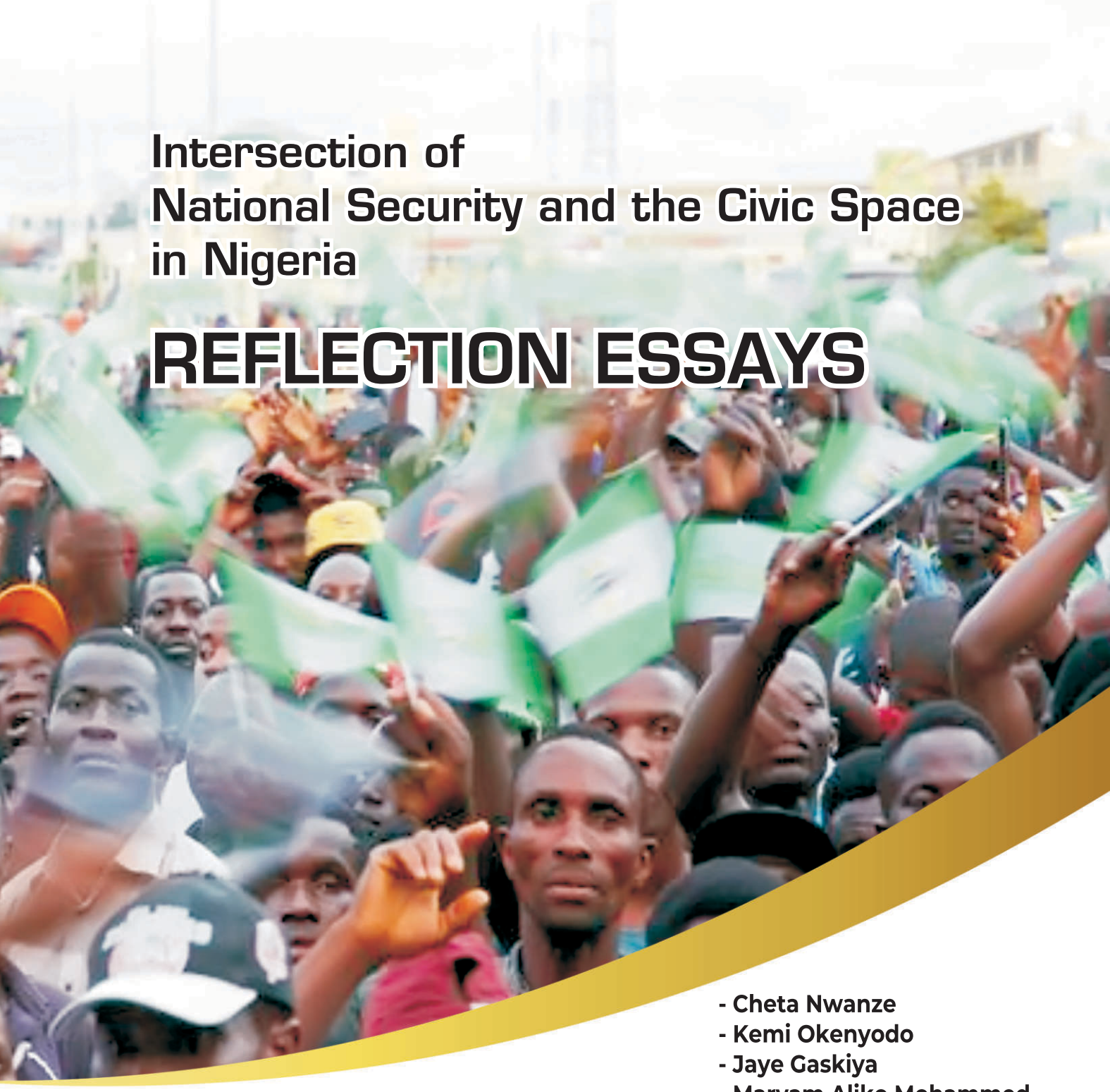
Intersection of National Security and the Civic Space in Nigeria

REFLECTION ESSAYS



- Cheta Nwanze
- Kemi Okenyodo
- Jaye Gaskiya
- Maryam Aliko Mohammed.

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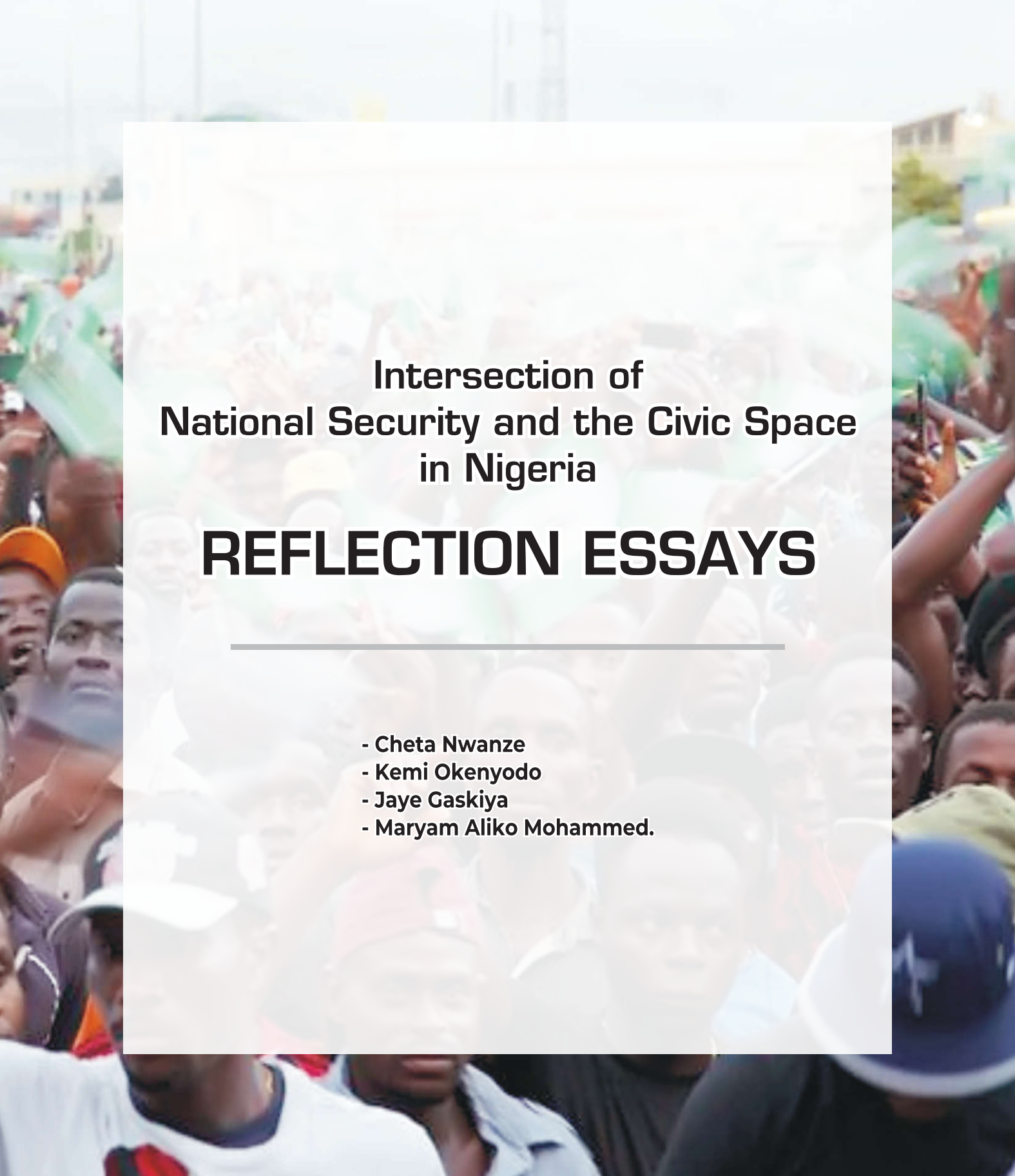

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BBC-End Sars: The Exhilarating Songs Of Street Protests (Credit: Getty Images)

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WHITEINK INSTITUTE FOR STRATEGY EDUCATION AND RESEARCH
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Established in 2018 to provide executive education for governmental and non-governmental local and international senior and middle cadre personnel on effective security governance, strategic planning, development and delivery.

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FOREWORD

The intersection of national security and the civic space have preoccupied philosophical arguments for years and remains topical in contemporary global affairs. The subject, which constitutes a significant part of the broad term "civil-military relations", continues to stir intellectual arguments. However, within these arguments is a visible line of fusion – which was recapitulated in Peter Feaver's work popularly known as the Civil-Military *Problematique.* Summarized, Feaver argued that while the military should be strong enough to resist security threats and other forms of aggressions, mechanisms should exist to balance the power of the military and ensure that the military does not eventually destroy the same society it seeks to protect. In this case, a key mechanism for this balance of power is civil oversight. Feaver's thesis thus sets the foundation for understanding the intersection of national security and the civic space by analyzing the complementarity of both actors in terms of their roles – the military that is responsible for national security and civil actors that ensure the balance of power. This thesis also summarizes the expectations from the ideal military; it should be strong, responsive, accountable, citizen-focused, respectful of rights, and professional.

Despite the seeming agreement on the expectations from the military, these ideals are still utopian, especially in Sub-Saharan Africa. Increasingly, citizens have accused the military of excesses in the conduct of their operations. For instance, in Cameroun, Mali, and Nigeria, the military have been accused of orchestrating grave human rights violations during their deployment. Similarly, heavy-handed responses by security forces to

extremism and insurgency in Burkina Faso, Mali, Niger, and Nigeria have contributed to the current decline in West Africa's democratic rating. On the other hand, the military have also accused civilians including civil actors and humanitarian groups of sabotaging security efforts. In some cases, the military have sealed the offices of aid groups with vague accusations of sabotaging its counter-insurgency operations. These accusations and sentiments reflect the increasing distrust as well as the lack of cohesiveness between civilians and the military, particularly in Sub-Saharan Africa. Besides, because of misconceptions about the intent of civil society actors and international development partners, they are often considered as existential threats to national security. This perception is further reinforced by the dichotomy between the nationalistic views of security promoted by the military in contrast to the individualistic and human rights-centered view of security by civil actors.

The precursors for the increasing deterioration in civil-military relations in Sub-Saharan Africa and particularly Nigeria are numerous. On one hand, the rise in insecurity and insurgency as well as the proliferation of violent groups in the region have increased the involvement of the military in internal security efforts. While the military should mostly defend States from external aggression, the changing form of internal security challenges in Sub-Saharan Africa and in Nigeria have resulted in the deployment of the military for internal peacekeeping operations. The failures of policing in conflict management and crime prevention have also necessitated the deployment of the military for internal stabilization. This unconventional deployment of the military has resulted in higher levels of interaction between the military and civilian populations, thereby resulting in frictions. Additionally, the failure of States to satisfy citizens' justice aspirations and the attendant citizens'

distrust for judicial processes, the manifest failures of governments to deliver tangible democratic dividends, as well as the use of power to resolve disputes which could be managed by civil engagement have further exacerbated frictions between civil actors and the military that now interface frequently.

The misconstrued perception of many governments equating national security with regime security is another significant contributor to the friction between the civil actors and the military. Efforts to ensure the security of a regime often involve abuse of power and the illegitimate use of the military which eventually lead to flagrant abuse of citizens' rights. Other causes of friction include lack of professionalism among military officers, poor recruitment processes, and poor security sector oversight mechanisms. It also appears that many citizens are still unaware of the principles behind military operations – further worsening civil-military tensions in the region.

Despite these challenges, the fundamental rights of citizens remain undeniable and should not be inhibited. Even with the military's new role of maintaining law and order in different communities across the region, their operations must be cognizant of citizens' rights. When human rights take second place to national security considerations, military operations must still be conducted in accordance with the rule of law. It is against this background that this report on the ***Intersection between National Security and the Civic Space*** seeks to improve civil-military relations and particularly, the cohesiveness between the military and civil actors. The report is premised on the mutuality of purpose of civil actors and the military. While outlining the intersections between civil-military relations in Nigeria, the report posits that both the military and the civil society work toward the same goal of national stabilization, economic prosperity, and security. The report also explores the challenges that have intensified frictions between civic

actors and the military and spotlights issues around national security including the events that can make citizens' rights secondary in the pursuit of national security. It refutes claims that regime security is the same with national security. Overall, using factual evidence from Nigeria, the report expounds on the intricacies of civil-military relations and recommends ways for improving intersection between civil actors and the military in Nigeria.

It is my pleasure to introduce this report, which I believe offers tremendous opportunities for improved civil-military relations and national security not only in Nigeria but also across the Sub-Saharan Africa region. Having reviewed the human-centered reflections, I commend the timing of the report – its coming coincides with a period when many Sub-Saharan countries are witnessing increasing military deployment and even militarization. I am convinced that this report, if properly utilized, will foster right-based and citizens'-focused discharge of military duties. The report also offers tremendous guidance on the in lines of fusion in civil-military relations and should be promoted as a tool among the military, civil groups, other security agencies, and even governments in Nigeria and within the region. In the same vein, I also commend the Whiteink Institute for Strategy Education and Research for developing this exceptional material. I hope that this material will garner the due public attention it deserves and will contribute to improving civil-military relations in Nigeria and other Sub-Saharan Countries.

