government. When Dele Giwa was killed by a packaged bomb on October 19, 1986, after he was accused of running guns, it was obvious that the government encouraged insecurity. On July 4, 1996, in Lagos, Mrs. Kudirat Abiola, the wife of Chief M.K.O. Abiola of June 12, 1993, was assassinated; Chief James Ajibola Ige (SAN), the then Attorney General

⁷⁷ Conscientious Leadership Style Advantages, Disadvantages and Characteristics by Future of Working: The Leadership and Career Blog. <https://futureofworking.com/conscientious-leadership-style-advantages-disadvantages-and-characteristics/> (accessed on 26 July 2022)

⁷⁸ E. O Innocent, T.S Nwachukwu, C.N Olise and C. Nnamdi, 'Security threats in Nigeria: A thematic exposition' (2017) 3(1) *International Journal of Philosophy and Social-Psychological Sciences*, 21-39.

⁷⁹ A. Tanko, 'Nigeria's security crises-five different threats' (2021) 14 BBC News Research. <https://www.bbc.com/news/world-africa-57860993> (accessed on July 18, 2022)

⁸⁰ Ibid (50)

and Minister of Justice, was killed by alleged assassins at his private residence in December 2001⁸¹, Funsho Williams, the Lagos State gubernatorial candidate and former Commissioner under Colonel Olagunsoye Oyinlola's Military Administration in Lagos was also assassinated on 27 July 2006 at his Ikoyi Dolphin Estate, Lagos. The records of these show that insecurity in Nigeria is frustratingly complex.

The silent outburst of insecurity during the military era can be linked to how they got to power and left no stone unturned as they were conscious of their environment. Security votes were allocated during the military era and it was properly utilised. Since 1999 when Nigeria returned to civil rule, security issues have posed a major challenge to good governance⁸². The era of democracy defeated the essence of security votes when Nigerian politicians embraced the illegality by demanding security votes and since that time, funds have been allocated at all levels, including the three arms of government, to support the societal security requirements and agencies.⁸³ In the whole of Africa, Nigeria has the most lavish defense spending in Sub-Saharan Africa, with \$5.8 billion, while Algeria spent \$9.7 billion on military procurement, followed by Morocco. The most significant portion of the continent's spending for national defense is still allocated to North Africa.⁸⁴

Global firepower data shows that Nigeria's military has expanded rapidly since the inauguration of President Buhari. According to the Global Firepower ranking, a country's military capability increases as its power index decreases. Perfect indicators of power are 0.000. At 0.5745, the nation's military strength index is currently somewhat higher than in 2021,

⁸¹ E. I Okechukwu and N. Anyadike, 'Security challenges and security votes in Nigeria, 2008-2013' (2013) 2(8) Kuwait Chapter of the *Arabian Journal of Business and Management Review*, 10. <https://www.researchgate.net/publication/286433312>

⁸² Ibid (78)

⁸³ <https://dailytrust.com/nigerias-three-tier-government-revenue-sharing-formula>

⁸⁴ M. Saleh, 'Leading African countries for defense spending budget in 2022' 2022 <https://www.statista.com/statistics/1219612/defense-spending-budget-in-africa-by-country/> (accessed on 24 July 2022)

when it was 0.62. The power index is influenced by some variables categorised under eight indicators which include: human resources, ground systems, air and naval forces, resources, logistical, financial, and geographic capabilities. Nigeria has consistently held the fourth and fifth spots among the 54 nations in Africa in terms of military power during the past seven years. On the other hand, Egypt has consistently maintained the first position and is now the country with the most potent military power⁸⁵. The government, on different occasions, claimed to have strengthened its armed forces and increased security, yet, insecurity keeps taking place. In 2016, the sum of \$1.72 billion was approved, while in 2017, the sum of \$1.72 billion was budgeted. The military spending budget increased by 26.02% from the previous year to \$2.04 billion in 2018. However, in 2019, when the military budget was \$1.86 billion, this decreased by 8.95%. In 2020, it rose to \$2.4 billion, while the nation's military spending rose dramatically by 56 per cent to \$4.5 billion in 2021. This shows that Nigeria spent more than \$19.9 billion on security alone between 2016 and 2022.⁸⁶ Despite the huge amount of money channelled towards security, the unrest keeps taking a new form every week. Conflicts between herders and farmers have increased nationwide, particularly in the Middle Belt region. Boko Haram insurgency is still ongoing; kidnapping, highway robberies, and other violent crimes are common.⁸⁷ Just recently, in Ondo State, a southwestern part of Nigeria, a group of armed men who had been hiding among the audience at the St. Francis Catholic Church, Owo, suddenly opened fire and killed over 40 people, including four children, during

