

Legislative oversight of the defence and security sector in sub-Saharan Africa: Authority, ability and attitude

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https://doi.org/10.29053/978-1-0672373-8-7_11*

Abstract: While parliaments are institutions of democratic and civilian oversight of sub-Saharan African defence and security sectors, their contribution to checks and balances is argued to be limited in many countries' heavily presidential systems. Legislators on African parliamentary committees on defence often have the constitutional mandate, but not the political power, to scrutinise security budgets, oversee defence procurements, and influence defence and security strategy based on constituent inputs. As demonstrated by Fombad, legislatures in many African countries are at the nexus of the exercise of horizontal and vertical accountability mechanisms ensuring the separation of powers. This chapter contributes to ongoing debates about how much oversight power African legislatures exercise, using the ability, authority, attitude (3As) model of Ebo and N'diaye to illustrate that parliamentary 'authority' over the defence and security sector exists through a mix of explicit and implicit prerogatives. However, it is the interactions between legislators' 'ability' (technical capacity) and 'attitude' (political incentives) to conduct oversight that are useful for identifying immediate areas for innovation in policy and practice that could enhance democratic and civilian oversight of African defence and security sectors. Building on Fombad's approach to researching African institutions, this chapter presents a comparative analysis of African constitutions and legislative standing orders to demonstrate the degree of variation in 'authority' for defence

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• The views expressed are the authors' and are not an official policy or position of the National Defense University, Department of Defense, or US Government.

and security oversight, while also using examples from a wide range of sub-Saharan African political systems to illustrate how the influences of ‘ability’ and ‘attitude’ are shaped by two common structural factors. First, incoming legislators often lack the defence and security expertise to conduct oversight; and, second, a culture of secrecy in African security sectors continues to hinder officials from providing the information to legislators necessary for them to apply their expertise. To bridge the gap between *de jure* and *de facto* oversight roles, there is a need to enhance executive-legislative engagement as a means of creating a shared culture of professionalism in security sector governance, as well as to improve information sharing between security sector leaders and overseers in ways that strengthen their working relationships.

Key words: defence and security sector; separation of powers; legislative oversight; constitutional implementation; sub-Saharan Africa

1 Introduction

The power of sub-Saharan African legislatures to hold members of the executive branch accountable to citizens remains an issue that sparks rich empirical debate. Generally, there has been a tendency in the social science literature to depict many African parliaments as institutions that ‘rubber stamp’ legislation, policies and budgets that are controlled by extremely powerful presidents, the continent’s small number of parliamentary regimes notwithstanding.¹ Yet, recent scholarship builds a mounting case that African parliaments are undergoing a significant ‘awakening’.² This body of work argues that parliamentarians, clerks and staff who develop bureaucratic and technical skills, even if they do so under relatively authoritarian conditions, can improve their ability to further accountable governance in future democratic dispensations.³ As Fombad astutely indicates, ‘the ability of parliament to hold government accountable is one of the most important means of preventing arbitrary government’, and yet there is still a question as to ‘whether the accountability mechanisms in the constitutions that African states

1 N Bratton & N van de Walle *Democratic experiments in Africa* (1997); N van de Walle ‘Presidentialism and clientelism in Africa’s emerging democracies’ (2003) 41 *Journal of Modern African Studies* 299; P Chabal & J Daloz *Africa works: Disorder as a political instrument* (1999).

2 N Bathily *Léveil des Parlements africains* (2020); M Collord ‘The legislature: Institutional strengthening in dominant-party states’ in N Cheeseman (ed) *Institutions and democracy in Africa* (2018) 281; K Opalo ‘The rise of the African legislature?’ (2019) *Oxford research encyclopedia of politics*, <https://doi.org/10.1093/acrefore/9780190228637.013.715> (accessed 30 January 2025).

