

**The Role of the Legislature in
Defense and National Security Issues**

Seminar Report

**April 19-22, 1999
Dakar, Senegal**

NATIONAL DEMOCRATIC INSTITUTE

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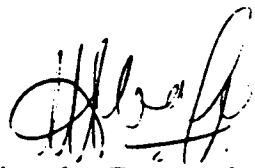
NDI extends its appreciation to the National Assembly of Senegal for its assistance in co-hosting the seminar. NDI would also like to thank the National Assemblies and Ministries of Defense of Benin, Côte d'Ivoire, Guinea, Mali and Senegal for their responsiveness to NDI's invitation and enthusiasm in designating participants for the seminar. Special thanks go to the international panelists whose intellectual rigor and willingness to give freely of their time and expertise during the seminar contributed greatly to a successful program.

Finally, NDI would like to recognize the 34 participating legislators and military officers whose appreciation of the issues and willingness to explore difficult and often sensitive topics resulted in thoughtful and substantive discussions. Their commitment to continued democratization in their respective countries is reflected in the seminar recommendations as well as in the initiatives that some of them plan to pursue.

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SEMINAR REPORT
THE ROLE OF THE LEGISLATURE IN DEFENSE AND NATIONAL SECURITY
ISSUES

Dakar, Senegal
April 19-22, 1999

L INTRODUCTION

From April 20-22 1999, NDI conducted a regional civil-military relations seminar in Dakar, Senegal on the Role of the Legislature in National Defense and Security Issues. The seminar was co-hosted by the National Assembly of Senegal. The program was designed to expand the knowledge base of legislators to enable them to play an increasingly active role in overseeing defense issues. Specifically, the seminar sought to: 1) enhance the lines of communication between legislators and senior military officers in the respective countries; 2) promote information sharing by military and elected civilian leaders about international structures, initiatives and practices related to civil-military relations and; 3) produce a series of recommendations to strengthen civil-military relations that participants could take back to their respective countries for continued debate, discussion and implementation.

Twenty-two members of parliament and twelve senior military officers from Benin, Côte d'Ivoire, Guinea, Mali and Senegal attended the three day seminar (*See Appendix A*). An international delegation of legislative and military experts also participated as presenters and conference moderators. These internationals included: Patrick Cooney, former minister of defense and member of parliament from Ireland; George (Buddy) Darden, former member of the United States House of Representatives; Fernando Garcia, former admiral in the Argentine navy and current advisor to the defense committee in the Senate of Argentina; Dr. Eboe Hutchful, professor of political science and associate of the South Africa-based Institute for Security Studies (ISS) and Major General William Nash (ret), director of NDI's civil-military programs (*See Appendix B for biographies*).

Seminar discussions focused on the principles of democratic, civil-military relations, the role of the legislator in strengthening those relations, policy formulation on the strategic direction of the armed forces, and mechanisms for accountability and transparency. The seminar format – plenaries interspersed with small group discussions – sparked interactive exchanges among participants and allowed for ample sharing of experiences, practices and contacts across national boundaries.

The Dakar conference was the culmination of a three-step consultation process between NDI and seminar participants that began earlier in the year. Participants were given the opportunity to provide input on the agenda and sufficient time to reflect upon some of the recommendations that would be made at the end of the seminar. Legislators and military officials responded to NDI questionnaires on the state of civil-military relations in their respective countries. Participants also commented on specific initiatives undertaken by legislators, the level of communication between the two institutions as well as public perceptions and challenges that still need to be addressed. (*See Appendix C*). NDI incorporated responses from these questionnaires into the agenda and briefing materials for its international moderators.

After three days of discussions, participants formulated a series of recommendations on how to strengthen civil-military relations in their respective countries and in the sub-region. These recommendations were generated from seminar debates and individual country success stories, agreed upon in working groups and then discussed in plenary session. The recommendations included the following:

- promulgation of a code of conduct for the armed forces and for political leaders
- creation of public liaison/press offices within the armed forces
- legal reforms to foster transparency and accountability
- increased civic education for the military and civilians
- multi-sectoral approach to national discourse on civil-military relations
- continued professionalization of the armed forces
- good governance as an enabling environment for healthy civil-military relations
- enhancement of regional politico-military structures; and
- continuation of similar civil-military programs

These recommendations were indicative of the willingness of the Dakar conference participants to engage in open and informative discussions on a subject that has traditionally been one of the most problematic and least discussed aspects of the democratization process in Africa.