Dr. Ibrahima Aidara
Executive Director,
Open Society Initiative for West Africa
OSIWA

PREFACE

The progress of liberal democracy since the collapse of the Soviet Union, and the and rise of capitalism has not only heightened the idea of the Free Market but has also enhanced the idea of the Civic Space. There is increasing awareness among citizens across the world to their individual, collective and national lives than was in the past. Advancement in travel and communication technology, and the expedience of the internet and cheap handheld audio-visual communication devices are rapidly increasing people's abilities to acquire and share information. Like never before, these technologies have provided capabilities to people with which to challenge government actions and tradition of confidentiality; a situation which more often than not finds the two parties on a collision course. Consequently, civil society argues that if 'The People' are central to the purpose of democratic governments, then the security of citizens must be the priority, rather than the state, in a territorial sense.

The idea that democratization and open societies is important and ideal, has not gone away, neither from the state nor from the citizens, and nowhere is this issue more alive than in the tenuous and articulated relationship between the national security and civic space paradigms for determining national interest, and the development of strategies, policies and laws to pursue, enforce or protect them. This is, of course, made even more complicated in countries with long periods of military rule, as is the case of Nigeria. Since the inception of Nigeria's Fourth Republic in 1999, the number of clashes and conflicts which have pitched government and civil society in duels for over the primacy and sanctity of state over the civic space have been growing. Of significance have been the Lockdown Nigeria sit-down protest of 2011, several industrial actions by the Nigerian Labour Congress and the

Academic Staff Union of Nigeria. But the most far-reaching and significant of all is the 2019 #End SARS demonstrations, that caught global attention and the unfortunate violent riots in its aftermath. The evidence of how there indeed a nexus between national security and the civic space is, and how the importance of maintaining a balance between them is priority to their protagonists.

This series of four very different personal reflection essays, is one of the pillars of the grant's project awarded to WISER with the end state of finding the Intersection of National Security and Civic Space in Nigeria. The other pillars included visitations to select strategic defense and security institutions, a discussion convening of select organized civil society organization in order to understand their exclusive institutional and group realities and perception of the national security and civic space ecosystems and to further understand from them if the systems are exclusive or mutually supporting. Next was a conference which brought the two groups together for cross-pollination of ideas, development of understand and networking. The next and final event was an executive level conference in which senior retired and active leadership of the two components were drawn to share experiences working from strategic level of engagement. At the end and at each of the interactions, it was consistent that each component understood and accepted the importance of the roles and responsibilities of each other, problem was just about interpretations and application of the law and the extent to which actions across the divides affect the exercise of rights, privileges and freedoms, especially of citizens right to freedom of association, expression and choice, and how that must not be contradicted with attempts to violate or weaken national security. WISER was able to engage the four Nigerian notable civil society organization notable persons in Cheta Nwanze, Kemi Okenyodo, Jaye Gaskia, and Maryam Aliko Mohammed, drawn from a pool of about 20 persons invited to submit essays. The authours of the selected essays reflected upon their informed personal knowledge and experiences on the issues of national security vis-a-vis the civic space, bringing to bear unique and

interesting thoughts and standpoints. It is regretful that none of the state institutions invited to submit reflections did so. As much therefore as all the four essays in this collection are by non-state actors, their reflections generally acknowledge the importance of state security, just as they impressed on the rights of citizens to freedom and liberties in accordance with universal fundamental human rights and rule of law. The writers were allowed the liberty to write either in academic or a non-academic style. The end state was simply to have the authors'' personal reflections that are easy to read and understood by readers, who are either expert or just familiar with the issues. It is further meant to generate better understand of the subject matter, with a view to creating better understanding and interaction within and across all stakeholders within the national security and civic space ecosystems.

Cheta Nwanze sets the tone by defining the 'civic space as the ability of citizens to freely organize themselves, participate in governance, and communicate freely with one another without hindrance', and 'national security as the safety of a nation against threats'. He argues, and with copious examples, that citizens (as aggregated by civil society) are not the threats of interest to national security and must not be. However, where this becomes the case, non-state actors of various types and purposes and intents will step into the space of alienation felt by citizens, when their concerns and needs seem to be only of secondary importance to the state. Cheta presents evidence of state brutality under the guise of national security considerations and restates the centrality of a vibrant civic space in any iteration of national security. Zeroing in on the Nigerian armed forces, he recommends sustaining and strengthening Civil-Military Cooperation (CIMIC), building institutional capacity and manpower for the Nigerian military, among others. His recommendations are mainly aimed at the Armed Forces of Nigeria, which instead of the Nigeria police Force, by constitutional prescription plays the leading role in the internal security of Nigeria, and so having the much conflict with civil society.

Kemi Okenyodo, proposes an

analysis based on the extent to which the civic space—in this case indistinguishable from civil society—complements or compromises national security. Four sub-themes are presented: dispensation of the Rule of Law within the interest of national security; administrative restrictions on civil liberties; gender dimensions to peacebuilding and conflict resolution, and incessant government efforts towards legislative regulation of civil society. In recommending a way forward, Kemi Okenyodo states that the promotion of legitimate national security interests must never be to the detriment of rule of law and human rights, which are both championed by civil society. The need for continuous and multi-level stakeholder engagement to fashion out and guarantee constructive and collaborative frameworks is also indicated.

Jaye Gaskia, a known civil rights activist, and leftist ideologue, uses the "January Uprising" to make his argument. In January 2012, nongovernmental and diverse civic groups rallied together to oppose an announced removal of fuel subsidy by the Federal government which would have led to massive socioeconomic disruptions and dislocations. Working from the very centre of these civil society-organized labour coalitions, Mr. Gaskia posits that this resistance tested the boundaries of tolerance of a decidedly democratic Nigerian state by calling to question the prevalent notion, which continues today in various forms, that national security is the same thing as "regime security" or even "state security". In this, he aggregates the role of civil society and the civic space as outlets for the expression of grievance and dissension by the people, which the state must tolerate, address, and accommodate. Using historical analysis through a decidedly Marxist lens, he presents the context and implications of the "uprising" thus bringing to bear a very personal and involved engagement with the issues of the nexus between the two key ideas of our theme. His key recommendations include the need for inclusive governance; the centrality of state provision of basic welfare and security of citizens; citizen-led mechanisms that quickly identify, acknowledge, address, and

redress grievance as a sine qua non, and the removal of an artificial dichotomy between civil and political rights on the one hand, and socio-economic and cultural rights on the other. These Jaye views would see to a more harmonious relationship between civil society and the state national security institutions.

Maryam Aliko Mohammed brings in the Almajiranci phenomenon in northern Nigeria as a metaphor to explore civic engagement with social issues. In this case the traditional Islamic educational system, which in turn has an impact on national security issues such as violent extremisms and radicalization was used as a metaphor. Maryam eloquently presents anecdotally a whole new paradigm for viewing what constitutes civic action and the matrix of responsibilities that government, traditional and religious organizations and leadership, organized civil society all from a human perspective of responsibility are responsible for the security and wellbeing of the fundamental generative demographic of society, as represented by the northern street child – the Almajiri.

In these essays, we see how negotiation and compromise and cooperation lie at the heart of healthy relations between national security and civil society-centered arguments in the larger democratization process. It is important to emphasize that these two arguments are not mutually exclusive, nor is their relationship necessarily a zero-sum game. Rather, national security should be seen within a people-centric idea of both the state and governance for which organized civil society is an important, but not an exclusive barometer. Similarly, it is important that civil society does not predictably adopt a combative stance to all national security arguments made by state officials, as this tends to guarantee a siege-and-trench mentality that is inimical to stated objectives. There is no doubt that both sides will benefit from an expansion of fora for dialogue and capacity.

WISER highly appreciates the grant awarded to it by OSIWA, and all dutiful supervision and support provided by Ms. **Catherine Kyenret Angai**, the project supervisor for the entire grant. It is our hope that readers will first and most importantly enjoy reading the essays and then further be

inspired to add their experiential reflections as well. It is further hoped that the better understanding, cooperation, collaboration, and seamless operational synergies expected as a critical outcome of the project between Nigeria's defense, security, intelligence and judicial institutions, and all levels of civil society organizations will be enhanced for the benefit of the Nigerian people.

Brig Gen Saleh Bala (Rtd)
President and Founder
WISER

April 2022

Cheta Nwanze is the Lead Partner at SBM Intel and oversees our geopolitical research. Starting out his career as an engineer, he moved into journalism 12 years ago and rose to become the Managing Editor at the Daily Times of Nigeria before joining SBM Intelligence. He is a member of the 2021 cohort of the US State Department's International Visitor Leadership Program.

THE INTERSECTION OF NATIONAL SECURITY AND THE CIVIC SPACE IN NIGERIA

- Cheta Nwanze

Civic space refers to the ability of citizens to freely organise themselves, participate in governance, and communicate freely with one another without hindrance. The civic space thus encompasses the rights to freedom of expression, association, and assembly. A civic space is anchored on openness and access to information, which may be required by civil society organisations to determine where and how to apply political pressure on governments in furtherance of the interests of these organisations. As a result, governments, particularly those claiming to be democracies, have an obligation to protect and promote these rights so that their societies will have vibrant civic spaces.

National security can be defined as the safety of a nation against threats. In referring to Nigeria, the term "country" seems to me more appropriate.

The original concept of national security confined these threats largely to external military aggression, espionage by foreign actors, and similar. This came from the end of the WWI, when the modern concept of the nation-state took hold[1].

"It would be incorrect analysis to blame the undemocratic nature of Nigeria's politics on the decades of military dictatorship. The example of the handling of the Tiv Riots in the First Republic, a civilian government ended by military coup in January 1966, buttresses this point.

In recent times, as the nation-state has evolved, it has become clear that some countries do not really qualify as nation-states in the Westphalian sense. The threats subsumed under the term "national security" now include violence both by state and

[1] From Empire to Nation-State: Explaining Wars in the Modern World, 1816-2001
Andreas Wimmer and Brian Min
American Sociological Review
Vol. 71, No. 6 (Dec., 2006), pp. 867-897

non-state actors, economic security, the fight against internal crime, food security, cybersecurity, energy security, environmental security, social cohesion, maintenance of law and order, information security, and a lot more. This means that national security has now co-opted grand strategy which before now was under the somewhat exclusive purview of foreign affairs, because it now takes the whole of the state and its resources and capacity to maintain security into consideration. By its nature, national security is often concerned with secrecy and restriction of access to certain critical information. For instance, a government would not readily publish the full capabilities of its security forces in order to avoid alerting potential enemies.

In their attempts to protect national security, governments often take actions which infringe on civic freedoms. Governments end up spying on their own citizens and monitoring private communications in the name of national security. While there is no doubt that governments have a legitimate interest in keeping all their citizens safe, the scope and legality of actions often taken in furtherance of national security objectives tend to breed controversy. As a result, there is often a natural tension between a government's desire to keep secrets and the demands for openness which come from individuals and organisations operating in the civic space.

This tension may be mitigated by the general perception of the government's commitment to the maintenance and promotion of the civic space and its respect for the civil rights of its citizens. It is therefore not hard to imagine that when a government has a negative perception regarding respect for the civic space, any action it takes under the ambit of national security which negatively impacts on the space is bound to be viewed with scepticism if not outright hostility.

NIGERIA'S JOURNEY SO FAR

In Nigeria, players in the civic space have often found themselves in direct conflict with the government due to a lengthy history of repression of actors and restriction of the civic space. Under Nigeria's long history of military dictatorships, successive military regimes enacted various

decrees aimed at curtailing freedoms associated with the civic space.

Another issue is that Nigeria's colonial history has designed an architecture that conflates "regime security" with "national security". This was made worse during the era of military dictatorships where a small group of persons often felt that they and their co-travellers were the state. The result was that civil society organisations dedicated to advancing the freedoms of association, expression, and assembly, often found themselves proscribed and their leaders arrested as enemies of the state or as threats to national security.

This blurring of the line between the interest of the rulers and legitimate national security concerns has persisted even after the transition to civilian governance in 1999. Nigeria's government has often responded violently to peaceful agitations with almost admirable consistency. From Shia Muslims to IPOB agitators, the government's reflexive resort to deadly force against unarmed Nigerians exercising their civil rights is ironically an actual threat to national security as fringe elements in such marginalised groups look at the government's treatment of unarmed non-state actors and have started to make the case, quite logically, that the only language the government respects is force[2]. This is how the Eastern Security Network[3] in south-eastern Nigeria, and the Boko Haram insurgency[4] in the northeast were born. Otherwise-peaceful groups, albeit with distasteful rhetoric, were met with brute force and the survivors became radicalised in response.

In all these instances, the government's refusal to engage with citizens in the civic space led to the creation of violent groups dedicated to direct conflict with the government in the national security space. These violent groups often end up performing roles[5] that either the government or civil society should perform, with the medium to long-

2 Testing Democracy: Political Violence in Nigeria | Human Rights Watch, Vol. 15, No. 9, April 2003

3 Nigerian Soldiers Resigned To Join Kanu's Eastern Network – Military Sources| Sahara Reporters, 22 January 2021

4 Boko Haram and Nigeria's Pervasive Violence | John Campbell and Asch Harwood, Council on Foreign Relations, 22 December 2012

5 Ex-militant spares a life | Search for Common Ground, 30 April 2015

term effect of people beginning to "log out" of the Nigerian experience.

AN ANECDOTE ABOUT GOVERNMENT CEDING THE SPACE TO NON-STATE ACTORS

Back in 2016, I was privy to a "trial" somewhere around Ikom in Cross River State. The process was indicative of where Nigeria is with respect to adjudication, and more importantly from my viewpoint, how so many people are logging out of the country.