3 J Barkan ‘African legislatures and the “third wave” of democratisation’ in J Barkan (ed) *Legislative power in emerging African democracies* (2009) 1; J Barkan & N Matangi ‘Kenya’s tortuous path to successful legislative development’ in J Barkan (ed) *Legislative power in emerging African democracies* (2009) 33; K Opalo *Legislative development in Africa* (2019).

revised or adopted in the 1990s and thereafter are sufficiently effective for checking the continent's unruly executives', including (and perhaps, particularly) in the defence and security domain, which historically has been a private and sensitive domain for the single-party, military and personalist authoritarian regimes that governed African countries after independence.⁴

The 1989 National Conference in Benin began a wave of constitutional revisions across the continent that ushered in a return to multiparty politics from these different forms of authoritarian rule. Between 1990 and 1995, 'the number of African countries holding competitive legislative elections more than quadrupled to 38 [of] 47 countries in the sub-Saharan region' and 'the average share of legislative seats held by opposition parties rose from a paltry 10 per cent in 1989 to ... 31 per cent by 1994'.⁵ The legal and political changes that occurred at this 'critical juncture' – when the fall of the Berlin Wall and the decline of the Cold War powers' external financial support to various authoritarian regimes in Africa – have formatively shaped the constitutional and political opportunities for African legislatures to bolster a robust separation of powers. However, these aspects of recent history are also not destiny. The quality of legislative oversight of the defence and security sector is a function of other factors, as well, including the degree of ruling party dominance and party discipline in a country, the degree of institutional autonomy that parliaments developed under past colonial and post-colonial regimes, and the will and capacity of small groups of legislators to develop 'coalitions for change' to navigate the politics of advocating a more robust separation of powers.⁶

Despite this rich social science literature on executive-legislative relations in Africa, as well as the legal literature on judicial independence and 'the crisis of the rule of law in Africa',⁷ which focuses on deriving insights about legislative oversight in general, scholars have paid less consistent attention to analysing how the 'separation of powers in African constitutionalism'⁸ plays out in the specialised domain of parliamentary oversight of the defence and security sector. Instead,

4 C Fombad 'Taming executive authoritarianism in Africa: Some reflections on current trends in horizontal and vertical accountability' (2020) 12 *Hague Journal on the Rule of Law* 71, 65.

5 Bratton & Van de Walle (n 1) 7.

6 Barkan (n 3); Barkan & Matangi (n 3); Africa Center for Strategic Studies (ACSS) 'Parliamentary oversight of the security sector: Uganda's experience' 28 November 2018, <https://africacenter.org/spotlight/parliamentary-oversight-of-the-security-sector-ugandas-experience/> (accessed 30 January 2025); Fombad (n 4); Opalo (n 2).

7 C Fombad 'Comparative research in contemporary African legal studies' (2018) 67 *Journal of Legal Education* 985.

8 C Fombad *The separation of powers in African constitutionalism* (2016).

it has been practitioners of African security sector governance who have devoted the most specific attention to theorising and empirically analysing defence and security oversight.⁹ The authority, ability, attitude (3As) model, developed in 2008 by African security sector governance practitioners Adedeji Ebo and Boubacar N'diaye, holds that meaningful parliamentary oversight of the defence and security sector depends on three factors: the constitutional and legal 'authority' that legislatures have vested in them for oversight; the technical training and 'ability' that legislators have to undertake defence and security oversight tasks; and the political, economic and social incentives or 'attitude' that legislators have to take their oversight role seriously. Providing new evidence that attests to the ongoing validity of this model, this chapter argues that to fully understand African legislatures' current defence and security oversight outcomes, one must examine all three As and how they interact. Authorities in a country's constitution and parliamentary standing orders set parameters for the formal oversight mandate that parliamentarians are expected to fulfil, but even these authorities over the defence and security sector are grounded in a combination of explicit and implicit prerogatives whose practical implementation is ultimately determined by political actors. Thus, the interactions between legislators' 'ability' and 'attitude' to conduct oversight also influence the ways in which African legislatures have succeeded and failed to provide checks and balances to the executive branch via the defence and security sector.

Building on Fombad's attention to both the *de jure* and *de facto* variables affecting the behaviour of African institutions, this chapter presents a combination of legal and political science analysis to support these claims. The chapter updates the body of evidence for analysing the 3As by drawing on an original, updated analysis of constitutions and parliamentary standing orders in 28 sub-Saharan African countries from both common law (Anglophone) and civil law (Francophone and Lusophone) systems with strong presidencies and civilian-led, multiparty politics. The chapter also contributes primary and secondary-sourced, qualitative vignettes about new developments in the