II. BACKGROUND

A. Participating Countries

The Dakar seminar was a follow-up to NDI's regional civil-military assessment mission to West and Central Africa in March and April 1997. The 1997 mission found the key challenges to healthy civil-military relations in the sub-region to include a lack of expertise on defense and security issues within the legislative branch of government and a dearth of reliable mechanisms for effective communication between the military and democratically elected civilian leaders. Based on these findings, NDI invited high-level representatives from Benin, Côte d'Ivoire, Guinea, Mali and Senegal to share experiences and information as a first step to building the capacity to better manage civil-military relations. In particular, NDI selected these five countries for the following reasons:

- Although the level of success in democratization and proper management of civil-military relations vary from country to country, each one of the five countries has embarked on some democratic political reforms and has held multiparty elections.
- Each of the participating countries has attempted to deal with defense and security issues in a progressive manner, both domestically and internationally. Recently, militaries in these countries have refocused their efforts toward external peacekeeping missions. They have also sought to develop a professional officer corps that is willing to operate according to the norms of a democratic society.
- All five countries share similar political and military structures, a common language and traditions derived from a common colonial history. Each country's constitution provides for civilian oversight of the military and an elected president who serves as commander-in-chief.

B. Regional Legislatures and Civil-Military Relations

Legislatures in the region face many challenges as they seek to exercise their oversight functions. These include: a dearth of technical expertise in military issues; lack of communication with their military counterparts; inefficient use of the committee system; and inexperience with drafting legislation on defense issues. Prior to the advent of political pluralism and competitive politics in the region, defense policy and legislation drafting were traditionally the domain of a strong executive branch that also monopolized interactions with the military. Legislatures, where they existed, simply "rubber-stamped" initiatives forwarded to them by the executive. Some of these problems persist today. For example, a statement by a Guinean military officer that "occasional interventions to maintain public order are required due to civilian incomprehension" illustrates the difficulties with communication or interpretation of roles in civil-military relations. Legislatures in the region generally lack support staff and cannot afford outside consultants for technical advice. Former members of the military, a possible source of in-house expertise in many countries, are rarely represented in these legislatures for a variety of political and legal reasons.

Since the democratization process began in the early 1990s, there have been a number of encouraging signs that national assemblies are seeking to assume a larger role in defense and security issues. Legislators in the region now regularly express interest in becoming more involved in defense and security issues. The military hierarchy has, in a number of cases, demonstrated a willingness to allow the legislature to play a larger role in this area. For example, in response to NDI's pre-seminar questionnaire, representatives of the Ivorian Ministry of Defense expressed the view that the National Assembly "should contribute actively to the elaboration of defense policy" and serve as a liaison between the armed forces and the public.

Formal constitutional mechanisms for legislative control and oversight of the military exist in all five countries. Parliaments in all five countries are responsible for formulating law on the organization of the national defense, military and public security; they also have the right to authorize the declaration of war. Defense and security commissions within the legislature exist in four of the five countries that participated. In Côte d'Ivoire, the Commission for General Institutional Affairs handles defense and security issues.

To varying degrees, legislatures of the five participating countries have taken initiatives on defense matters. On the one hand, in Benin and Mali, despite recent transitions from military rule, the legislatures have played a more active role vis-a-vis the military and the executive. In Mali, the parliament played a key role with international agencies in debating and drawing up a new military code of conduct and establishing legal institutions to implement provisions in the code. Communications occur frequently between the National Assembly and the military. The two institutions also have worked together to address key challenges facing the country such as the demobilization of former Tuareg rebels following the end of the rebellion in the northern part of the country. Similarly in Benin, legislators report that they have carefully scrutinized the military budget each year and have met with Ministry of Defense officials in conjunction with the budget review. However, besides the budget and legislation on the status of military personnel, Beninese legislators have not been engaged in other defense or security issues.

On the other hand, while Senegal and Côte d'Ivoire have a longer tradition of more stable civil-military relations than the neighboring countries, defense and security policy have remained very much in the domain of the executive. For example, Ivorian and Senegalese legislators report that in practice they do not examine the defense budget despite their legal provisions to do so.

In Guinea, even though the ruling party, the PUP, holds 71 of the 114 Assembly seats, Guinean deputies have attempted to exercise legislative oversight over the executive branch. However, the Assembly's efforts to play a more active role in overseeing defense policy have been frustrated by the heavy-handedness of the executive branch, which on one occasion disbanded an ad hoc parliamentary committee formed to investigate grievances within the country's military. Deputies report that the Ministry of Defense and the president of the country have not responded to repeated inquiries and protests of the National Assembly defense commission regarding the use of the military for maintenance of public order (e.g. during the December 1998 presidential elections).



III. SEMINAR OBJECTIVES

NDI identified the following objectives for the Dakar seminar:

- open lines of communication between the militaries and their respective legislators;
- enhance the ability of civilian officials to play an increased role in overseeing the armed forces and in shaping defense policy; and
- promote information sharing among military and civilian leaders across national boundaries in the region.