A woman, let's call her Adidi, was accused of pilfering by her neighbour and reported to a group whom that neighbour, let's call her Uki, considered to be the authorities. On the appointed trial date (the day after the report was lodged), Adidi was summoned by the adjudicating authorities and asked to report for trial. She refused, simply because she did not recognise the authority of that court. So, they sent people to her house and those hefty men physically brought her to the "courtroom".

The "trial" lasted all of 30 minutes and had a deathly simple procedure. The plaintiff, Uki, made her complaint and the defendant, Adidi, left with no other choice, retorted. Uki was then given a chance to respond to Adidi's defence, and finally, Adidi had another chance at a rebuttal.

When that was done, the three men who were sitting in judgement huddled together and, after about fifteen minutes of deliberation, came to their decision. Not guilty.

Uki accepted the ruling without protest while Adidi, who had earlier refused to accept the authority of what was effectively a non-state militia court, became a convert. One more person had logged out of the Nigerian state.

I have witnessed such incidents in diverse locations such as in Abonema (Rivers), Farin Ruwa (Nasarawa) and Tsafe (Zamfara), and the common thread through all of them is a belief that the Nigerian state cannot provide justice so people turn to non-state actors.

In truth, it is not only by screaming "Biafra" like IPOB does that people secede from Nigeria. People also secede mentally.

WHERE DID WE GO WRONG?

The government's failure to carry all Nigerians along manifested shortly after independence, when the Tiv people in central Nigeria were

brutally suppressed between 1962 and 1964 using the military[6], for demanding a separate regional government from the erstwhile Northern Region[7]. Successive examples have followed this, the most profound being the Niger Delta insurgency.

It would be incorrect analysis to blame the undemocratic nature of Nigeria's politics on the decades of military dictatorship. The example of the handling of the Tiv Riots in the First Republic, a civilian government ended by military coup in January 1966, buttresses this point. The misuse of state assets meant to serve national security, the Army in that case, the willingness to circumvent institutions capable of holding politicians accountable, and the resort to violence to achieve political goals, all point to an inbuilt refusal by our politicians to be constrained by the guardrails that restrict their ability to wield hard power within the civic space.

Even as we stumbled through various periods of civil and military rule, the propensity of rulers of various shades of governments to use violence and other powers of the state to resolve disputes which would otherwise have been better managed by civil engagement and policy debates has constantly been on display. This has been as true of the charge of treasonable felony levelled against opposition leader, Obafemi Awolowo in 1962, as it is of the Central Bank of Nigeria freezing the accounts of #EndSARS protest organisers in 2020.

It is important to articulate the need for civic spaces not just in national security, but also in governance. No government, no matter how well-meaning, can accurately capture the demands of its entire population. Even in mature democracies, the need for majority rule will in effect mean that significant minorities will not be represented in shaping the government policies of the day. Such outcomes, if not mitigated, will lead to the kind of discontent that fuels violent reactions against the state.

6 Tiv (Nigeria) Riots of 1960, 1964: The Principle of Minimum Force and Counter Insurgency | Bem Japhet Audu

7 Ethnic Politics and Conflicts in Nigeria's First Republic: The Misuse of Native Administrative Police Forces (NAPFS) and the Tiv Riots of Central Nigeria,1960-1964 | Godwin A. Vaaseh, O. M. Ehinmore

THE IMPORTANCE OF CIVIC SPACE IN NATIONAL SECURITY

It has been established that relations between the government and civil society on issues the former regards as in the interest of national security can be fractious. This is one reason why civil-military relations are important. The civic space is a democratic norm that keeps the government in check, ironically, for its own benefit. As such, it can be seen that the protection and promotion of the civic space as a forum for engagement is actually in the national security interests of the government rather than in conflict with it

Date	State	Description	Fatalities
02/04/2020	Abuja	There was a clash between men of the Nigerian Police Force and some Nigerian Air Force personnel.	
02/04/2020	Delta	A young man was killed by army personnel deployed to enforce a stay-at-home order in Delta State. The victim identified as Joseph Pessu was shot dead around 10:30am on Thursday at Ada Val Arenyenka Street, Ugbuwangue, Warri, over an undisclosed offence.	1
05/04/2020	Abia	An Inspector of Police identified as Stanley Azu serving under Azumini Police Division in Ukwa East LGA of Abia State killed a petrol station staff of Greenmac Energy Ltd, a petroleum station company in Obingwa LGA. The victim is simply identified at Chibuisi and the incident happened along the popular New Umuahia Road.	1
06/04/2020	Kaduna	Six youths killed in Kaduna as traders clash with police over lockdown in Kakuri and Trikania communities.	1
07/04/2020	Abia	An unconfirmed number of casualties was recorded following a clash between officials of the State Task Force on COVID-19 and traders at the Tonimas Junction Market in Osisioma Ngwa LGA, Abia State. The traders accused the officials of invading the market and destroying their	

		wares without any cogent reason.	
09/04/2020	Delta	Soldiers claiming to enforce the lockdown in Delta State shot and killed Michael Danzu, a young, subsistence fisherman of Ijaw origins. He was returning from fishing.	1
10/04/2020	Osun	One person was killed as hoodlums and police clashed in Osun.	1
13/04/2020	Borno	At least 17 people were said to have been killed when a fighter jet belonging to the Nigerian Air Force dropped a bomb on Sakatoku Village in Damboa LGA of Borno State. They included women and children who were said to be playing under mango trees.	17
14/04/2020	Abia	An NSCDC official shot a driver dead in Umuikaa, Isiala Ngwa South LGA of Abia State.	1
15/04/2020	Anambra	Police kill two people during lockdown in Anambra State.	2
17/04/2020	Abia	Police confirm killing of another Abia businessman as angry youth burn station and courts in Ebem.	1
17/04/2020	Abia	One person killed as Abia community residents clash with security officials during lockdown.	1

20/04/2020	Jigawa	A 10-year-old boy identified as Usman Abdulkadir, was shot by a policeman enforcing the lockdown imposed on a market in Jigawa State on April 20, 2020. The incident led to pandemonium and protests in Sankara community under Ringim LGA.	
23/04/2020	Zamfara	There was an operation on April 23, 2020, by armed groups believed to be terrorists in Birane and Tungar Hilani communities. The next day the military stormed Gidan Jaja village and asked the villagers to leave immediately and started setting houses ablaze. According to a source, over 20 houses were burnt to ashes with one person shot in the leg by soldiers and several villagers assaulted. A military source admitted they received wrong intelligence. Villagers who lost their homes are now displaced in Gurbin Bore, Gusau, Zurmi.	
28/04/2020	Kwara	A local vigilante member shot dead a commercial driver at Eyenkorin, on the outskirts of Ilorin, Asa LGA of Kwara state.	1
30/04/2020	Delta	A soldier attached to the Joint Task Force (JTF) Bomadi Division was shot dead by a policeman attached to the Special Anti-Robbery Squad (SARS).	1

02/05/2020	Taraba	A cultural festival turned deadly in Taraba State after soldiers sent to enforce the lockdown allegedly shot four residents dead and injured sixteen others. The violence occurred at Jen community in Karim-Lamido Local Government Area of the state. The festival turned violent when the residents resisted an attempt by the soldiers to disperse them and prevent the festival from holding.	4
04/05/2020	Enugu	Tension in Nsukka Local Government Area of Enugu State over the death of a 27-year-old 500-Level law student of Nnamdi Azikiwe University, Awka, Augustine Ugwu, who was allegedly murdered by an officer of the Nigeria Police Force at Nsukka. The deceased was said to have gone to a beer parlour at Odobido in Nsukka council area with his friend (name withheld) where he was trailed by a local security outfit constituted by the chairman of the local government area, Patrick Omeje.	1

The table above shows human rights violations committed by Nigeria's security services during the COVID-19 lockdown in the country between 28th March and 4th May 2020.

One of the most horrendous atrocities that has come to define the Nigerian state was the Rann Bombing of 2017 in which more than 300 internally displaced persons were killed in airstrikes by the Nigerian Air Force. This is a matter that has been treated casually and would have been swept under the carpet but for consistent media coverage. Up until now, the issue has not been resolved, and no one has been held to account. This would set the stage for people in that area to harbour grievances against the Nigerian state. Indeed, a UK Guardian report[8] two years later held that people from that area were leaving IDP camps to go and join the insurgents.

Holding government to account is important. In these climes, it is excruciating to get justice or closure for victims of government overreach but a vibrant civic space tries to ensure the opposite.

An important building block for civil-military relations in conflict zones are non-profit organisations dedicated to providing aid to people trapped in these areas. In the North East, there are a number who, with foreign funding, reach vulnerable populations where the government has either not seen fit to, or simply been unable to reach. Action Against Hunger, Mercy Corps, and various UN agencies are just a few of several others. A working relationship between the government and this class of civic activists is important to prosecute a common cause—the eradication of terrorism and the provision of relief to victims of the conflict.

In recent times however, this relationship has broken down considerably on the question of national security as the Nigerian military has at different times, accused some of these NGOs of providing help to the enemy by becoming couriers as well as providing intelligence to the insurgents. The internationally funded groups are accused of being the most notorious in this alleged sabotage hence the withdrawal of licences to operate in war theatres.

At the receiving end of this friction, unfortunately, are the poor defenceless people who depend on the good relations between the government and aid agencies to stay alive. A better way to help these people, and thus prevent the closed

8 What would make a woman go back to Boko Haram? Despair | Azadeh Moaveni, The Guardian, 14 January 2019

loop of them running into the hands of the insurgents, would be for state authorities to engage non-profits and similar civil society to determine how to meet various objectives while keeping citizens welfare, especially in conflict zones, in the centre of all planning.

HOW CAN CIVIC SPACE HELP THE GOVERNMENT?

One of the most pressing questions which Nigeria has failed to answer is the direction in which it wants its security services to go. Following Britain's departure from the EU at the conclusion of Brexit, the country is gradually coming to terms with its position in the world and beginning to act accordingly.

The launch of the *Global Britain Initiative* coincided with the Biden administration's relaunch of the Obama era *Pivot-to-Asia*. With eyes on the Asia Pacific, Britain launched a needs assessment paper on the role of the British Army in these efforts. One key way in which it articulated such a role is in looking at the structures of the army to examine its defects and its orientation. *Do we want a small but very effective armed forces? Does size affect operations? How? Do we want a large but capable military with huge servicing costs?* These are the kinds of questions that Nigeria needs to be asking.

Following the Nigerian Civil War in 1970, the size of the armed forces remained a serious problem right up to the return to civil rule in 1999 despite a major demobilisation programme in the 1970s. One of the ways the Obasanjo administration sought to consolidate its power was to significantly demobilise officers by retiring them. But the rise of Boko Haram has led to attendant security crises that successive governments have tried to solve with a military approach accompanied by an attendant increase in military budget, but also recruited people of questionable character into the armed services.

One of the key reasons for the spike in human rights abuses by servicemen has been the deployment of the military in internal security operations as a result of the incapacity of the Nigeria Police Force. During the Covid-19 induced lockdown in 2020, it was reported that airmen assaulted[9]

[9] Lockdown: How I was assaulted by Nigerian Airforce officers — Medical Doctor | Yusuf Akinpelu, Premium Times, 25 May 2020

one Dr. Otoide in Port Harcourt on her way from work for breaching lockdown rules, despite clearly identifying herself as an essential worker by virtue of the fact that she was a medical doctor and therefore exempted from the rules. The story was virtually the same in Akwa Ibom where the local doctors' union had to embark on a strike in order to protest the abuses suffered by their members at the hands of security officers.

To effectively check abuse of power, it is important for us to decide what we want from our Armed Forces. For example: *Do we really need 181,000 active military personnel in a country that does not face significant state-led threats from its near abroad? Do we need to increase the number of policemen to secure the country's internal issues? How do we meet our national security needs while maintaining the military's professionalism?*

An important issue is changing the orientation of security services from the mindset that regime security equates to national security. Maintaining this orientation even in the face of mounting security crises means looking at every issue, including the legitimate actions of civil society organisations, as a threat to the regime under the guise of national security. Conflating both leads to a narrow, predetermined end which may work for short term objectives but is always counterproductive in the long term.

If the Nigerian government does not do a needs assessment similar to the British one, it is well within the remit of civil organisations to carry out this research and make recommendations.

CIVIL-MILITARY RELATIONS AT THE INTERSECTION OF NATIONAL SECURITY

Isa Mohammed Shehu of the Nigerian Army Armour Training School Bauchi, summarised the challenges to civil-military relations in Nigeria as follows[10]:

1. Increased involvement of the Nigerian military in curbing internal security challenges.
2. Institutionalisation of civilian, democratic values and or constitutional norms.

[10] I. S., Mohammed. (2019). CIVIL MILITARY RELATIONS IN A DEMOCRACY: CHALLENGES AND PROSPECTS FOR THE NIGERIAN ARMED FORCES. 10.13140/RG.2.2.19816.21765.

3. Being subordinate to the civilian population (civilian control over the military); elected civilians should enjoy supremacy in democracies.
4. Complying with constitutional provisions that guarantee civilian authority over the military.
5. Class interest protection – the generals vs the civilian political class

RECOMMENDATIONS FOR EFFECTIVE CIVIL MILITARY RELATIONS

Reformation of the Nigerian Armed Forces at the policy and operational stages to reflect changing realities with focus on other issues such as emergency management, research & innovations, manufacturing, etc.

- Involvement in humanitarian functions and services, especially in post-conflict and other vulnerable situations.

- Sustaining and strengthening Civil-Military Cooperation (CIMIC).

- Building institutional capacity and manpower for the Nigerian military.

- Engagement in extensive Corporate Social Responsibility (CRS) initiatives.