9 A Ebo & B N'diaye 'Parliamentary oversight of the security sector in West Africa: Addressing democratic governance deficits' in A Ebo & B N'diaye (eds) *Parliamentary oversight of the security sector in West Africa: Opportunities and challenges* (2008) 3; A Bryden & F Chappuis *Learning from West African experiences in security sector governance* (2015); ACSS 'Executive summary: Southern Africa Parliamentarians Forum' (2023); ACSS 'Executive summary: Nigeria Defence and Security Governance Forum' (2024), <https://africacenter.org/wp-content/uploads/2024/06/2024-05-Nigeria-Defence-Security-Governance-Forum-Executive-Summary.pdf> (accessed 30 January 2025); B N'diaye 'La problématique du contrôle parlementaire en Afrique francophone' in Organisation Internationale de la Francophonie (OIF) (ed) *La réforme des systèmes de sécurité et de justice en Afrique francophone* (2020) 36; A Tounkati 'Les principes du contrôle budgétaire des dépenses de défense et de sécurité dans le monde francophone' in OIF (above) 203.

practice of parliamentary oversight in many of these countries. These examples come from a mix of scholarly literature (law, comparative politics) and practitioner literature (security sector governance), to include generalised conclusions that participants drew from a series of executive-level seminars that the Africa Center for Strategic Studies (ACSS) based at the National Defense University in Washington, DC has convened with senior defence and security policy makers and oversight officials from 28 countries in the Economic Community of West African States (ECOWAS), the East African Community (EAC) and Southern Africa Development Community (SADC) regions.¹⁰

Part 2 justifies the importance of specifically examining trends in African legislatures' oversight of the defence and security sector for the study of security sector governance, the rule of law, and healthy civil-military relations. Part 3 provides a baseline assessment of the variation in the powers vested in national parliaments to oversee defence and security across sub-Saharan Africa. It presents results from the authors' comparative analysis of African constitutions and legislative standing orders, ultimately demonstrating that authorities for oversight vary widely across countries in the combination of explicit and implicit prerogatives that they confer. Complementing this *de jure* analysis, part 4 focuses on *de facto* patterns of oversight, using examples from a wide range of Anglophone, Francophone and Lusophone African political systems to illustrate how the influences of 'ability' and 'attitude' are shaped by two common structural factors. First, incoming legislators often lack the defence and security expertise to conduct oversight and, second, a culture of secrecy in African security sectors continues to hinder officials from providing the information to legislators necessary for them to apply their expertise. Part 5 makes the case that to bridge the gap between *de jure* and *de facto* oversight roles, there is a need to enhance executive-legislative engagement as a means of creating a shared culture of professionalism in security sector governance, as well as to improve information sharing between security sector leaders and overseers in ways that strengthen their everyday working relationships. Part 6 concludes the chapter.

2 Synthesising interdisciplinary perspectives on legislative oversight of defence and security

Defence and security oversight powers and practices are a small but important sub-set of broader constitutionalism and rule of law analyses

10 These convenings sought to strengthen mutual understanding and working level relationships between the security sector officials who prepare their leaders to be accountable to parliament, on the one hand, and the parliamentarians and staff who serve on defence and security related committees, on the other.

of African governments. There are few aspects of legislative oversight of the executive branch that are more sensitive – and more challenging for parliamentarians and their counterparts in relevant ministries, departments, and agencies to mutually embrace. Before sub-Saharan Africa's 'democratic experiments' of the 1990s, the security sector (to include the military, police, intelligence services, civilian defense agencies, and paramilitary forces) in many countries was shrouded in a culture of secrecy, with authoritarian leaders using these instruments of power to secure the regime rather than the populace. Legacies of 'defence secrecy' persisted after transitions to multiparty politics, and in some countries shape the laws and policies governing oversight to this day. Yet, most African countries now hold regular multiparty elections and subscribe (often substantively, and at a minimum nominally) to the principles of healthy and democratic civil-military relations: Civilian executive branch officials determine security policy priorities; military officials provide their best advice to civilian policy makers and execute lawful missions; and legislators formally hold the power of the purse to allocate the resources to defence and security institutions to implement policy priorities.¹¹

According to the practitioner literature on 'good security sector governance', ensuring the effective legislative oversight of the defence and security sector is a cornerstone of civil-military relations in multiparty regimes, and an important outcome to study empirically. Understanding how much oversight power African parliaments actually exercise over the defence and security sector is critical because *de facto* oversight – through budget scrutiny, policy review and public accountability mechanisms to ensure the defence and security services' lawful conduct – helps to prevent the politicisation of security forces, strengthen public trust in security institutions, and ensure that the security sector serves the interests of citizens rather than ruling elites.¹² Far from undermining the effectiveness of defence and security agencies, robust legislative oversight fosters professional, apolitical, and accountable security sectors that are better equipped to address contemporary threats and protect national interests. Furthermore, in conjunction with checks and balances exerted by the judiciary and independent oversight

11 E Ouedraogo 'Advancing military professionalism in Africa' 2024 ACSS Research Paper 6, <https://africacenter.org/publication/advancing-military-professionalism-in-africa/> (accessed 1 May 2026).