IV. SEMINAR ACTIVITIES

NDI's seminar provided legislators in the region with an opportunity to address the challenges they face in exercising constitutional oversight responsibilities and playing a larger role in defense and national security policy. The agenda included a briefing day for the international panel and a special session to discuss and agree on recommendations for promoting healthy civil-military relations in these participating countries. NDI selected seminar topics based on its assessment mission, follow-up consultations with legislators and military officers in the region and advice from other civil-military experts in the US and in Africa (*See Appendix D for Agenda*)

NDI adopted a mix of plenary and smaller working group sessions to provide an opportunity for broad-based, inclusive discussions with question and answer sessions. In the working groups, participants focused more intensely on ideas discussed earlier in plenary sessions. Country participants moderated three of the five plenary sessions.

A. Seminar Plenary Sessions

- Plenary I: *Legislators and Civil-Military Relations in Democratic Societies*
Presenters: *Hon. Buddy Darden/Dr. Eboe Hutchful/Gen. William Nash*
Moderator: *Dr. Christopher Fomunyoh*

In the opening plenary session, panelists addressed some of the issues and questions that confront legislators as they exercise their oversight function. Nash defined the broad parameters of the legislative-military relationship as one of effective involvement and management at three levels: tactical, operational and strategic. One of the key elements to a healthy relationship at the tactical level is positive interaction between civilian and soldier in daily life. On the operational level, information sharing and civilian approval of specific missions is essential. On the strategic level, healthy civil-military relations are only possible within the framework of good governance and a civilian leadership dedicated to building and maintaining a professional military. Mutual respect should be the linchpin in the relationship between soldier and civilian at all levels and the concept of civil-military cooperation should be integrated into training for both military and civilian political leaders. The NGO-military cooperation in the implementation of the Dayton Accords in Bosnia and the Rwanda refugee crisis in 1994 offer examples of effective operational relationships.

Darden discussed Nash's guidelines in light of the US experience by expounding on how the role of the US Congress in defense oversight has evolved. Situating the issue within the framework of congressional-executive relations, Darden explained the main Congressional prerogatives including the power to declare war, power of the purse, Senate approval of all senior military appointments and the right to information from the Department of Defense.

Hutchful focused on the specific challenges that emerging democracies in Africa face in this arena. He remarked that the difficulties that stem from institutional weaknesses are much larger than

civil-military relations. A lack of legislative control, for example, is often symptomatic of the problems that legislatures face in asserting their autonomy vis-a-vis the executive. "As African constitutions are often silent on the role of parliaments in defense issues beyond the raising of armed forces and an occasional reference to the budget, it is up to the legislature -- but also in the interest of the military -- to expand its margins of influence." He emphasized that a holistic approach is required, both in addressing problems related to the security apparatus including the police force as well as the armed forces, and in promoting democratic, civilian control through building coalitions among civil society, political parties and the military.

In the question and answer session, participants and experts discussed the conundrum that democrats in transitioning countries often face: military coups are often premised on or motivated by civil misuse of power (e.g. corruption, nepotism) or of the armed forces, yet military intervention exacerbates rather than ameliorates the problem. How can emerging democracies ensure that the armed forces are apolitical and that political leaders respect the professionalism of the armed forces in using the military solely for its mandated mission? Would expanding civic education on the appropriate roles of the legislature and the military to create an informed public that can serve as a safeguard of the democratic process? How can more channels of interaction between the legislature and the military be created in order to diffuse the executive branch's monopoly on that relationship?

● *Country Presentations*

Following the first plenary session, participants were divided into working groups by country and asked to prepare presentations on the role of the legislature in civil-military relations and the challenges faced in their respective countries. The groups then reconvened in plenary session to share their presentations with the rest of the participants. Colonel Abdoulaye Tall of Senegal (ret) moderated this session. To provide context for the delegations' remarks, NDI has included a brief political background section before each of the reports.

• **Benin**

Political Overview

Considered by many observers to be a harbinger of political developments in the region, Benin was one of the first countries to make the transition from an authoritarian military led regime to a democratic political system. After nearly two decades of military rule by General Mathieu Kérékou, Benin undertook profound democratic reforms in 1990. Multiparty elections were held in 1991 and won by Nicephore Soglo who was peacefully sworn into office. In 1996, Kérékou defeated Soglo in what many observers viewed as a free and fair election and earned a new five-year mandate to govern the country. In March 1999, Benin held its third national legislative elections since 1990, with opposition parties allied with Soglo winning a plurality of seats in the Assembly. Since the democratic reforms of the early 1990s, the Beninese military has stayed out of politics, thereby strengthening the democratic culture of the country.