- Increased professionalism and discipline.

- Widening the scope of operations (research, manufacturing, entrepreneurial support and humanitarian services, etc.).

- Re-focusing military welfare (death, retirement benefits, accommodation, medical etc.).

- Intensive inculcation of discipline, political culture and national values-if any.

- Increased openness in civil-military relations.

- Effective communication and information dissemination (the social
media).

CONCLUSION

Given the ever-increasing ability of private individuals to band together such as Nigerians did during #OccupyNigeria and #EndSARS, and given the increasing ease[11] with which civilians can access military hardware previously exclusive to governments or government sponsored entities, it is becoming clearer that governments must engage with their citizens proactively to resolve disputes. This will mean that governments must be ready to be active participants in civic spaces to reach out to voices they probably would not connect with any other way. This is critical as many minority voices have become disillusioned with the Nigerian experiment and are becoming attracted to radical solutions that may be impractical or unrealistic.

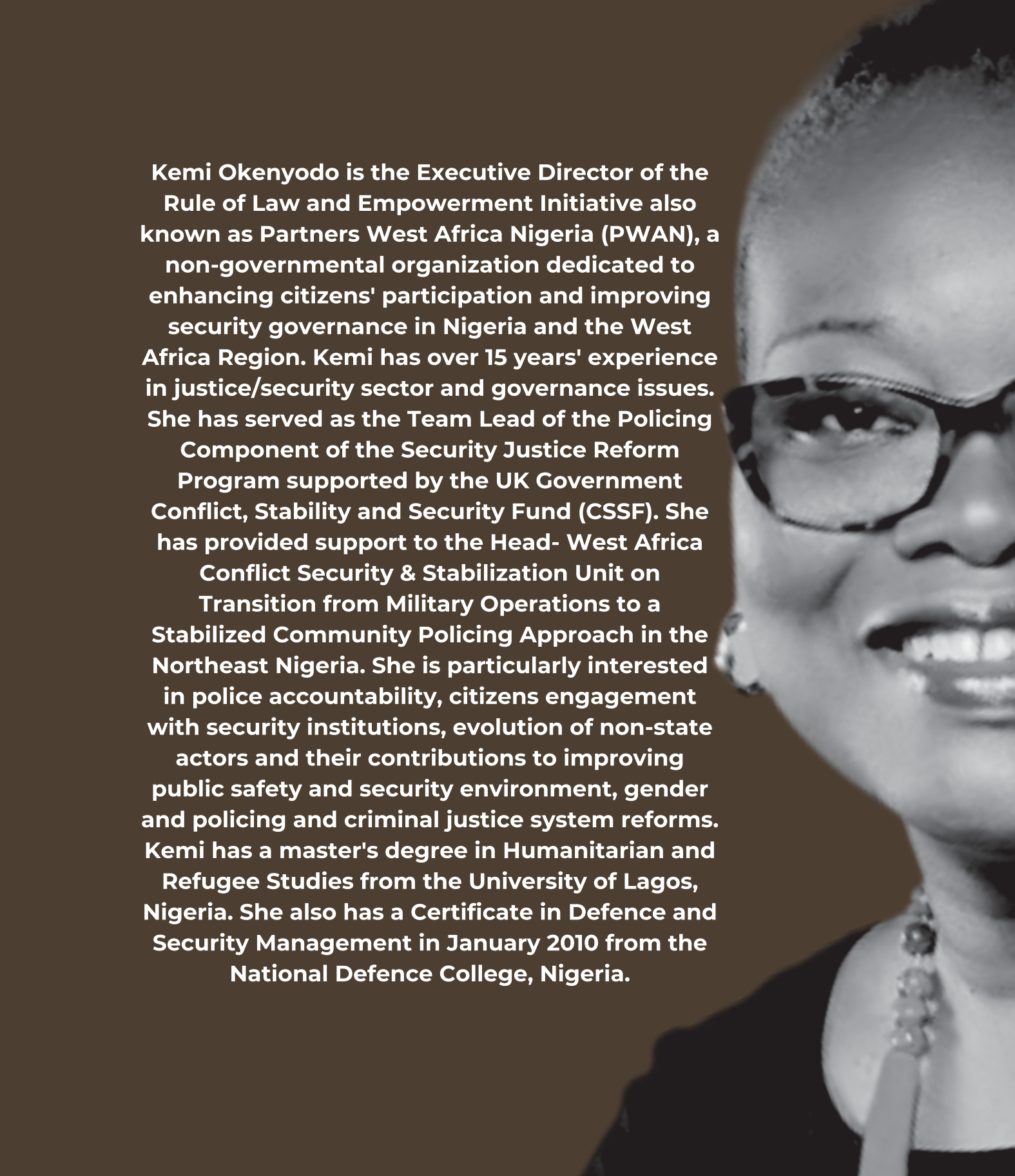
In the current era, the internal affairs of a nation is probably the greatest challenge to its national security. Today's national security experts, regardless of nationality or political inclination, must confront the reality that the menaces of local insurrection are more acute than foreign aggression, whether it is the United Kingdom facing the risk of Scottish independence or the many groups seeking to excise their own subnational territories from the Nigerian federation. Separatist ideologies represent a disillusionment with the current order and where popular, provide a challenge that law enforcement or military confrontation alone cannot address.

In the modern age, national security involves providing the greatest protections of the state to all those who dwell in it. Beyond foreign aggression and internal insurrection, economic security, food security, protection from crime, cybersecurity and even climate change, are issues that threaten large swathes of society simultaneously. Solving these issues involve the state requiring people to reorder their lives to mitigate these threats. That means that the government must work with participants in the civic space to educate society on why fundamental adjustments are needed to prevent catastrophe on a global scale.

Governments cannot impose the social reordering that these challenges require without the buy-in of the very societies they preside over.

[11] Small arms, mass atrocities and migration in Nigeria | SBM Intelligence, May 2020

Trust must be earned. Before that happens, the state itself must put its house in order by making sure that it says what it means and means what it says. Governments must open good faith channels of communications with defined civil society groups that have been shown to be consistent and trustworthy over time.



Kemi Okenyodo is the Executive Director of the Rule of Law and Empowerment Initiative also known as Partners West Africa Nigeria (PWAN), a non-governmental organization dedicated to enhancing citizens' participation and improving security governance in Nigeria and the West Africa Region. Kemi has over 15 years' experience in justice/security sector and governance issues. She has served as the Team Lead of the Policing Component of the Security Justice Reform Program supported by the UK Government Conflict, Stability and Security Fund (CSSF). She has provided support to the Head- West Africa Conflict Security & Stabilization Unit on Transition from Military Operations to a Stabilized Community Policing Approach in the Northeast Nigeria. She is particularly interested in police accountability, citizens engagement with security institutions, evolution of non-state actors and their contributions to improving public safety and security environment, gender and policing and criminal justice system reforms. Kemi has a master's degree in Humanitarian and Refugee Studies from the University of Lagos, Nigeria. She also has a Certificate in Defence and Security Management in January 2010 from the National Defence College, Nigeria.

THE INTERSECTION OF NATIONAL SECURITY AND THE CIVIC SPACE IN NIGERIA

- Kemi Okenyodo

INTRODUCTION

Nongovernmental organisations, professional associations, among other groups, define the Nigerian civic space. These civil society actors have led reform efforts towards the democratisation of the country by improving or strengthening the rule of law, enhancing the quality of governance, upgrading socio-economic infrastructure and amenities, amongst other objectives.

In my experience working within the civic space, the intersection of national security and civic space can be viewed through two different, opposing lenses. These are the interstices where the activities of the civic space complement or compromise those of national security.

Over the years, the activities of civil society organisations (CSOs) have been viewed with scepticism by the State and its organs who come to this engagement from a national security angle. Particularly, accusations go along the lines of CSOs being "agents" of foreign interests with the primary aim of subverting the Government of Nigeria. Considering that these civil society actors have strongly led reform efforts towards the increased democratisation of the security sector and championing its adoption of human rights principles, this is understandable. Through constructive and aggressive approaches where necessary, positive outcomes have been observed including developing human rights compliant policies and institutional changes in the national security apparatus of the State.

"Even in instances where human rights take second place to national security considerations, this must be done according to the (rule of) law. This point needs to be made at this juncture of our history where the Federal Government is known for its disregard for both the rule of law and for breaches of fundamental rights."

The journey towards a national security architecture that meets civil society's standards of transparency, accountability and human rights has

not been devoid of challenges, including strained engagement between security sector actors and civil society, misconceptions about the intent of civil society actors and international and bilateral partners, and the dichotomy between nationalistic views of security promoted by security actors and a more individualistic, human-centred view of security fostered by civil society actors.

My engagement with this topic will seek to shed light on the dynamics of the security sector reform process coming from my vantage position as a long-time member of civil society. Particularly, these themes will be emphasised:

1. Dispensation of the rule of law within the interest of national security.
2. Administrative restrictions on civil liberties.
3. Gender dimensions of conflict resolution and peacebuilding.
4. Incessant government efforts towards legislative regulation of civil society.

This done, recommendations will be proposed on how to make the intersection between civil society and national security concerns more cooperative and beneficial to all parties involved.

1. DISPENSATION OF THE RULE OF LAW WITHIN THE INTEREST OF NATIONAL SECURITY

According to the United Nations (UN) system, the rule of law is a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated. A. V. Dicey defines the principle as being satisfied where there is the equality of all persons before the law and the observance of all laws by all persons and authorities irrespective of status.

Andrews Otutu Obaseki CON, late Justice of the Supreme Court of Nigeria, has submitted that, "The Nigerian constitution is founded on the rule of law, the primary meaning of which is that everything must be done according to law. Nigeria, being one of the countries in the world which professes loudly to follow the rule of law, gives no room for the rule of self-help by force to operate."

While flagging off the 2018 Annual General Conference of the Nigerian Bar Association in Abuja on August 26 2018, President Muhammadu Buhari said, "The rule of law must be subject to the supremacy of the nation's security and national interest." To justify his position the president added that, "Our apex court has had cause to adopt a position on this issue in this regard and it is now a matter of judicial recognition that where national security and public interest are threatened, or there is a likelihood of it being threatened, the individual rights of those allegedly responsible must take second place, in favour of the greater good of society."[1]

This statement created endless controversies, some of it quite political, with the opposition party openly criticising the president's position. The president's statement paraphrased the Supreme Court's decision in the 2007 case of *Dokubo-Asari v. the Federal Republic of Nigeria*. That judgement went further to explain that, "The corporate existence of Nigeria as a united, harmonious, indivisible, and indissoluble sovereign nation is certainly greater than any citizen's liberty or right… Once the security of this nation is in jeopardy, it survives in pieces rather than in peace, the individual liberty or right may not even exist."[2]

The president's interpretation of the judgement is incomplete and the case law generated by that judgement does not in fact give the national security argument unquestionable legality.

The *Dokubo-Asari* judgment does not in fact sacrifice the rule of law on the altar of national security nor does it see these concepts as aspects of binary issues engaged in a clash. What the court ruled on was an instance of a person's fundamental human rights versus individual rights.

Human rights, as set out in *Dokubo-Asari,* is not the same thing as the potent concept of the rule of law. Both are related, intertwined within constitutional democratic practice and feeding into each other, but are distinct and cannot be fused for convenience.

[1] Guardian.ng/features/law/rule-of-law-versus-national-security-what-the-law-says/

[2] https://m.guardian.ng/features/law/rule-of-law-versus-national-security-what-the-law-says/

The implication is that even when courts rule that subject to lawful conditions, human rights can take second place when it clashes with national security, it does not connote that the rule of law must always be subject to national security and interest. Human rights are only a component indicator of rule of law which, in fact, furnishes the lawful conditions under which human rights can be derogated in the national security interest.

Even in instances where human rights take second place to national security considerations, this must be done according to the (rule of) law. This point needs to be made at this juncture of our history where the Federal Government is known for its disregard for both the rule of law and for breaches of fundamental rights.

2. ADMINISTRATIVE RESTRICTIONS ON CIVIL LIBERTIES

Although human rights have no universal definition, it has been agreed to be those inalienable rights due to human beings being humans. The mere fact of being human entitles one to the enjoyment of these rights. Therefore, these rights are considered natural rights and cannot be taken away from man as they are naturally protected and equally protected by the State[3].

In Nigeria, fundamental human rights are encoded into Chapter IV of the 1999 Constitution where it is stated that these rights are to be enjoyed by "every person, every citizen of Nigeria"[4]. The constitution allows justifiable derogations to preserve public order, public safety, or necessary for a democratic society. A breach of these rights can be enforced before a court of law[5].

In my work at the Rule of Law and Empowerment Initiative, also known as Partners West Africa-Nigeria (PWAN), I and other stakeholders have made considerable efforts to fill existing gaps in criminal justice administration in Nigeria, especially towards promoting fundamental human rights. These have ranged from prison decongestion drives to public

[3] Asma'u M., S., Prisoners' Reproductive Rights: A Comparative Study of Nigeria, United States and Saudi-Arabia Being A Dissertation Submitted to The Faculty of Law, University of Ilorin, Ilorin, Nigeria, in Partial Fulfilment of the Requirements for the Award of the Degree of Master of Law (LL.M) In Common Law, 2017

[4] Sections 33-42 Constitution of the Federal Republic of Nigeria 1999, Cap. C 23, LFN 2004.