12 Geneva Centre for Democratic Control of Armed Forces 'Parliaments: Roles and responsibilities in good security sector governance' (2015), https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_8_Parliaments.11.15.pdf (accessed 30 May 2026); National Democratic Institute 'Le contrôle le budgétaire du secteur de la sécurité par les parlements du Burkina Faso, du Mali et du Niger: Guide à l'usage des commissions de défense et de sécurité' (2017), https://www.ndi.org/sites/default/files/NDI%20Guide%20Contrôle%20Budgetaire%20Secteur%20Securite_CDS.pdf (accessed 30 May 2026).

institutions such as ombuds institutions, anti-corruption commissions, and human rights commissions, legislative oversight is fundamental to enabling citizens to have a say in how defence and security strategies and budgets are implemented, monitored and evaluated.¹³

In contrast, scholarly literatures on comparative politics and comparative law in Africa have devoted considerable attention to examining the institutional structures and broader patterns of legislative oversight of the executive branch, but have paid comparatively less attention to assessing the formal and informal institutional determinants of defence and security sector oversight by parliament. Social science accounts most frequently depict sub-Saharan African legislatures as formal institutions at the nexus of the exercise of horizontal and vertical accountability mechanisms for the separation of powers in their countries. On the horizontal front, the legislative branch of government exercises the 'power of the purse' in relation to the executive branch, with the judiciary ensuring that the laws and policies of the country conform to the constitution. On the vertical front, legislators are elected by the voting public, thereby serving as an intermediary between their constituents and the government.¹⁴ Applying these broad functionalities to the defence domain, the legislators assigned to the defence and security-related committees in African parliaments have the potential to play several roles: overseeing budgets and spending; enhancing the transparency and accountability of the defence and security services; and ensuring the creation of defence and security policies that reflect the interests of constituents. Regional policy documents, such as the ECOWAS Security Sector Reform and Governance Policy and the SADC Benchmarks for Democratic Legislatures in Southern Africa, articulate what standards legislatures can adopt to ensure that the security sector provides services in ways that are accountable, transparent, responsive, participatory, efficient, effective and rooted in the rule of law.¹⁵

13 C Fombad 'Designing institutions and mechanisms for the implementation and enforcement of the constitution: Changing perspectives in Africa' (2017) 25 *African Journal of International and Comparative Law* 66; D Kuwali 'Oversight and accountability to improve security sector governance in Africa' Africa Security Brief, <https://africacenter.org/publication/asb42en-oversight-accountability-security-sector-governance/> (accessed 30 January 2025); ACSs 'How Africa's legislatures can improve security' 24 June 2024, <https://africacenter.org/spotlight/how-africas-legislatures-can-improve-security/> (accessed 30 January 2025).

14 Barkan (n 3); Fombad (n 8).

15 Southern African Development Community *Benchmarks for democratic legislatures in Southern Africa* (2012), <https://www.sadcpf.org/index.php/en/programmes/democratisation-governance-and-human-rights/40-benchmarks-for-democratic-legislatures-in-southern-africa> (accessed 30 January 2025); Economic Community of West African States 'ECOWAS policy framework on security sector reform and governance' (2016), <https://ecowas.int/wp-content/uploads/2022/08/ecowas-policy-framework-on-ssrg-english-adopted-1.pdf> (accessed 30 May 2026); Geneva Centre for the Democratic Control of Armed Forces 'Security sector governance. Applying the principles of good governance to the security sector' (2015), https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_1_Security_Sector_Governance_EN.pdf (accessed 30 May 2026).