Delegation Report

According to the Beninese delegation at the Dakar conference, the legislature could use a number of mechanisms to exercise control over the military including voting on the military budget, the power to declare war and the power to declare a state of siege (upon the recommendation of the Council of Ministers). Communications between the executive branch and the legislature are good and the legislature has called government and defense officials to testify before various committees during its yearly reviews of the military budget. The delegation admitted that despite this degree of civil and legislative oversight, problems of perception and communication still persist between civilians and the military. Civil society and political leaders remain suspicious of the armed forces because of its track record of political intervention during the pre-transition period. At the same time the military has seen its percentage of the national budget decline since 1990 and feels that its contribution to society has been marginalized. The delegation noted that the military has been active in Benin's economic and social development and played an important role in ensuring a smooth transition to democracy by remaining apolitical, yet ensuring security within the country during the presidential elections of 1991 and 1996.

• Côte d'Ivoire

Political Overview

Although multipartism was formally legalized in Côte d'Ivoire in 1990, opposition parties boycotted the 1995 presidential elections due to disagreements with the government over the electoral framework. The main opposition parties later participated in the 1995 legislative elections after the government addressed some of their concerns. The elections of 1995 reaffirmed Bédié's *Parti Démocratique de Côte d'Ivoire* (PDCI) majority status in the government, as it won 149 out of 175 seats. The Ivorian military has largely remained outside of politics and has sought to maintain its professionalism.

Delegation Report

The Ivorians recognized that while in practice the legislature exercises little control over their country's armed forces, the National Assembly does have the power to vote on bills and to declare war. The armed forces have stayed neutral and apolitical as required by the constitution, and defense policy is decided at the level of the presidency of the Republic. The delegation felt that the relationship between civilians and the military could be improved upon. For example, they complained that many Ivorians still regard the military with fear and question the resources required to maintain an army when the threat of external invasion or war is slim. On the other hand, the military resents civilian lack of understanding of its role and unwillingness to fully appreciate positive evolution (e.g. ethnic diversity, educated recruits) in the military structure and function. The delegation expressed the view that the relationship could be improved upon through the institution of "open door" days at military bases and through the creation of a defense and security commission within the Ivorian legislature.

- **Guinea**

Political Overview

The move away from military rule toward democratic governance in Guinea began in the early 1990s with multiparty elections held in 1993 and 1998. Despite President Conté's efforts to guarantee the primacy of his own political party, the *Parti pour l'Unité et le Progrès* (PUP), the parliamentary opposition has occasionally persuaded PUP members of the National Assembly to vote in their favor. The armed forces have traditionally been a significant element in the politics of Guinea, dating back to the Sékou Touré days and Conté's 1984 military coup. Following its former socialist traditions, the military is organized as an army of "citizen soldiers" and housed with the civilian population. Although there have been efforts to depoliticize the Guinean military, such as the appointment of a civilian as the Minister of Defense, many analysts still believe the Guinean security apparatus suffers from a lack of credibility in light of accusations of corruption and human rights abuses levied against it.

Delegation Report

The Guinean team acknowledged that the country's armed forces have undergone a significant transformation -- paralleling the political changes in the country -- from the days of a one-party state in Guinea. The defense and security commission within the National Assembly meets with military officials once a year before the budget review and has undertaken other initiatives. The delegation also stated that despite these improvements many problems persist regarding the civil-military relationship. Using the military for police duties in the maintenance of public order remains a problem in Guinea even if it is often justified as necessary because of insufficient police forces. In 1996 the National Assembly adopted a resolution to minimize the armed services involvement in public order; unfortunately, that resolution has not been respected. The Guinean delegation offered a number of recommendations that could improve the current state of civil-military relations including: the need for political leaders to respect the legitimate role of the armed forces, the need for adequate funding of the military, and the importance of maintaining a permanent dialogue among all political parties and NGOs (esp. woman's organizations which, in Guinea, have the most contact with the rural populations) on the proper role of the military in a democratizing society.

- **Mali**

Political Overview

The 23 year rule of autocrat Moussa Traoré was brought to an end through a democratic movement that culminated in competitive elections and the ascension of Alpha Oumar Konaré to power in 1992. President Konaré and his party, *Alliance pour la Démocratie au Mali* (ADEMA), won 85 percent of the vote in 1997 in an election boycotted by the main opposition parties. Opposition parties also boycotted the subsequent legislative elections claiming major flaws in elections preparations and thereby allowing ADEMA and allied parties to win almost all 147 seats in the

National Assembly. Since the 1992 transition, the Malian armed forces have worked hard to depoliticize the institution and become more professional. Working closely with Malian civil society organizations and the United Nations Development Program (UNDP), the Malian military has developed a code of conduct for its soldiers and has adhered firmly to the principles of civilian control of the military. The Malian National Assembly actively participated in discussions regarding the military's transformation.

Delegation Report

The Malian delegation to the Dakar seminar noted that despite economic constraints, Mali has made significant headway in establishing effective legislative oversight and improving public perception of the armed forces. Articles 70, 71, 72 and 75 of the Malian constitution provide the National Assembly with the right to legislate on defense matters and to declare war or a state of emergency. According to the delegation, the Assembly has examined the defense budget each year and has reviewed and approved legislation concerning the organization of the national defense, the military code of justice, creation of military security units and the reorganization of the armed forces. Mali's recently produced code of conduct for the armed forces has greatly helped to improve the military's relationship with civil society. The delegation recommended enhancing communications between the legislature and a strict application of the code of conduct.