[5] Mowoe, K. M., 'Constitutional Law in Nigeria' (Malthouse, Lagos 2008)

interest litigation through the National Human Rights Commission to lawyers working on pro-bono basis to file cases on behalf of thousands of awaiting trial inmates. Instances of State interference with civil liberties have often hinged on the national security argument, especially on the rule of law issue of fundamental human rights. It is even worse when public law and order is set out as exceptional circumstances for the constitutional derogation of fundamental human rights and the state and its agencies of legal coercion insist that it be understood unquestionably as "national security" terrain.

The most obvious of these is State use of restrictive provisions or legislations. The State is indeed able to limit the enjoyment of fundamental human rights in certain circumstances, as already pointed out, including in the execution of a court order, for various purposes including public safety, and public morality. Section 45 of the 1999 Constitution also allows justifiable derogations from these rights, as may be necessary for running a democratic society. The breach of these rights can be enforced before a court of law. However, subsection 2 of that section states—

> *"An Act of the National Assembly shall not be invalidated by reason only that it provides for the taking, during periods of emergency, of measures that derogate from the provisions of Section 33 or 35 of this Constitution; but no such measures shall be taken in pursuance of any such activity during any period of emergency* ***save to the extent that those measures are reasonably justifiable to deal with the situation that exists during that period of emergency*** (emphasis mine). *Provided that nothing in this section shall*

authorise any derogation from the provisions of Section 33 of this Constitution, except in respect of death resulting from acts of war or authorise any derogation from the provisions of Section 36(8) of this Constitution."

The Nigeria Police Force has routinely abused the Public Law and Order Act of 1979 by using it to disrupt public gatherings and muzzle human rights defenders and political activists. Section 1(3) this Act states that persons must obtain a license to conduct any assembly or meeting or any processions on the public roads or places of public resort 48 hours before the event. This law does not provide for a judicial review mechanism in case the police deny an application for a permit. It also gives the police discretionary powers to temporarily ban any public meeting in a given area. It provides cover to the Nigerian police to break up sessions for which a license has not been obtained. Human rights defenders have been arrested under this legislation.

The peculiar interpretation of this law by the State, the Nigeria Police Force in particular, has narrowed the political space and often contributed to turning peaceful anti-government protests violent[6]. In the past years, human rights defenders' activities in support of issues that are seemingly "non-political", such as women's rights, are granted authorisation, while rallies concerning issues that are perceived as "political" or sensitive, such as corruption, labour rights, or problems in democratic governance, are almost always not authorised. Human rights defenders have constantly highlighted that they have continued to face severe challenges due to the abuse of this Act[7].

The State remains primarily responsible under international law for ensuring adequate protection and respect for human rights within their jurisdictions. It is pertinent to emphasise that the goal of human

[6] The peaceful End SARS protest that took place in some parts of Nigeria was turned bloody when the Military shot and injured some at Lekki toll gate in 2020

[7] The Observatory - Front Line; NIGERIA: Defending Human Rights: Not Everywhere Not Every Right International Fact-Finding Mission Report 2010

rights cannot be realised without the commitment of CSOs and private individuals, who accelerate social movements using a range of techniques that guarantee human rights promotion and protection in Nigeria.

International protection of rights requires measures to implement human rights treaties and strengthen national institutions responsible for the full observance of human rights and the rule of law. The State therefore, with its various institutions, has a crucial and facilitative role to play to ensure the full realisation and respect for human rights.

3. GENDER DIMENSIONS OF CONFLICT RESOLUTION AND PEACEBUILDING

The United Nation's Security Council Resolution (UNSCR) 1325[8] created a mandate to include women in peacebuilding. This policy gives women the opportunity to open hitherto closed doors in peacebuilding and conflict resolution. In other words, UNSCR 1325 recognises that women are disproportionally affected by conflict and to address this, women should play critical roles in achieving lasting peace after conflicts.

Given the above, the inclusion of women in peacebuilding processes has gained momentum in policy discussion over the last fifteen years[9] and women are now more involved in peacebuilding and conflict resolution. A report by the Council for Foreign Relations has shown that between 2015 to 2019, women constituted, on average, 14 % of negotiators in significant peace processes around the world[10].

While there has been some progress in women's participation in peacebuilding processes worldwide, about seven out of every ten peace processes still did not include women mediators[11]. In Nigeria, for example, even though women make up half the population, only a few participate in peacebuilding and conflict resolution. The inadequate representation of women in decision making positions, the ineffective implementation of the

[8] https://www.un.org/womenwatch/osagi/wps/

[9] https://www.weforum.org/agenda/2015/05/why-women-should-have-a-greater-role-in-peacebuilding/

[10] https://www.cfr.org/womens-participation-in-peace-processes/

[11] https://www.cfr.org/womens-participation-in-peace-processes/

National/ State Action Plan on UNSCR 1325, weak monitoring mechanisms, inadequate sensitisation on UNSCR 1325/ NAPs, and the paucity of required technical skills (negotiation, mediation, advocacy, lobbying skills, etc.) among women, if they are to participate strategically, all feed into this state of affairs[12].

To change the narrative and to increase women's participation in peacebuilding and conflict resolutions, CSOs such as my organisation, PWAN, the Women Rights Advancement and Protection Alternative (WRAPA), West Africa Network for Peacebuilding (WANEP), Search for Common Grounds[13], Conflict Prevention and Peace Building Initiative (CPPBI)[14], Women Advocates Research and Documentation Centre (WARDC)[15], and many others, have carried out different interventions to strengthen the implementation of the National/State Action Plan on UNSCR 1325, build technical skills (such as negotiation, mediation etc.) of women and other stakeholders for effective participation in peacebuilding, carried out advocacy and awareness creation actively and strategically on the UNSCR 1325/NAPS.

PWAN has also routinely used the National Action Plan on UNSCR 1325 as a tool to engage with the security sector on gender mainstreaming and interagency coordination. To evaluate and ascertain the level of gender mainstreaming in the security sector, PWAN has conducted gender assessments and audits of security sector institutions[16] including the Nigeria Police Force, Nigerian Army, Nigeria Security and Civil Defence Corps (NSCDC) and the Judiciary[17].

Findings from the assessment revealed a generally low level of gender representation and gender mainstreaming in decision-making processes and leadership positions across the security agencies surveyed. Given the above, PWAN further conducted a needs assessment in the security sectors and found out that the

[12] https://www.refworld.org/pdfid/5724aba34.pdf

[13] https://www.sfcg.org/nigeria/

[14] http://cppbi.org/

[15] https://wardcnigeria.org/

[16] https://www.partnersnigeria.org/report-and-summary-of-gender-assessment-of-the-security-sector-in-nigeria/

[17] https://www.partnersnigeria.org/aseessment-and-summary-of-gender-in-the-judicial-sector-of-nigeria/

majority of the Gender Desk Officers across the security sectors (specifically with the Nigeria Security and Civil Defence Corps) had not received prior training on gender mainstreaming and the National Action Plan on UNSCR 1325.

This prompted PWAN to build the capacity of Gender Desk Officers by providing them with an orientation on gender and related concepts, and basic knowledge of the provisions of UNSCR 1325 and Nigeria's NAP I & II as it relates to the mandate of security agencies as well as the Gender Desk Unit. In addition to the capacity building, PWAN supported the Nigeria Security and Civil Defence Corps (NSCDC) to develop its gender policy and set up a gender desk. PWAN also provided technical support to the Nigeria Military in developing its foremost gender policy.

Women, Peace and Security (WPS) efforts in the recent past have been led by civil society and the Ministry of Women Affairs, with minimal involvement of the security sector. Security institutions struggle to grasp the intersection between gender equality, human rights and national security. This has improved slightly in recent times due to the intervention, once again, of civil society actors.

4. INCESSANT GOVERNMENT EFFORTS TOWARDS LEGISLATIVE REGULATION OF CIVIL SOCIETY

There have been multiple attempts towards over-regulation of CSOs by the government through proposed legislation that provide for stringent and extensive regulatory measures, in addition to existing regulatory frameworks.

In 2013 for example, a "*Bill to Regulate the Acceptance and Utilisation of Financial/Material Contributions of Donor Agencies to Voluntary Organisations",* sponsored by Hon. Eddie Ifeanyichukwu Mbadiwe, was circulated to NGOs and relevant stakeholders. This bill was roundly criticised at its public hearings based on its tendency to stifle the constitutionally guaranteed freedom of association which every person, including legal persons, are free to enjoy. This bill failed.

In 2016, a "*Bill to provide for the Establishment of Non-Governmental Organizations (NGO) Regulatory Commissio*n" was sponsored by Hon. Umar Buba Jibril

was submitted and it passed through a second hearing.

In September 2019, the Speaker of the House, Femi Gbajabiamila, stated that the House of Representatives would revisit the controversial bill to regulate nongovernmental organisations due to the activities of NGOs in the north-eastern part of Nigeria.

If passed into law, the bill would make it compulsory for all CSOs operating in Nigeria to register with the government every two years and require them to include details such as the location and duration of proposed activities and information on all sources of funding. The requirement of frequent re-registration would increase the administrative burden on CSOs. It raises the possibility of refusals of re-registration for CSOs critical of the government.

Nigerian CSOs are understandably concerned about these legislative activities. They represent a hostile encroachment at the cooperative intersectional space of civil society and national security by the State, particularly the National Assembly.

RECOMMENDATIONS

Based on the above themes, the following recommendations are proffered to improve relations between state agencies and civil society around cooperation and collaboration regarding national security:

1. Efforts towards promoting national security must not be implemented to the detriment of fundamental human rights and the rule of law. There must be regard for judicial processes and pronouncements, including those against security actors.

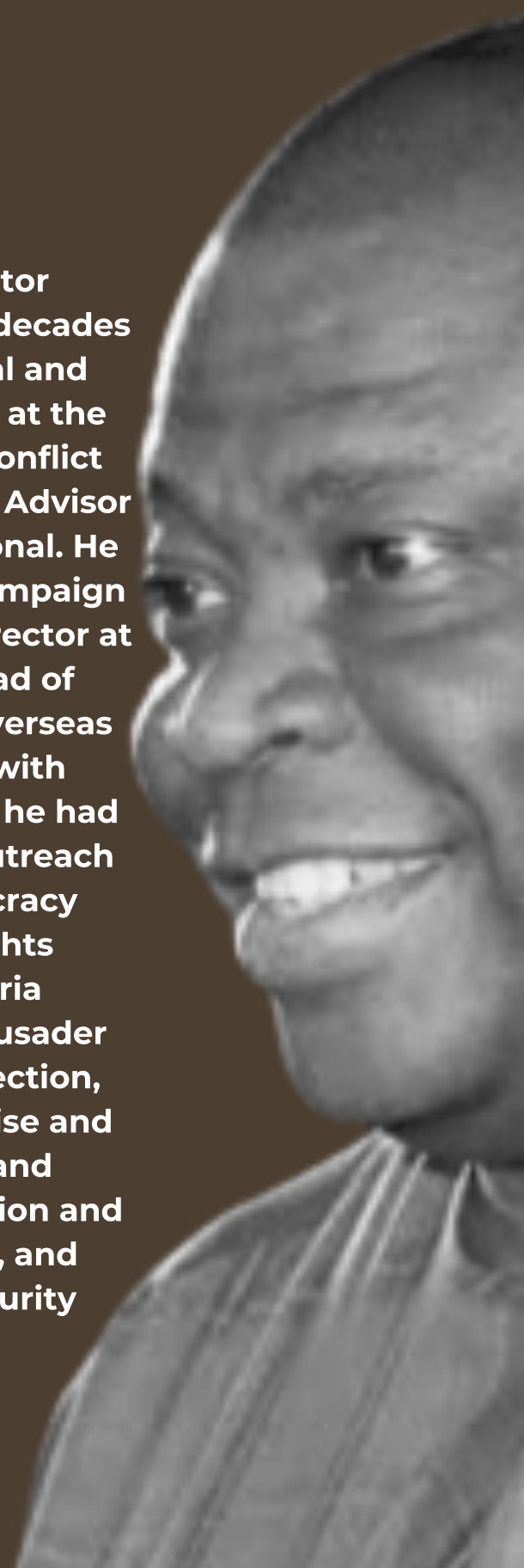
2. Continuous stakeholder engagement and dialogue on national security and human rights issues are necessary for the development of common interests and goals between security agencies and civil society actors. CSOs and security actors alike should periodically convene such engagements.

3. Combative approaches to engagement with security actors are sometimes necessary

to achieve significant changes. However, constructive and collaborative methods must be simultaneously employed. Civil society actors must understand the necessity of both approaches in engaging effectively with government actors.

4. In recent times, CSOs have come under scrutiny for the value of their work, the credibility of their operations and fidelity to the values that they have so stridently espoused. This scrutiny is not misplaced. As a sector dedicated to pushing progressive values, CSOs must hold themselves to the same standards that they demand of others. CSOs must ensure transparency and accountability in their activities by self-regulation.

Jaye Gaskia is a development sector professional with over two and a half decades of experience working with National and International Development agencies at the highest levels. He has worked as a Conflict Advisor and Regional Human Security Advisor West Africa with ActionAid International. He later was Deputy Country Director/Campaign Manager and later Interim Country Director at Oxfam GB in Nigeria, as well as Head of Programs with Voluntary Services Overseas [VSO] in Nigeria. Prior to working with International Development agencies, he had been Program Officer Community Outreach and later Program Manager Democracy Outreach with Environmental Rights Action/Friends of the Earth, Nigeria [ERA/FoEN]. An activist and social crusader for social justice, human rights protection, and social transformation, his expertise and competences are in Governance and democratization, conflict transformation and peace building, peace and security, and general interests in the human security sector.