Despite strong formal institutional standards that conceptualise how African parliaments can function as institutions of democratic and civilian oversight of defence and security sectors, many legislatures' actual contributions to checks and balances are limited for both constitutional-legal (that is, formal institutional) as well as political and technical (that is, informal institutional) reasons. Fombad's research on separation of powers in African countries – which examines formal constitutional rules in great depth but also argues that formal constitutional rules alone cannot explain such outcomes – fits into a larger wave of social science research since the mid-2000s that has empirically documented how informal institutions foster political behaviors that can complement, accommodate, compete, or substitute for those that formal rules seek to encourage.¹⁶ Fombad's own rigorous constitutional-legal analyses, therefore, provide support for using the 3As model (as opposed to *de jure* analysis alone) to study legislative oversight outcomes comprehensively. Through this lens, the authority component of the 3As model captures factors that formal institutional accounts would emphasise when seeking to explain defence and security oversight outcomes. The attitude component of the 3As model of legislative oversight sits in the informal institutional domain, while the ability component can shape ways that both formal authority and informal attitude aspects of legislative oversight can be realised.

3 Legislative authority to oversee the defence and security services

Authority is the factor that sets the *de jure* parameters of what successful legislative oversight of the defence and security services in any given country will entail. The constitutions and standing orders of different African legislatures are core source documents on authority and provide upper and lower limits on the kinds of actions that parliamentarians can take to oversee the sector. Historically, legal and social science scholars have tracked the major features of the formal-legal landscape in Africa that has shaped legislative oversight. Overall, African countries with Francophone or Lusophone (compared to Anglophone) constitutional legacies have tended to show a higher concentration of presidential power, including extensive presidential prerogative to initiate and facilitate the passage of legislation.¹⁷ Yet, regardless of these legacies, most sub-Saharan African legislatures were constitutionally 'limited in terms of the type of legislation they could write and played almost no role in the budgetary process' after the initial shift to multiparty politics

16 Fombad (n 8); G Helmke & S Levitsky 'Informal institutions and comparative politics: A research agenda' (2004) 2(4) *Perspectives on Politics* 725.

17 Fombad (n 8) 68.

in the 1990s; parliamentary standing orders limited the legislature's scope of action by keeping power 'concentrated in the hands of the presiding officer, whose job it was to maintain the status quo rather than raise the capacity of the institution'.¹⁸

During the intervening decades, many countries developed more complex committee systems. Some established independent parliamentary budget offices, expanded legislative staff, and made them employees of the legislative (as opposed to the executive) branch.¹⁹ Many Francophone and Lusophone countries have adopted programme budget models that have changed the extent of their oversight power.²⁰ However, most African legislatures continue to be fundamentally 'budget-approving' legislatures, rather than budget-influencing or budget-making bodies.²¹ This means that most African legislatures have a low degree of budgetary oversight since they are only mandated to adopt or reject whatever budget the executive proposes to them.²² A notable exception is the Kenyan legislature, which acquired 'budget-influencing' powers after the 2010 constitutional revision and passage of the 2012 Public Financial Management Act.²³ Even within the set of countries with relatively unchanged budget-approving authorities, legislative standing orders have continued to undergo incremental changes that make pinpointing parliamentary authority to oversee defence and security a somewhat fluid endeavour.

Currently, no research comprehensively summarises legislative authorities for oversight of defence and security in all African countries because the documents required for such an analysis are not all publicly available. To approximate this kind of appraisal among a reasonably representative sub-set of African countries, the authors adopted a sampling strategy that focused on multiparty civilian regimes in all the Anglophone, Francophone, and Lusophone countries that belong to ECOWAS and SADC, two regional economic communities we chose to sample from because they have harmonised legislative oversight standards that date back at least ten years. As the most resilient

18 Barkan (n 3) 239.

19 Barkan & Matangi (n 3).

20 Collaborative Africa Budget Reform Initiative 'Competencies analytiques d'un BPB fonctionnel: l'elaboration d'un budget-programme' https://www.cabri-sbo.org/uploads/files/Documents/CABRI_Module-3-FRE.pdf (accessed 28 May 2026).

21 National Democratic Institute 'Legislatures and the budget process: An international survey' (2003), <https://www.agora-parl.org/sites/default/files/agora-documents/NDI%20Legislatures%20and%20the%20budget%20proces%20-%202003%20-%20EN%20-%20PI.pdf> (accessed 25 May 2026).

22 MI Jahed & AK Kithatu-Kiwekete 'Positioning parliamentary budget offices within national budgeting processes for fiscal oversight in African parliaments' (2022) 30 *Administratio Publica* 22.