- **Senegal**

Political Overview

Senegal has long been considered one of Africa's functioning democracies although the ruling *Parti Socialiste* (PS) has been in power since Senegal's independence from France in 1960. In 1993, President Diouf was reelected after serving thirteen years in office. While opposition leaders cried foul over charges of corruption, international observers found the elections credible. Recent reforms initiated by the PS, including a removal of term limits for the presidency and a decision to reserve leadership positions within the National Assembly solely for the ruling party, have strained relations between the PS and opposition groups. The legislative branch has abstained from exercising control over the military, preferring to defer to the executive branch on all defense and security – related issues. Senegal's military – traditionally independent from internal politics and firmly under civilian control – is widely recognized for its competence and professionalism.

Delegation Report

The Senegalese participants made it clear that although the legislature's oversight responsibilities are assured by the constitution, in practice, civilian control of the armed forces is exercised almost exclusively through the executive branch. The participants agreed that the country's stable civil-military relationship is due in large part to its apolitical and professional armed forces. They attributed the professionalism of the Senegalese military to a number of factors including a balanced recruiting process that emphasizes ethnic diversity, improvement of the education levels of

soldiers and officers, promotion based on merit and civilian oversight by the office of the President of the Republic. The delegation recommended improvement of the financial conditions of the members of the armed services, the creation of a code of conduct that reaffirms the armed forces' apolitical nature, a better understanding of the military's role in a democracy by civilians and elected officials and a larger role for the National Assembly in shaping defense policy.

- **Plenary II: *Establishing a Framework for Democratic Civil-Military Relations: The Role of the Legislator***
Presenters: *Hon. Patrick Cooney/ Hon. Buddy Darden/Hon. Fernando Garcia*
Moderator: *Timothy McCoy*

In this session, panelists focused on lessons learned from the evolution of civilian control of the military in Argentina, Ireland and the US and the relevance of these lessons to the African experience. Garcia explained how creating a politico-military team or cadre of experts could lead to effective democratic control and a professional armed force. For this to happen on the political front, the legislature must elaborate and supervise the military's adherence to the law, establish a framework for the military's strategic policies and develop a foreign policy to guide the military. Garcia then explained further the political and military factors that led to Argentina's democratic transition and how these factors necessitated a profound ideological shift within both military and civilian populations. Each sector was then obliged to reeducate itself on the role of the other in order to permit better communication that favored civilian control. Argentina now has a number of think tanks, NGOs and universities that study civil-military relations and defense and security policies. He added that Argentina's recently drafted white paper on the national defense policy is the first of its kind and is the product of a long process of reflection and consensus building on the part of government, political groups in parliament, civil society and the army.

Cooney sought to correct the false perception that Ireland is an old democracy and noted the series of post - World War I events that led to the current system of effective civil control over the Irish army. He explained that communication and mutual understanding between soldier and civilian is facilitated in Ireland by the dispersion of the armed forces throughout the country with soldiers living side by side with civilians. At a higher level, the Ministry of Defense is composed of a civilian and military contingent who work in tight collaboration. Legislative control is exercised primarily through the debate on the budget. Public opinion, often expressed through the media, has a significant impact on this process. Darden, too, emphasized the significant contribution of the free press which he described as the sine qua non of a transparent and accountable system. He noted that US legislators intently guard their powers, particularly that of the purse. For example, the national budget is voted upon by the Congress, the President -- as head of the executive branch -- is forced to accept the entire budget or veto all of it.

Participants inquired about statutory provisions that allowed political parties including those in opposition to the party that controlled the executive branch, to play a role in shaping defense policy. They also wanted to know whether control of the defense budget was the sole (or a sufficient) policy instrument for the US legislature. In addition, questions were raised on how troop reductions and

transitions from military to civilian governments could take place without prompting unrest within the ranks or leading to amnesty for former military leaders. Darden and Nash responded that in the United States Congress, ability to determine how and where money is spent as well as the overall amount does result in effective control. Cooney noted that in Ireland alternance of the political parties in power and in opposition, rather than a legal statute, has led to an acceptance of the rights of the opposition; however, opposition legislative initiatives are rarely accepted. Garcia, too, stressed that there is no magic formula or bottom line amount for a defense budget; the key is for each country to make sure that expenditures match the organization and mission of the armed forces as defined by the political leadership.

As a follow-up to the country presentations, several participants also inquired about the mechanics of defense committee deliberations and the process for questioning government officials during hearings by legislative bodies in each of the countries. A Beninese participant responded that in Benin, as in most of the countries represented, the questioning could either be presented orally or in writing. A written request is sent to the minister concerned or his chief of staff, who then has 30 days to respond. Alternatively, questions can be debated orally with the involvement of elected members of the entire committee.