⁸⁵ K. Kareem, 'Nigeria's Military Strength Under Buhari Administration' (2022) <https://www.dataphyte.com/latest-reports/security/nigerias-military-strength-under-the-buhari-administration> (accessed 24 July 2022)

⁸⁶ A. Babatunde-Lawal, 'Increasing Nigeria's defence budget to improve security' (2022) <https://businessday.ng/research-post/article/increasing-nigerias-defence-budget-to-improve-security/> (accessed on 24 July 2022)

⁸⁷ C. Ndujihe, 'Security: FG spends N6trn on defence in 11 years' (2018) <https://www.vanguardngr.com/2018/07/security-fg-spends-n6trn-on-defence-in-11-years/> (accessed on 24 July, 2022)

Pentecost Sunday in, 2022.⁸⁸ Apart from the Northeast, where terrorism occurs at every interval, other regions of the country have experienced an increase in insecurity since the administration of President Buhari. Not only that, there is a large increase in banditry in the Northwest and some regions of the North Central and kidnapping, particularly mass abductions in schools and towns, rising across the nation and the Southeast, is not an exception to this unrest. The incessant actions of all these unidentified gunmen have therefore prompted the administration to keep funding security at the expense of other areas that need urgent attention.⁸⁹

In February 2022, the Federal Government was sued by the Socio-economic Rights and Accountability Project (SERAP) in the Federal High Court of Lagos for failing to investigate claims of pervasive mismanagement of security votes by state governors since 1999. The suit filed by SERAP came from President Muhammadu Buhari's promise during his 2015 inaugural speech⁹⁰ to tackle the insecurity problem, combat outrageous corruption and establish accountability at all levels of government in the state.⁹¹

8.0 Conclusion

The government has failed to fight corruption, which is Nigerians' leading cause of insecurity. Nigeria legislatures distribute money randomly, and this is primarily controlled by the SSG and the Governor's chief of staff. In some states, the funds may account for up to 10% of the state's budget,

⁸⁸ R. Odhiambo and G. Andrew 'Nigeria's Owo church massacre: Who are the victims?' 2022 <https://www.bbc.com/news/world-africa-61830085> (accessed on 24 July 2022)

⁸⁹ S. Abdul, 'Budget: Despite extra N12 trillion in 7 years, security remains elusive, as education, health suffers' (2021) <https://dailypost.ng/2021/10/15/budget-despite-extra-n12-trillion-in-7-years-security-remains-elusive-as-education-health-suffer/> (accessed on 24 July 2022)

⁹⁰ https://en.wikipedia.org/wiki/First_Inauguration_of_Muhammadu_Buhari (accessed on 26 July 2022)

⁹¹ S. Nwokoro, 'SERAP sues FG over failure to probe governors' security votes' (2022) <https://guardian.ng/news/serap-sues-fg-over-failure-to-probe-governors-security-votes/> (accessed on July 28, 2022)

primarily aiming to supplement the underfunded federal security services and operate local vigilantes. It is quite unfortunate that these funds are not adequately used despite the massive amounts allocated for security. Regrettably, the politicians use most of the money to run their political parties, give their girlfriends, and acquire properties outside the country⁹². Security votes are not adequately utilised for national security, and the administrative dysfunction also damaged the government's ability to effectively carry out its duties of protecting the people from terrorist attacks. It is not a gain say that corruption has overtaken all the tiers of government, and the security sectors have been left with few resources to fight insurgency. However, there is a need for Government across all levels to be made accountable for the state's security. The current system, where security consumes a more considerable amount of the national budget, is dangerous as this has drastically affected other social amenities that ought to be in place. On this note, it is advised that the government make radical political efforts to remove institutional corruption in order to suppress the insurgency, strengthen the security personnel and promote economic growth, which is essential for maintaining and enhancing human security.

9.0 Recommendations

From this paper, the following recommendations are made.

1. The Constitution of the Federal Republic of Nigeria needs to be amended promptly to clarify how security votes should be utilised.
2. Political office holders, particularly Governors, should be held responsible for every fund they receive and spend on security issues affecting their states.
3. The government should be mindful of its obligations under section 14 (1)(2)(b), which include the safety and well-being of the citizens, as well as defending its populace against internal and external attacks.

⁹² Frank & Fair, 'Rochas and the security vote honey pot' (2022) <https://www.vanguardngr.com/2022/02/rochas-and-the-security-vote-honey-pot/> (accessed on 14 July 2022)

4. The president must ensure strong coordination among the nation's security agencies and must adequately consult with the National Defence Council, which can sometimes send armed forces members on limited combat missions outside of Nigeria if it believes that the country's security is in danger.
5. To lessen the security personnel's involvement in corrupt and illegal actions, the government must give their welfare a great concern.
6. The government should send its security personnel abroad for regular training so they can learn how to bolster Nigeria's security.