23 Collective Africa Budget Reform Initiative 'The role of the legislature in the budget process: Country case study of Kenya', <https://www.cabri-sbo.org/uploads/files/Documents/CABRI-Legislature-CS-Kenya-ENG-WEB.pdf> (accessed 25 May 2026).

democracy in East Africa, and because of its unique budget-influencing powers (as opposed to budget-approving powers that most other bodies in sub-Saharan Africa have), Kenya was also included in the sample to further enhance the range of cases that the data covers.²⁴ Military regimes that are currently in ECOWAS (Guinea) or recently withdrew (Burkina Faso, Mali, Niger) were not included in the analysis because they are not civilian and multiparty systems, and their transitional legislatures were not constituted based on civilian and multiparty electoral processes.²⁵ Annex 1 provides details on the sampled countries.

Overall, the authors first conducted a systematic analysis of the current constitutions and standing orders in ECOWAS countries, in order to inductively develop a set of criteria that qualitatively differentiate the kinds of variation that exist across countries in the types of authority that they possess to oversee the defence and security sector. Once the inductive categories were developed with the ECOWAS member states constitutions and standing orders, the authors examined the constitutions and standing orders from Southern African countries and Kenya to assess whether the patterns in the initial sample of West African countries extended to other cases. Table 1 below summarises the main ways in which current authorities for defence oversight vary across the sampled countries.

The resulting analysis suggests that parliamentary ‘authority’ over the defence and security sector exists through a mix of explicit and implicit prerogatives and varies across African countries, even those that share common law or civil law institutions. There are a range of powers and tools at the disposal of member state legislatures in exercising oversight of the security sector. These range from limited to expansive, and universal to unique. Every ECOWAS member state’s parliament (regardless of Anglophone, Francophone or Lusophone institutions) and most SADC member states’ parliaments (regardless of Anglophone, Francophone or Lusophone institutions) have the power to declare war, as elaborated explicitly in each respective constitution. Similarly, every parliament in the sample of countries has the power to approve the budget, with The Gambia, Ghana, Liberia and Sierra Leone granted the additional power of approving foreign loans. Every ECOWAS member state, except Côte d’Ivoire, has provisions in its constitution to approve appointments, but some countries have more extensive provisions.

24 The authors collected all possible publicly available constitutions and standing orders for the selected countries. However, several countries – such as Ghana – are in the process of modifying their standing orders, and several others – such as Liberia – do not have publicly available versions of this document, per Annex 1.

25 According to the Inter-Parliamentary Union’s Parline database, Guinea’s Transitional National Council has 81 members appointed by the Transitional President; 20 of the 71 members of Burkina Faso’s council are presidentially appointed, and all candidates are validated by an executive branch committee; and Malian and Nigerian council members are validated by their countries’ Transitional Presidents.

In Liberia, the senate approves senior and lower-level appointments (ministers, ambassadors, chief justices, marshals and sheriffs in the police, and lieutenants in the military).²⁶ In Benin, Parliament merely has the power to advise the President on appointments. Appointment oversight powers in SADC member states also vary. The Eswatini Parliament has no such powers, whereas in the Seychelles, for example, the Parliament has the power to approve ministerial appointments.

Table 1: Categories of variation in authority

1:	Powers of legislative oversight of the executive branch (President, Prime Minister, cabinet members, ministries/departments/agencies), including: • modes of removal of the executive; • power to form specialised committees (and special powers for investigation); • obligation of government officials to report to Parliament, and power to be summoned by Parliament for remarks/questioning; • power to declare war or approve the chief executive's declaration of war.
2:	Explicit powers for legislatures to oversee the defence and security sector, including: • ability to legislate on defence and security matters; • power to approve senior appointments (military and civilian); • obligation of parliament to protect the peace and security of citizens.
3:	Parliamentary powers of financial oversight that include but may also extend beyond the defense and security sector, to cover: • use of specialised funds; • budget and appropriations; • contracting.
4:	Provisions for the legislature's oversight work to be supplemented by independent oversight bodies, including: • Auditor-General; • Ombudsman; • Human Rights Commission.

Furthermore, every parliament has the power to call on members of the government to give testimony. This power extends to calling ministers in every country; in some countries this power extends all the way to the President. The types of questions and the procedures for asking them also vary by country. The general norm in parliamentary standing orders analysed was the ability to ask both written and oral questions.

26 On Liberia's uniquenesses, see J Socher 'Constitutional entrenchment in regions prone to military rule: The armed forces and separation of powers in Anglophone West Africa' *Journal of African Law* (forthcoming).

Some countries, such as Senegal, Benin, and Togo, also have the authority to ask *questions d'actualité*, or questions on current affairs. In The Gambia and Kenya, members may ask a limited number of supplementary questions after answers to an oral question.