- **Plenary III: *Policy Formulation: Direction of the Armed Forces***
Presenters: *Adm. Fernando Garcia/Dr. Eboe Hutchful/Gen. William Nash*
Moderator: *General Anatole Sangaré (Mali)*

The three panelists identified and elaborated on common policy principles. Nash listed the following five points that should be considered in elaborating a national defense policy:

- a clear definition of the mission of the armed forces (their primary military mission(s) and secondary development mission, if any);
- leadership and organization (including the selection and approval of officer appointments and the structure of the Ministry of Defense);
- the status of the armed forces training (including the method of recruitment, salary and benefits, training and retirement);
- professionalism (the focus of the armed forces on military duties and not on politics or business); and
- the size and equipment of the armed forces.

Garcia felt that the establishment of healthy civil-military relations in transitioning societies is a three-tiered process that should begin with reform within the military, the strengthening of civilian control and a redefinition of the armed forces relationship with and image within civilian society. He added that the process could take time and pointed out that Argentina is still undergoing a process of restructuring its armed forces and elaborating a national defense strategy. According to Garcia, although many issues remain unresolved in Argentina, a national consensus has already evolved on the proper role of the military. The civilian population has been actively involved through a mechanism that permits even ordinary citizens to propose legislation.

Using South Africa as an example, Hutchful illustrated how the country's parliament has taken advantage of the opening created by the political transition to become the driving force of policymaking regarding the new direction of the armed forces. According to Hutchful, a white paper and follow-on legislation give the South African parliament "explicit, detailed and real powers to oversee and control the South African military." These texts and instruments require the ministry of defense to provide regular information and briefings to parliamentary committees, respect the role and direction of parliament and the right of parliament to exercise independent and critical judgement of the country's defense policies. Hutchful also highlighted what he felt may be most relevant for other African countries in the "inclusive, consultative and transparent process" that led to the enhancement of parliament's role in defense restructuring in South Africa. Through a national conference, regional forums, and public parliamentary hearings all sectors of South African society -- from trade unions and intellectuals, to the armed forces and all levels of government -- were consulted on the new role of the armed forces, thereby contributing to the building of a national consensus.

Participants asked very pointed questions, such as whether the US had restructured its armed forces after the Cold War and what impact the loss of the Falklands War had on the shift in civil-military relations in Argentina. They also asked how the expansion of military alliances such as NATO was compatible with a country at peace. In response, Nash noted that in the United States discussions continue on the appropriate role and size of the armed forces after the Cold War. He also stated that while some analysts may see alliance building and expansion as antithetical to peace efforts, alliances can also serve as a way to maintain peace. Hutchful underscored that the restructuring of the South African army in the post-apartheid era was not an easy task and that some obstacles and challenges still remain as the country continues its democratization efforts.

- **Plenary Session IV: *The Legislative Role in Management of the Armed Forces: Transparency and Accountability***
Presenters: *Hon. Patrick Cooney/Hon. Buddy Darden/Gen. William Nash*
Moderator: *Hon. Nathaniel Bah (Benin)*

The fourth plenary examined frequently used mechanisms that facilitate transparency in legislative oversight and the difficulties that emerging democracies could face in implementing these practices. Darden stated that even in established democracies the relationship between the executive and legislature on defense issues is one of constant negotiation. In the case of the United States, a key element in this balance of power is the War Powers Act designed by Congress in 1973 to limit the power of the executive. The Act requires that the US president notify Congress within 48 hours after the deployment of troops and seek explicit congressional approval to commit troops over 90 days. Darden pointed out that while every US president has declared the act unconstitutional, none has actively sought to repeal it, and so the Supreme Court has remained out of the debate. This act gives Congress the leverage with which to reach a compromise position with the President every time a major decision needs to be taken on an issue as important as the deployment of troops. It also ensures greater transparency and accountability by involving the elected representatives of the people in the commitment of military forces. Cooney emphasized that mechanisms that foster transparency are essential to legislative oversight as they insure that the legislature and the public have access to needed

information. The enactment of the country's budget, while never a smooth process, provides a regular forum for exchange of information between the two branches of government as well as with the public as other in-country experts are called to provide assistance as needed. Cooney and Darden also argued that in transition environments in which the executive lacks the political will, legislatures should use public opinion as a pressure point to ensure democratic and civilian control of the armed forces.

In response to a comment by one of the participants, Nash stressed that poverty or the lack of resources does not legitimize bad management as "the more scarce the resources, the more rigorous control should be exercised." The budget process or system in the US is based on principles simple to understand albeit difficult to implement including: strategic planning (20+ years), mid-term programming (3-7 years), short term budgeting (1-2 years) and transparency in the execution of the budget. In general terms, military budgets can be divided into the following three categories: 1) personal costs; 2) operations and maintenance and; 3) procurement and modernization. The scarcity of resources imposes constraints on what operations can be undertaken and the legislature has the responsibility of ensuring that funds allocated are spent accordingly.