REFLECTING ON OUR JANUARY UPRISING OF 2012: THE INTERSECTION OF NATIONAL SECURITY AND CIVIC SPACE IN NIGERIA [1]

- Jaye Gaskiya

INTRODUCTION

The January Uprising of 2012 has gone down as a historically definitive period in Nigeria's Fourth Republic which was inaugurated in 1999. It tested the boundaries of the tolerance of the Nigerian State.

I was at the centre of it all as National Convener of the United Action for Democracy (UAD), a coalition of citizen formations across the country.

The UAD and the Joint Action Front (JAF), another citizens' coalition, alongside the two main trade union centres that constitute organised labour — the Nigeria Labour Congress (NLC) and the Trade Union Congress (TUC) — comprised the civil society coalition that organised and led the movement of solidarity that birthed the January Uprising. As Convener of the UAD, I was a member of the national leadership of this labour/civil society coalition and a member of the negotiating team that met and interacted with government and representative state officials in the period.

"The degree to which a robust civic space exist is directly dependent on the quality and quantum of the range of interactions that constitute civic engagement in such a context."

I have chosen to make my reflection on the intersection of national security and the civic space around the theme of the January Uprising of 2012 because its dynamics, and ripple effect, precipitated a seismic shift and reconfiguration of political alliances in Nigeria that inexorably resulted in the political outcome of the 2015 general elections.

[1] This reflection is drawn from the recollections in an initial personal reflection on the January Uprising of 2012 that I had written in March 2013.

NATIONAL SECURITY AND CIVIC SPACE

Firstly, a conflict between the requirements of national security and the necessity of guaranteeing a robust civic space is one inherent to the conception of national security as being exclusively equivalent to "state security" or "regime security". A more robust and human-security-anchored notion of security provides a framework that is more elastic and more broadly accommodates dissent and grievance in a society. In this regard, if governance can be undertaken more in line with the spirit and letter of the provisions of the 1999 Constitution of the Federal Republic of Nigeria (CFRN 1999) as amended, particularly the provisions of Section 14(2) (b) and (c) of Chapter Two, it stands to reason that less friction will be generated at the intersection of national security and the civic space. The aforementioned subsection (2)(b) provides that, "the security and welfare of the people shall be the primary purpose of government" and for the participation of the people in their government.

Secondly, civic engagement encompasses all that range of activities involving the more or less deliberate and the more or less conscious interactions between citizens and the governance process, including intended and unintended actions or inactions of the citizens and the institutions of the state that drive the processes and mechanisms of governance.

The social interactions that constitute civic engagement range across a broad spectrum: from routine, daily, individual and collective actions between and within state and non-state actors in response to governance processes, through more or less active and vibrant contestations, to intensified and sustained confrontation between and amongst contending social formations and forces.

The civic space, for its part, encapsulates the broad context and environment within which the range of civic engagements take place in. It thus follows that civic engagement takes place within a civic space, the nature, character, depth, breadth, scope, scale and quality of which is determined by certain organic, therefore changing and evolving parameters.

The degree to which a robust civic space exist is directly dependent

on the quality and quantum of the range of interactions that constitute civic engagement in such a context.

Another way of saying this is that the status of the civic space at any point in time is predicated on the actual balance of social forces, the acquired and evolving nature of the equilibrium among and within the interacting and contending social formations.

Understood in this way, the degree to which a grievance exists, the degree to which this existing or emergent grievance is organised and mobilised into a dissent, on the one hand, and the extent to which the state acknowledges the existence of the grievance, the extent to which it is tolerant of the dissent (as the mobilised expression of the grievance), on the other hand, plays a significant role in determining the level of contentiousness in the civic space. Thus, the ability of the state, and capacity of the government to tolerate and accommodate dissent, and to acknowledge and be ready to redress grievance, is decisive in the determination of the intersection of national security and the civic space in any society.

The less accommodating of differences and dissent a government is, the less tolerant the state is. The higher the tendency of the ruling class to act with impunity, the more likely the deployment of elements of national power in the service of the regime in the name of national security, towards the ends of suppressing and pacifying dissent and opposition.

It is necessary to point out now it is not only the state and its functionaries that, through recourse to national security considerations, play a role in constraining and restricting the civic space. Illiberal and uncivil civic forces also play a contributory role in this regard. For instance, in the Nigerian context, the deepening, mutually exclusive and antagonistic narratives and counternarratives of actively organising and mobilising ethnic irredentists and jingoists also make it difficult, unsafe and insecure for more tolerant, expansive, inclusive, broad based and pan-Nigerian civic forces and actors to operate.

THE WORLD HISTORIC CONTEXT OF THE *JANUARY UPRISING*:

The defining characteristic of that period in world history comprises the global and comprehensive crises of capitalism on the one hand and the global and intensifying resistance of the victims of that crisis on the other.

More than nine years later, the deepening manifestation of this dialectic of crisis and resistance continues. For instance, as at the time of writing this, the struggle for racial justice in the United States continues to be waged and is intensifying, as is the struggle against the recent seizure of power by the military in Myanmar. The first has led the global ruling classes and their allies to being unable to continue ruling in the "old way" (implementation of austerity and belt tightening measures across the globe; cuts in social spending – removal of subsidies; massive layoff of workers; collapse of transnational corporations and whole country economies and their consequent bailouts; brought forward/early but inconclusive elections, and resultant hung parliaments and resort to coalition governments etc). The situation in Myanmar is emblematic of the oppressed, exploited and ruled classes, becoming unwilling to be ruled in the old way, hence the massive waves of actions in response to the financial and economic crises across the globe: the Arab Spring; the global Occupy Movement; the general strikes across Europe – UK, Greece, Spain, Portugal, France, Germany etc; the growing protest movement in Chile, India etc; the January Uprising in Nigeria; the February Uprising in Senegal, and alongside these, the toppling of governments in Tunisia, Egypt, Libya, Greece, Spain, Portugal, Yemen, with an ongoing civil war in Syria. [2]

The resultant effect of the combination of these two sets of conditions has been the ongoing and unfolding global revolutionary crisis, of which the January Uprising in Nigeria, and the act that triggered it (the January 1st announcement of the hike in fuel prices) was an integral part.

Both the Nigerian ruling class which adopted the mantra of subsidy removal as the cornerstone of its economic policy and the Nigerian citizens, the oppressed and

[2] This entire section is an elaboration based on Lenin's conditions for Revolution.

overexploited working majority, who responded in anger and unleashed the January Uprising, were acting within this global context, within this global social dynamic, within this global overt class struggle, and within this global historic confrontation between the elite, privileged and indulged ruling class on the one hand and the exploited, disdainfully dismissed and oppressed, ruled working classes on the other hand.

However, it is important and significant to point out that whereas a revolutionary crisis did exist globally as well as in our country, it was not automatic or historically fated that the outcome would be a victorious revolution.

There were in fact, three broad possible outcomes. The first possible outcome would be a revolutionary victory, leading to the taking of steps to begin the revolutionary social self-emancipation of the oppressed and exploited classes, and the revolutionary social transformation of the society. The second possible outcome could have been the victory of the counter revolution led either by conservatives [those who intend to maintain the essence and appearance of the status quo intact] or by reformists [those who recognise the urgent necessity to change the appearance of the system in response to the demands and anger of the revolution, but who are intent on retaining the essence of the system] wings of the ruling class, and finally, there could have also be a third possible outcome: the mutual exhaustion of the opposing classes in struggle, that is of both the revolutionary and counter-revolutionary forces, and the elevation into power of a third force, arising from the middle classes, wedded to the ruling upper class, attempting to arbitrate between the contending classes while granting reforms, intensifying repression, and retaining the essential character of the old order. Historically, fascism is an example of such a third outcome, as are the various police state dictatorships under military jackboots.

It is in this sense that every revolutionary situation is conversely, at one and the same time, a counter-revolutionary situation because revolutionary victory is by no means automatic and inevitable.

THE ROAD TO THE JANUARY UPRISING:

What did we do in January 2012, and on the road to January? What did we achieve in January? What did we do after January? What has been achieved since then?

It is important we undertake this reflection in other to face emergent and future challenges to produce an outcome that will be a significant, if not decisive, improvement on previous outcomes.

Preparatory to the January Uprising and right up to its eve, we the planners took organising and mobilising to a new level. We invaded and occupied all social spaces of discourse and converted these spaces into a tribune of the struggle, as platforms to raise awareness, build self-confidence and the sense of a collective. We made effective use of old and newer social media alike, including Twitter and Facebook as well as print and broadcast media. We followed up, researched and countered all the arguments of the government and its leading ideologues on the fuel subsidy issue in particular, and the petroleum sector of the economy in general. We traced the linkages between the particular and the general and we proffered specific and general alternatives. We armed ourselves with knowledge, and used the knowledge in the service of our people to promote the basic needs of the common good and not the gluttonous greed of the thieving few. The educators must themselves be educated, so said Marx. We enlightened ourselves in order to be able to facilitate the enlightenment of the masses and in the course of doing this, we made enlightened mass anger possible.

THE JANUARY UPRISING:

The January Uprising was triggered, in the immediate sense, by the instant impact of the January 1st 2012 announcement of a 118% hike in fuel prices. The effect on living conditions was immediate. It was also generalised, touching both the lower and middle classes adversely. Trotsky once said that human beings react differently to a slap on the cheek but on being hit by a sledgehammer, human beings will react in the same way. The effect of that January 1st announcement was generalised anger and an unconscious determination to fight back.

The then government, and the factions of the ruling class cohering around it, failed to understand the seismic shift in popular consciousness. They were unable to understand because their analysis of the Nigerian situation was refracted through the spectrum of the comforts of a privileged elite. Consequently, they could not imagine the grave implications the hike in petrol price would have on the poor, let alone the middle class. It was not understood how central the availability and affordability of petrol was to the stability of the conditions of existence of the ordinary citizens in particular, and the stability of the economy and polity in general.

Confronted with mass anger, which erupted in organised mass protests almost immediately, and particularly from the 3rd of January, the regime quickly became overwhelmed by the scale, scope and implications of their actions also. The immense potential of the Uprising, which was now afoot, was significantly enhanced by the conscious entrance of organised labour from the 9th of January.

The government immediately began to put pressure on the leadership of the Uprising, strategically deploying psychological warfare. One approach was to continue to hammer on what was termed the deteriorating security situation. Another was to deplore the "hijack" of the protests by hoodlums, who were, in fact, impoverished youth created by the policies of the ruling elite by whose action a sizable portion of the population had been forced to live on the fringes of society. Of course, there was the allegation that the general strike and mass protest was providing a platform for political opponents to undertake a "regime change" agenda. Throughout the Uprising and in the course of the engagements between its leadership and the government, the spectre of bringing in the army to restore order was always brought into the fray. We reminded them that the army was not trained to control crowds but rather to suppress enemies of state.

What we did in the context of the Uprising is clear. What the regime and the state over which it superintended did on the other hand also needs to be clearly stated.

The regime, like all the regimes before and after it since the 1999 return to civil rule deployed the

carrot-and-stick strategic approach. It's strategy of engagement with the movement, its leadership and the uprising it was coordinating was to try to distract the movement and temper the Uprising by opening up multiple fronts of dialogue and negotiations on the one hand, while on the other hand deploying the security forces to maintain law and order and also conducting psychological warfare, by talking tough and spreading disinformation about the Uprising, claiming it was being sponsored by the political opposition, and that anarchist elements were hijacking what it called Labour's legitimate demands and holding Labour to ransom.

In centres across the country, including in Abuja, Lagos, Benin, Ilorin, Kano, Ibadan, and Port Harcourt various attempts were made to intimidate the protesters and forcefully disperse them to varying degrees of success. In the course of the attempts to disperse the protest with the use of force, several protesters were harmed while multiple fatalities were also recorded. In Ilorin, Lagos and other cities, protesters were killed. In Abuja and Lagos however, because of the high profile of the leaderships, some form of accommodation was negotiated on the streets between the Uprising and the security forces.

It is important to point out that whereas the disposition of the state was to use the security forces to contain and eventually disperse the Uprising, a number of security personnel actually sided with the Uprising, sometimes passively and sometimes actively.

By the end of the second week of the Uprising, the regime had more or less reached a conclusion that it had to be dispersed forcefully if necessary, and it intensified its pressure on the leadership of the protest, eventually managing to drive a wedge between the labour and civil society components of the leadership. The labour leadership was cajoled and threatened while their civil society allies were demonised and castigated. Labour was told in no uncertain terms that if the protests were to continue into the new [third] week, then the regime would have no option but to deploy the army unto the streets to help restore law and order.

This familiar script has played out at every subsequent consequential protest, up to and including the

abrupt suspension of a planned nationwide protest by labour in September of 2020, the crack down on the #EndSars protests of October 2020, as well as the pressurisation of labour to call off the mass protests in Kaduna State in 2021.

Nearly nine years after January 2012 and in the context of a new crisis, that is the October 2020 youth-led #EndSARS protest movement, the same arguments and tactics were used and deployed by the state. This time, the state was led by a government formed by the political opposition during the January Uprising which had become the ruling party after the 2015 elections. The less responsive a state is to the aspirations of the overwhelming majority of citizens and residents, the less a government is able to provide for the security and wellbeing of the people, the less tolerant of dissent and opposition it becomes, and the more aggressive it becomes in closing off the space for civic engagement, because in that context of failing governance, civic engagement becomes centred around demands for improved governance.

Relatedly, the more urgent and intense civic engagement becomes, the less secure a governing and unpopular regime [in the context of that moment] becomes, and thus the more likely it will conflate regime security with national security.