During the question and answer session, participants and experts explored some of the difficulties African legislatures face in using the budget as a tool for oversight. Several deputies stated that the lack of specific details in budget bills presented to parliament hampers effective decision-making. A Senegalese deputy noted that the executive's role in elaborating the budget has been incorporated into the standing orders of the National Assembly such that strengthening the role that deputies play in this process would require amendments to these standing orders. Another participant wondered how parliaments in West Africa could effectively assert themselves when in practice, in most countries, the parliamentary majority is of the same party that heads the executive branch and often demurs to the Head of State who is also president of the party. Cooney reemphasized the role that public opinion, through civil society and the press, could play in supporting the demands of the legislature for access to information on defense and security issues.

Commenting on resource allocation within the military, one participant commented that the impoverishment of the soldier is a huge problem, despite the fact that African militaries often spend up to 80% of their budget on personnel costs. As a result, maintenance costs are rarely budgeted for and military missions undertaken often surpass the resources allocated for them.



V. RECOMMENDATIONS

Participants worked in small groups of legislators, military officials and different country representatives to synthesize discussions and to formulate recommendations with assistance from the NDI panelists. The whole group then reconvened in plenary session to discuss the respective recommendations. Overall, participants in the Dakar seminar recognized that building sustainable democratic institutions and practices requires time and a consistent, multi-dimensional approach. They also noted that the shift from one party or military rule to a pluralist political system may have certain universal benchmarks but to be effective, it requires taking into consideration the specific characteristics and needs of each country. The following recommendations reflect a consensus on steps that the participants agreed would be relevant throughout the region.

- **Code of Conduct for the Armed Forces and for Political Leaders**

Mali's code of conduct was cited as an example of a comprehensive, well-explained and user-friendly document, an effective educational tool (illustrations make it useful for all literacy levels) and a guide for members of the armed forces. Participants emphasized that the process of developing a code of conduct can also be constructive as it provides a forum for national discussion and consensus building on the proper role of the armed forces in democratizing societies. Having also raised the issue of misuse and manipulation of the armed forces for domestic political gain by some civilian leaders, participants agreed on the need to adopt a code of conduct or pact for politicians that guarantees their respect for the military as a professional, apolitical institution and lays out the constitutional parameters for the use of the military.

- **Creation of Public Liaison/Press Office within the Armed Forces**

Participating legislators and military officers agreed that one of the main obstacles to improved civil-military relations in emerging democracies in the region is negative public perception of the armed forces by civilians. In many cases, the armed forces have been unable to publicly tout their own successes, reforms and assistance in development projects, in order to remedy some of the misconceptions within civilian society. While all the countries, except Guinea, regularly publish a defense information bulletin, such publications are often not widely available to the public and not relevant to those who are not French literate. Mali's strides in this area were offered as a positive example worth emulating by other West African countries. The Malian ministry of armed forces has established a press bureau that arranges weekly public open door sessions with the inspector-general whose responsibilities include investigating complaints lodged by civilians against members of the armed forces. Mali has instituted "open door days" at various barracks where civilians and military officers and rank and file can interact. Participants recommended that this office also be charged with ensuring regular communication and exchange of information between the military and the National Assembly.

- **Legal Reforms to Foster Transparency and Accountability**

Participants recommended that countries undertake reforms that would lead to the enhancement of the role (legal and in practice) of the legislature in reviewing the defense budget, streamlining and codifying the process by which ministry of defense personnel testify before the legislature and establishing a committee with special jurisdiction over defense issues in the legislatures of democratizing countries in the region. Participants agreed that the process by which government officials are called to testify before legislative committees should be clearly defined to ensure that hearings are used as a means of accountability and oversight mechanism on the part of the legislature and not misused as a tool of partisan political posturing. Hearings should be substantive and thorough and witnesses should be allowed to state their personal points of view based on their professional assessments as opposed to merely reciting the government line or views of the armed forces as an institution. Legislators should open some of the hearings to the public to foster transparency, civic education and information sharing on the crucial subject of civil-military relations.

- **Civic Education for the Military and Civilians**

Throughout the seminar, civic education was recognized as the condition sine qua non for maintaining healthy civil-military relations in transitional and established democracies. Enhancing citizens' understanding of the role of the armed forces in a democracy is essential to establishing mutual respect between soldier and citizen and the societal consensus needed for improving the conditions for soldiers. An educated and civic minded population would channel its views through an informed public opinion that can bolster the legislature's efforts to seek transparency and ensure consensus around the formulation and implementation of the country's defense policy. While participants recognized that the officer corps has had exposure to the principles of democratic civil-military relations, they recommended that enlisted soldiers be afforded extensive training on democracy and human rights.

- **Multi-Sectoral Approach to National Discourse on Civil-Military Relations**

Involving civil society -- as a reservoir of knowledge, a mouthpiece for public opinion and partner in forging a national consensus on defense issues -- was recognized as an essential avenue to pursue. Participants recognized that NGOs are becoming more active in and knowledgeable on defense and security issues and therefore could be viable resources for legislators. They also noted that NGOs, particularly those that deal with women and youth, are often most in touch with citizens at the grassroots level and therefore should be engaged or consulted on the question of civil-military recommendations.

Another recommendation was that legislators should consider tapping into the expertise of retired military officers to build or enhance the capacity within the legislative branch to review and analyze defense related issues including the budget. The participants agreed that such cross-fertilization, is crucial to the civil-military relationship in developed countries and could be one source of technical assistance and advice for staff-poor legislatures in emerging democracies. Participants

also recommended that both ruling and opposition political parties seek to educate their members on democratic civil-military relations, developing platforms and serve as sources of expertise on defense and security issues.

- **Continued Professionalization of the Armed Forces**

Participants recommended that governments professionalize and modernize their armed forces, provide sufficient training for soldiers and regularly pay salaries. Legislators and military officers agreed that achieving a professional military is not possible unless remuneration for soldiers is satisfactory and can be guaranteed. Participants noted that many of the military uprisings that occurred in transitioning countries in parts of Africa were over the nonpayment of salaries, including wages incurred during peacekeeping missions. Participants recommended that legislators take on the responsibility of verifying that military budgets include adequate provisions for the maintenance of personnel and do what is in their power to ensure that these funds are disbursed as allocated. It was noted that despite limited resources, societal consensus to improve the living conditions of soldiers can be achieved by ameliorating the armed force's image in society. If the population is cognizant of reforms within the military, they are more likely to support an increase in salaries, as was the case in Mali where the population supported a three-fold salary increase for soldiers between 1992 and 1994.

- **Civil Military Relations as One Dimension of Good Governance**

Participants recommended that all actors involved in the political process in Africa recognize that it is impossible to strengthen civil-military relations without addressing the larger issues of democracy and good governance in each country and underscored the need for democrats in the region to be sensitized to these closely related concepts. For example, they acknowledged that without a pluralistic press, respect for the rule of law and the political space for multiple viewpoints to be expressed, reform in the area of civil-military relations will continue to be limited.

- **Enhancement of Regional Structures**

While thankful to NDI for bringing together representatives of the five countries, participants in the Dakar seminar urged NDI and other international organizations to explore ways of providing technical assistance and support to the newly created committee on defense and security issues within ECOWAS. The participants also advocated the strengthening of existing regional and sub-regional structures such as the Accord on Non-Aggression and Defense Assistance (ANAD) and the formation of a regional committee to oversee peacekeeping missions. While reaffirming commonalities in politico-military structures and problems relating to the French colonial heritage, participants stated their interests in overcoming the often-cited anglo-francophone division in the sub-region by embarking on joint region-wide activities.

- **Continuation of Similar Civil-Military Programs**

Participants requested that NDI continue its work in the area of civil-military relations and

provide training for more legislators on defense and national security issues. Participants expressed that the Dakar seminar, along with other local and international initiatives, offered a forum for dialogue and an opportunity for information sharing across national boundaries in a region where a fragile balance exists between democratically elected civilian leaders and the military.

- **Support from the International Community**

As a means to continue supporting democratization efforts underway in the region, the international community should consider assisting leaders in their efforts to follow-up on the recommendations generated in this seminar. While a number of these recommendations fall outside of the scope of NDI's mandate, there is significant potential for complementary programming between military and civilian groups (including NGOs, government and universities) in this domain.



VI. CONCLUSIONS

The scope and breadth of these recommendations, as well as the consensus with which they were offered, demonstrate the commitment on the part of these political leaders for continued democratization and better relations among civilian elected officials, civil society and the military. Given the nature of questions asked and the discussions held, it is fair to conclude that NDI's seminar offered these leaders an opportunity to engage in a dialogue that could lay the framework for reform in their respective countries. The discussions and specific recommendations proffered also indicate that the seminar successfully served as a forum for information exchange on the role of the legislature and some of the tools needed for elected leaders to implement these recommendations.

Civilian and military leaders from the five participating countries have taken steps to improve civil-military relations in recent years in their respective countries, many of which were highlighted at the seminar. As political developments in the region demonstrate both the perils of weak civil-military relations and the benefits to democratic, civilian control of the armed forces, these countries may find more opportunities to move forward in continuing discourse on this issue. The Dakar seminar demonstrates that many democrats in the region view as a priority the establishment and strengthening of healthy civil-military relations.