LESSONS: IMPROVING THE INTERSECTION OF NATIONAL SECURITY AND CIVIC SPACE

Certain lessons can be drawn from the experience of the January Uprising of 2012 as elucidated upon above. The Uprising itself must be see in the larger Nigerian contexts of the June 12th revalidation struggle, the various anti-military and pro-democracy struggles that led to the inauguration of the Fourth Republic, as well as the various struggles since to deepen democratic consolidation since 1999. The #EndSARS Youth Rebellion of October 2020, in which I was also involved, is merely the latest of a long line of such intersectional, definitive movements of solidarity. A critical look at all these yield lessons on how best to work towards the strengthening and deepening of the civic space, while also improving the intersection of national security and the civic space.

1. **The foundational lesson to be drawn is that of creating enabling mechanisms for equitable, socially just and inclusive governance.** Mechanisms that will enable and enhance citizens participation in the governance process at all levels must be put in place and nurtured. If citizens are involved and actively participate in the policy making and implementation processes, there will be less potential for mutually antagonistic interactions between government and citizens.

2. **Governance must be oriented on provisioning and meeting the basic welfare and security needs of the people.** This requires the retooling of the state to ensure that it invests in the effective delivery of adequate and superior quality public services, including in education, healthcare, social housing, transportation, energy, and food security also. Making sustained and substantial public investment in the development of the basic infrastructure that will enable the delivery of quality public services that is accessible to all is critical.

3. **Adequate and effective citizen-led mechanisms are necessary to ensure the state and its institutions, as well as governments of the day, quickly identify, acknowledge, address, and redress grievance.** This will ensure that the state is able to accommodate, embrace and respond to dissent in a manner that does not further alienate dissident groups.

4. **The artificial dichotomy between civil and political rights on the one hand, and socio-economic and cultural rights on the other hand, needs to be removed.** Human rights are human rights: universal, inalienable, and indivisible. Government and citizens, as well as state and non-state actors alike, should all strive to promote, guarantee, and protect all human rights.

CONCLUSION

To conclude, the boundaries and depth of a civic space, the degree to which it is constrained by national security narratives, is a function of the quality and quantum of social interactions, among the different social formations, and the balance between the contending social forces.

A robust and expansive civic space can exist only in the context of civic tolerance, of the readiness and willingness of the state and its institutions to acknowledge and take steps to address and redress grievances and engage with dissent.

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A PERSONAL LOOK AT ALMAJIRANCI IN NORTHERN NIGERIA

- Maryam Aliko Mohammed.

He stepped out of his old dirty rags and wore the new ones we gave him. He left them at that exact spot by the carrier bag he tore open to get the new ones out, like a butterfly emerging from its chrysalis. He did not glance back. His old garments were as unwanted as the torn carrier bag, left for the elements to do with as they pleased.

This and other experiences were discomfiting, as they were significant. I have had this feeling many times in the past, but it was much later before I could define and then name it.

"You cannot judge a monkey by its ability to swim. You put a monkey in a river and it drowns. Likewise, if you take the fish and tell it to climb a tree, it will die trying. We should not judge almajiranci by how well it compares or looks like western education. It will always come up short. We should judge it based on what it tries to achieve, which in the simplest form, is a decent human being that is fearful of God and therefore will live in peaceful coexistence with other people."

In northern Nigeria, *almajiranci* is a way of life, one that has endured for centuries but, like everything else in our society, it has also been subject to change and is not separate from the effects of bad governance, poverty, colonialism and wars, both ethnic and secular. This way of life reflects the wider society.

In recent times this has been a subject of debate on all societal fronts as regards the *almajirai*: do they present a security risk to the non-*almajirai* citizens of Nigeria? Were they more prone to become radicalised Boko Haram or bandits, kidnappers or armed robbers, any more than the non-*almajiri* youth? What was clear was that, at the very surface of it, over 10 million young boys that are out of school, that have no skills to be integrated into the mainstream society, existing in the fringes, is this army that could be pushed or pulled into crime or an ideology that permits it easily.

The possibility of this was what was discomfiting and the emotion it gave rise to was grave concern,

knowing that things could go horribly wrong if left on this present course.

Almajiri work has been part of what my mum has devoted her life to, helping vulnerable children from harmful traditional or economic practices to ensuring that they have a right to a childhood and an education free from fear or violence. She has always involved us, her children, and opened our home to many *almajirai*, with varying degrees of success. We helped her but not in a systematic or deliberate way. We just accepted it for what it was and tried to make life easier for those in the system. I did not give a lot of thought to what the children were doing out on the streets. My scrutiny of the *almajiranci* system came when my own children arrived and started becoming the ages of the little boys I saw on the streets.

The turning point for me was one night during the harmattan season. It was cold in Kaduna; we have known temperatures to drop to single digits. We had been visiting with my parents and had stayed out till almost 10 p.m. On the drive home, we made a detour to Dawaki Shops, one of the more popular neighbourhood grocers if you could call the shops that. Usually, the *almajirai* hung out there in the hope that the affluent shoppers (*masu kudi*) would be more likely to have spare change to hand out after their purchases.

There was only a little boy in front of the shops. He was the same build and size, even had the look of my 5-year-old. He was in threadbare clothes, shivering, but still went to any car that stopped to beg. He would then go back to the store and huddle close to the stacked sacks away from the harsh winds. He was not wearing a sweater, my then 5-year-old pointed out. I was relentless with them about sweaters: they knew they could get pneumonia and that I would send them off to hospital alone if that happened. That terrified them and so they complied. In my house, sweaters were not an option when the weather was cold.

The discussions began with his brothers in the seat behind: *how he was freezing,* how they were sure *the boy's mallam did not see him before he came out*, and *that the mallam was probably looking for him as it was so late.*

Finally, they deduced he did not have any mallam and they asked me why. I did not want to go into lengthy explanations that would lead

to the endless questions I was not ready to engage with. I was tired and had a lot to do before the night was over.

So, I said to him, "Since you have many sweaters, you could give him yours."

He thought only for a second and removed it. We called the boy over and he came quickly. He probably assumed we had some change to give him. But my son was too self-conscious to hand it over. He whispered desperately for me to hand the sweater to the *almajiri* boy, but I refused. I needed him to do it. The same way my mother had taught us to give ourselves to those that needed it. There is a humility both to giving and receiving and it seemed like the perfect moment to teach it.

I knew he was anxious because he knew these boys were different from him and his brother. Clearly quite afraid of the boy, he handed the sweater over.

The boy held on to the sweater, looking at it without understanding, waiting for instructions.

I told him to wear it because it was cold. He looked at me blankly and I kept on telling him to wear it. I'm not sure how many times I repeated this before it got through to him.

He put his begging bowl between his legs to secure it and used both hands to wear the sweater. He did not smile, or even say thank you. He just scurried away.

My son could not believe he did not say "thank you", a thing, along with "sorry", that was very important to a 5-year-old.

As we pulled away from the shops, a look in my rear-view mirror showed me that the boy had come back with three other little boys, all in threadbare clothes, holding bowls.

My last glimpse was of him pointing at the car and talking. My children had turned around to look through the rear windshield until we lost sight of them. They were quiet for a minute then the other two muttered that they should have given theirs to the other *almajirai* as well. I promised we would do so the next day.

Tomorrow came too early. The kids had a million and one questions, and they were on holiday. *Why would their parents give them up? Did they not love them? Were they dead? Did the children have wicked stepmothers? Why would children be on the streets so late? Did Mallam*

know they were out of the house? Who was taking care of them? How did they eat?

On and on it went.

Some of these questions I had not processed myself and was not confident that my responses would not raise more questions. At that point, the experience of the previous day was heavy for me for the very first time. I had never really examined the whole *almajiranci* system: it had always been around just like the type of clothes we wore or the food we ate, and we never really examine the *hows* and *whys* of it until something makes you really *see*.

In this case, from that night, it was seeing my then 5-year-old with a bowl in hand, having to beg for his food, travelling great distances on foot with no shoes, with no adult supervision, exposed to the elements and people, exposed to danger and evil. . . that was what brought it home to me.

How do you answer the children? What I could not attempt to answer was: *How does a parent give away their child to a mallam to teach?*

We kept going back and forth, and in the feeling of not doing enough on our own part, we did a clothes drive, especially as that was what brought this up. We asked family and friends to give anything they felt they could give to children that had nothing. This appeal to people led us to our own introspection and auditing our wardrobes became an audit of our lives.

We came up with an *Enough-Point* to live by in our family. So, for everything new you had, you had to give out something old. Also, if you get an extra pair of shoes, you must give out an older one. If you have a fresh shirt, you must give out an older one, essentially a process of rejuvenation. With that and what we got from friends and family, we spent the next few days cleaning, sorting, packaging, and labelling clothes, ready to be given to the *almajirai* in the community near where we lived.

We gathered there were about four *tsangaya* schools in which there were children ranging from 5 to 17 years of age. After we distributed the packages, what we thought was an enormous pile of clothes barely went round a quarter of the *almajirai* we saw. This deflated the initial excitement to something akin to shame in us all, that our help was not enough, and we still had so much.

So, we carried ourselves to my mother for advice on the best way to help.

My mother had been working with *almajirai* since we were children. She has always had a systems-approach to things like this: start small, make a success of it, get others to join to scale things up. She asked us to go back into the community and ask questions and come up with a plan. She asked us not to start anything until we consulted with the stakeholders and understood what they wanted. This would inform our intervention.

We all have personal *almajiri* stories: a relative that has had their children given away by their fathers especially, to be taken to a mallam far away to seek knowledge for the afterlife. Sometimes, the mothers give up their children without a fuss. Others are tricked in an elaborate charade to enable their children to be taken. There have been stories of mothers becoming mentally ill from the brutal separation.

What was also interesting is that these people were not sending off their children because they could not feed them. They were poor but not in poverty. They actually believe in this form of education in the same way we believe that a Western education will allow you a chance at this life. With the *almajiri*, it was a life eternal, much, much longer than the living here and now. With the promise of an endless life of everything that you have ever wished for. It seemed a no-brainer, really.

My grandfather's house in Maiduguri was on Abba Ganaram Street in Galadima Ward and the huge gutters built by the World Bank flanking the white sands of the street is etched in my memory. Also etched in my memory were the numerous *almajirai,* always seated on bare earth in front of each house, tablet in hand, reciting their verses over and over. These ones had spilled out from the *zaure* that kept their *mallam* and *allaramas* out of the elements. The older boys wrote *lahaula* and *laqadja'akum,* healing and protecting verses, from the Quran for their *yayi jimmaa, their sponsor mother* every Friday as repayment for their love and care. They would gift her their *allo*, wooden tablets adorned beautifully with verses written in edibles made from gum arabic and honey, which she would carefully wash, collecting the water to drink

over the course of the next few days. This love-and-care was three square meals along with soap and clothing for the Eid festivals.

Maiduguri broils the skin when it is hot but is extremely so when it is cold. Yet, these children were not unkempt, and it was hard to tell them apart from the other children who lived with their parents in the community. They were just part and parcel of the households. In Borno, it was a type of fosterage by the families in the community.

In exchange for doing household chores in the community, they got food, care and most times board in the *zaures* when temperatures plummet at night. Otherwise, they slept under the stars as most people did in the desert heat. The relationship between migrant scholar and community was strengthened as the young men grew up and some wished to get married and settle in the community of their sponsors who would stand in as parents.

The *almajiranci* practice in northern Nigeria's urban areas has become synonymous with begging. The picture presented is of children, always dirty and neglected in tattered clothes, often shoeless, who pop up beside car doors at traffic intersections or within the ambit of shops. Otherwise, the image of a child asleep in the most unimaginable places. Because they use the verses of the Quran to pray for a benefactor in exchange for money, they have become the poster children of an Islam everyone wants to dissociate from, even us Muslims.

In Kaduna however was urban *almajiranci* at its worse, a totally different feel and rhythm to the system. They carried bowls and you hardly saw the person who was in charge of them. They roamed the city so that it was not clear how exactly the learning was being done. In Kaduna you would meet these children in shops, in places of commerce such as markets, because the urban communities they lived in could not foster them. So, they roamed the streets and begged for food. They walked for miles in the sun and were unkempt, the exact opposite of the *almajirai* in Maiduguri.

The Kaduna mallam himself had migrated to the city in search of better opportunities, for clients that would pay more for his type of healing, protection and salvation. The rise of

the new politician that used religion as opium for voting masses usually kept mallam and his colleagues out of extreme poverty and in some cases made them quite prosperous.

Kaduna is the cosmopolitan capital of northern Nigeria, comprising a mix of different people and cultures many of whom had no such thing as an *almajiri* culture, nor were they understanding or accepting of this way of life. Kaduna is not a homogenous society where a system that needed an entire community could thrive. More like sweatshop workers, some of the *almajirai* in the capital city had daily monetary targets to support the mallam's household.

In my grandfather's neighbourhood in Maiduguri, the mallam always taught the children a skill to support themselves, such as cap making, embroidery on ceremonial clothes, shoe making and cleaning, as well as grooming and even brick laying. Some were contracted out as labour to farms and got paid to work. It was a productive and symbiotic system that saw both *almajiri* and mallam benefit from each other.

Almajiranci is a system that has educated young men in the north for centuries. Yet, Muslim children in other parts of the country did not beg and were not sent away from home, many would argue, but they still engaged in the rigours of scholarship with more senior spiritual guides and for the same reason as those in northern Nigeria—the belief that this would grant access to our best lives for eternity.

In the pre-colonial north of Nigeria, the *tsangaya* school system was an Islamic-based educational system that existed for several centuries and produced leaders, scholars, business people, government functionaries, etc. For a long time, it has been the source of moral and educational training to Muslim societies in Nigeria. This system of education has its origins in the Kanem Borno empire. Perhaps that may be why the systems and structures have been able to endure there and not degenerate like it has in other parts of the country? Under the system, the mallam*s* support these schools as recipients of *sadakah* but primarily of *zakat*, the poor due on Muslims which was in the past administered and regulated by the traditional institutions led by the emirs. Begging by a*lmajirai* started and rose in direct

correlation between poverty in Nigeria and economic exclusion of many of its citizens.

When Boko Haram started in Maiduguri, it was not surprising. It was almost as if the time was right and a series of events, all unrelated but strangely connected, gave birth to it.

There had been many radical *mallams* in the past. The most prominent of all was Mai Tatsine. The government of the day dealt with the crisis but not the underlying cause of it. The steady decline of the quality and value of life in Nigeria continued.

Almajiranci started from the hadith and the literal commandment of the Prophet (SAW) to look for knowledge even if one had to go as far as China. It was an acceptable cultural and religious practice. It is a thing of pride that a child is sent off to a renowned scholar in order to learn all about Islam, but most especially to read and write the Quran. There exists, in fact, the belief that every letter or vowel of the Quran, when memorised, increases the station of the person in the eyes of the Almighty. And since life on earth is transient, the reward of going away to study and learn is incomparable and unquantifiable.

The context for me, as a mother of sons and a Muslim woman that holds dear the Islamic traditions, considering the needs of my children and looking at these parallel to those children, I ask: *What do they need? What do they lack? What would society support them in or with? What would other mothers do? How do other people see them? How best do we translate their needs into achievable solutions if they are to succeed in life?*

My experience of working with *almajirai* has been one that challenged the very ways we parent. When we began our work with the *almajirai*, we naively did not offer school to them. We assumed all they needed was economic empowerment, where they would earn money and afford their lives. We, in fact, assumed they had no other purpose or dream but to avoid poverty. Even though we believed all any child needs is an education, we did not offer it. They pleasantly surprised us, and refused trade and instead wanted to read, write, and speak English. All we needed to do was enrol them in school and all would turn out well.

The first shock was that even though the *almajirai* and their mallams

were open to western education, the communities they lived in refused to allow them learn in the community schools and mosques, owing to the different sects they belonged to, even though their schooling would not interfere with the community use of these facilities. We had deliberately picked times that the facilities were vacant. When we tried to rent spaces within the community, no one would rent to us for that purpose until one mallam offered his uncompleted building. We agreed to finish it and use it as a school. We had four classes, with students ranging from the ages of 7 to 18, and one which included the mallams in their 30's and 40's.

Our assumption had been that most *almajirai* always ended up engaging in simple economic activity that required little skill with very low entry barriers when they grew up, such as shoe repairs, nail cutting, and selling seasonal foods. These activities had low profit margins. We defined them to be poor, a term *they* never used for themselves. So, we went into our engagement with the issue thinking we had the solutions to a problem we had perceived and knew for sure that *our* solutions were the answer. There was not a single doubt in our minds that the future of the *almajiri* lay in skill acquisition. The belief that all would be okay once people have something economically viable to do is a very popular one, routinely reaffirmed by the government. We realised quickly that we had to do things differently.

We had a cousin who had worked on projects with orphans and vulnerable children for some developmental agencies and he guided us on how to go about it using a best practices approach.

First step: we went to the community head to introduce ourselves and tell him about the project we wished to undertake. We then asked to have focus group meetings with the stakeholders, especially the mallams. They were relatively young, some in their late twenties and each with almost a hundred boys in their care. We had expected old men with long white beards.

The mallam*s* were unequivocal about not being interested in sending out their children as apprentices in places of trade because of what they considered to be spiritual and religious pollution. They did not trust that the person teaching them the

trade would not contaminate their spiritual beliefs, or worse still make them abandon or scorn their way of life leading to the children becoming lost to them, or more accurately lost to the kind of Islam that emphasises eternal life.

Our insistence on Muslim tradesmen or artisans did not go well, a criterion we had thought would please the mallams. Their preference was that their wards be interned with non-Muslims if it got to that which, on the surface, seemed counterintuitive. A Muslim with a different *aqida* would damage them more than a non-believer. They were not afraid the children would ever be non-Muslim: they were more fearful of them being indoctrinated by Muslims of other sects. Eventually, they agreed on western education after our many discussions and their consultations with their own mallams.

We knew we had to start education from the beginning, with reading and writing before we got to comprehension of the language. With comprehension comes an expanded vocabulary and proficiency in a new language. We were excited.

This project came just after the devastating ethno-religious crisis at Zonkwa during the 2011 elections and people were suspicious of each other, alongside stories almost too gory to be real making the rounds. One such story was how Jehovah's Witness tracts brought into a community of people that could not read or write saw them believe that the depictions of people burning in hell was in fact Christians sending messages to other Christians to burn Muslims wherever they saw them. This tragic misinformation stayed with us all and gave us added impetus to push for the literacy classes.

As we learned more about the mallams, we saw them for the humans they are and we began to recognise that the endeavour was equally important to them. They had a quiet conviction of it and regardless of who went against them, they would only do as their consciences dictated. It was quite in the same way we also exercise the right to our convictions and beliefs as our conscience dictates.

As we got to know them better, they explained that they opposed getting children out into the society to learn a trade because they were not sure what type of morals the children would learn there, such as cheating and theft for example. Thus, their

concern was about the children in their care. They preferred for the children to just sit in a school and then beg for food. Where they could provide food, they did. It was a heaven-or-hell matter for them to do right by these children as they understood it. They were well aware that God was going to hold them to account for the charges He placed in their hands.

Our society has demonized the *almajiranci* system as if there is nothing good about it, not even the camaraderie and the bond between the older *almajirai* who protect the younger ones. Most times, the *almajirai* totally love and respect their mallam for the values inculcated in them such as honesty, diligence, hard work, sacrifice, and integrity. An *almajiri* will beg but will never steal. In their setup, they have time for their lessons, they take part in extracurricular activities, and they learn a trade, all while living a regimented life.

This realisation got me drawing parallels with the boarding schools my siblings and I had attended, including the ones my children ended up at, and I found the parallels astounding.

At 11, my aunt took me to boarding school to begin my secondary education, and for the next 6 years, it was my home. They regimented it with set times to study, to eat, to wash and clean, as well as for extracurricular activities, including trades like needlecraft, foods and nutrition, and catering, to enable us to earn a living. The entire school revolved around our principal as the central figure, very much like a mallam. We feared Princy, as we loved and respected her in equal measure. She inculcated in us values similar to that of the mallams and till she died in 2020, she was a very important influence in our lives in a way that sometimes our parents were not. She was with us through our formative years and taught us lasting life lessons.

A few of the new students were younger than I was, and some came to the boarding house in tears. The older children in senior classes comforted us. We slept in dormitories under the supervision of a matron, were under protection of the older ones among whom were prefects. The system was one that organised us. We had school sisters, which was the mentorship system that placed new students with

older students for guidance. Within weeks, only a small fraction of the new intakes were still crying. At graduation 6 years after, we all cried because we would be separated. We formed a sisterhood that even now, more than 30 years later, remains unbreakable. The love for that learning institution and its leader was almost cult-like. Why would we think it different for the *almajirai* schools?

Our world is changing, disruptions are the order of the day, from wars to pandemics and, much more significantly, the ways we share information via the internet has created a world not recognisable from even two decades ago. Nigeria is not isolated from this milieu of change but our response to these changes has not been to think out homegrown solutions but rather to copy societies that came to solutions to the challenges thrown by the changes in ways that were unique to them, their people and their cultures. In Nigeria, we want a first-class education yet instead of us to create ours, we identified the British educational system and adopted it in its entirety, without the due diligence to see if the objectives a British education seeks to achieve is one that a Nigerian education seeks as well. I believe this is the crux of the problem.

We have abandoned educational systems like the *almajiranci* and apprentice systems for "classroom-only" school, or to be precise a curriculum that is a recent innovation in the period of the industrial revolution, a system of instruction where children are taught abstract concepts delivered in small chunks of time that does not allow engagement or reflection, a one-size-fits-all system to enable them man the machines or work on production lines of the mega factories of that time. The failure of this system of education is obvious in this information age, but we are still holding on tenaciously.

The need for skills that will allow nations to excel, such as critical thinking and problem solving, creativity and collaboration, are hardly found in the kinds of schools educating our children, especially because examinations as opposed to mastery decides if you are educated or not. In consequence of these limitations, there have been consistent moves by western educators to scrap examinations altogether and this is gaining momentum. As a nation, we would most likely just copy them in

this with tragic results. We swing in extremes: we keep the baby in the dirty bathwater, or we throw it away with the bathwater. The *almajiranci* system is one such baby that just may be thrown out with the bathwater, when what is needed really is to change the water.

The *almajiranci* system is built on values of God-consciousness, honesty, good manners and morals, citizenship, consideration of others, hard work, avoidance of strife, honouring parents and elders. It is a system that builds character with discipline and is steadfast in its pursuit of a higher calling. The innovators of the system believed that how they lived their lives was the examination and that the reward for this was not on earth.

Earlier paragraphs have made parallels between this method of education and that of western schools operating boarding houses. The only difference I see is that in urban areas, the *almajirai* beg and are a nuisance to the aesthetics of the town.

Yet, begging is a function of the environment, indicative of a steady decline of most of the populace into poverty. It is not only *almajirai* that beg, our policemen, soldiers, civil servants, our relatives, young ladies—almost everyone really, given the right conditions of importance, lack, pressure, and urgency, beg. We just have different names for it. Instead of these others begging in the name of God for a meal, a basic need, others ask for a bit more, "something for the boys", or the girls. They ask if you will "find something" for them, or even to "do weekend" for them. And, if you don't deal, there might be consequences.

Almajiranci has been around in its form in most of the Muslim world and still is the preferred way of study in Mauritania, Senegal, Pakistan, and Mali, to mention a few. These countries do not have street beggars or the radicalised *almajirai* as feared in many quarters here. So, if it was the system that was the problem, what we are facing in parts of northern Nigeria would be seen in these places I have mentioned. The reality is that these complaints are specific to urban Nigeria. These features of decline are Nigerian, and we see variations and indicators of it in every system. The problem is that of a country that does not support its young people, its tomorrow, therefore the problem becomes one that will not end

because every day, more citizens are being born. At heart, we have a leadership problem.

I started this essay trying to put my thoughts together and give my opinion about whether *almajirai* were the fodder for Boko Haram and thus a security threat. The more I thought of it and examined my work and interactions with *almajirai* and their mallams, from a distance and at close range, the more I believe that they are as much a security threat as any other Nigerian citizen. There is a failure of all the systems, especially education, health, governance, and with this decline, the erosion of our values. Scarcity of the most essential, basic needs of citizens push them to do whatever it takes to prevent them from being excluded.

This decay in our society and its values has led to a decline of every institution we hold dear, starting from the basic unit of association—the family. A good society has distinct values along lines of accountability, collective responsibility, dignity, education, fairness, honesty, humanity, individual rights, justice, quality of life, respect, right to health and welfare, safeguarding the vulnerable, and quality of service. Yet each is abused, neglected, or subverted, with dire consequences. *Almajiranci* is just one system among many others that mirrors the decay of the wider society.

You cannot judge a monkey by its ability to swim. You put a monkey in a river and it drowns. Likewise, if you take the fish and tell it to climb a tree, it will die trying. We should not judge *almajiranci* by how well it compares or looks like western education. It will always come up short. We should judge it based on what it tries to achieve, which in the simplest form, is a decent human being that is fearful of God and therefore will live in peaceful coexistence with other people.

Clearly, there is a need to review how effective this system is. Each system should be held to the highest standards of what it aims should achieve. There can be no doubt or argument about this.

You will not live at all if you do not eat. You cannot do all that the Almighty has enjoined if you are not alive, and if heaven is dependent on good deeds to all men here on earth, then the purpose of your life is defeated as there are no deeds to weigh down your scale and get you into heaven on the day of judgement.

You cannot do good when you cannot earn a living.

A greater tragedy is that a Muslim becomes a nuisance and burdens society when his divine injunction is to build an *ummah*, a community that embodies the grace and the favour of the Almighty. There is humility in striving, a dignity that comes with a higher purpose, but there is none in begging. If a person does not have basic safety and security, they will always be susceptible to dancing to whatever tune a piper who agrees to provide these plays.

In letting the *almajiranci* system get to this crisis point, we, the Muslim *ummah*, have failed in our primary responsibility of being our brother's keeper. We have thus allowed our brothers' needs that we could have addressed in the many ways available to us as Muslims to overwhelm us and our brothers of other faiths, a nuisance and burden that now threatens their security and safety, a sin by every definition

The *almajiri* system, like the health system, the education system, the police, the army, our political and governance systems, among others, must reform. It starts with us looking at what we want to achieve as a nation. If the objective is to include everyone and give opportunities to everyone, we must look at what is unique about us and try to improve these within the context in which we are being.

I am a Muslim. I believe that there is an afterlife. I believe that what I do in this life is what will determine my next life. So, I will strive to make sure that I am the best Muslim that I can be, and while I do that, I intend to live a life of meaning and inclusion in community and nation building. Do I need a western education to do that? Yes. And is that the only type of education that will allow this participation? No, it is not. We have both temporal and spiritual needs, and there is enough room for many types of education. To combine the best of these several systems of instruction and inclusion would be ideal.

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