Some ECOWAS member states give more power to their parliament than others to investigate the work and members of the government and, in fewer cases, remove the executive for infringement of their powers and authority. Sierra Leone and Cabo Verde both have the power to establish commissions of inquiry for matters of public importance. Benin's Parliament has the power through its 2017 standing orders to establish information, oversight or investigative commissions by vote. In The Gambia and many SADC member states, Parliament is responsible for establishing the office of the Ombudsman, charged with investigating alleged mismanagement, maladministration, or discrimination by the government. The Speaker of the House in Nigeria can issue warrants for those called to testify in committee who do not appear. The Constitutions of Ghana, Kenya and Sierra Leone go further in elaborating the authority of parliament to conduct oversight. Committees in these parliaments have the same powers of a high court at trial to enforce the attendance and examination of witnesses, compel the production of documents and issue a request to examine witnesses abroad. Ghana, Guinea Bissau and Nigeria all have the power to establish friendship committees to discuss matters of importance with friendly parliaments.

A striking result from the comparison of parliamentary doctrine is the difference between implicit and explicit authorities. Despite all constitutions establishing the parliamentary power to declare war, only Liberia's Constitution explicitly mentions the parliament's authority to oversee the defence and security sectors. In every other constitution, oversight of the defence and security sector is implicitly included in the powers of investigation, of legislation and of the purse. The authors' analysis of SADC member states, as well as the results of prior studies focused on the separation of power in this region, indicates that the distinction between explicit and implicit authorities is also an applicable feature shaping the current practice of legislative oversight across Africa. For instance, Kenya's Constitution mentions the Parliament's powers to oversee state revenue and expenditures, as well as state officers and state organs, but does not mention defence specifically. The Constitution of Botswana does not confer the power of parliament to declare war. In contrast, in the Democratic Republic of the Congo (DRC), the legislature has the explicit constitutional power to legislate on the armed forces, the police, and the services of security, including the general organisation of defence and of the national police, the mode of recruitment of the members of the armed forces and of the national

police, the advancement, the rights and obligations of the military and of the personnel of the police.

4 Ability and attitude: Prominent areas of interaction

Beyond the authorities they derive in theory from their country's constitution and their legislature's standing orders, African parliamentarians need knowledge, information, and trustful working relationships with defence and security officials to excel in these roles ('ability'). Furthermore, the political incentives that legislators have and the choices that legislators make about how to exercise their explicit and implicit authorities ('attitude') also influence the quality of legislative oversight of the defence and security sector. The ultimate strength of legislative oversight is a function of the ways that 'ability' and 'attitude' interact with 'authority'. Examples from recent practitioner experiences in African parliamentary oversight of the defence and security sector point to two areas of policy and practice where the interactions of ability and attitude are plainly visible in their effect on the robustness of oversight.

4.1 Specialised knowledge about defence and security

One prominent, common feature of contemporary legislative oversight in Africa is that the parliamentarians on the defence and security committees rarely have the specialised expertise that they need to effectively examine the defence and security budget, assess key aspects of the country's defence and security policies, and pose questions to the Ministry of Defence or other members of the executive branch who are statutorily accountable to parliament. As a result, there can be a tendency for parliament to shy away from exercising its constitutionally mandated oversight roles, especially in politically sensitive specialty areas such as defence and security. In a topical area such as this, which requires highly technical knowledge, parliamentarians may struggle to use the standard tools in their oversight toolbox effectively until they reach high levels of defence and security proficiency. Under such conditions, the standard legally mandated legislative oversight techniques that parliamentarians have the authority to undertake – such as holding open or closed hearings, pursuing commissions of inquiry and posing oral or written questions to ministerial authorities – can be challenging, if not prohibitive, to employ.

Low levels of committee members' knowledge about the structure and function of the defence and security sector, as well as about public financial management and budgeting, is a tendency noted by scholarship on sub-Saharan African countries across Anglophone,

Francophone, and Lusophone legal traditions.²⁷ In Malawi, for example, the purely knowledge-based aspect of the challenge is compounded by the fact that 'Parliament has a turnover over 40% of its members of parliament in every election cycle, thereby losing the institutional memory for parliamentarians in the defence and security committee'.²⁸ Parliamentarians used to be limited to one year on the Defence and Security Committee to enable the rotational representation of a wider set of legislators in this prime issue area, but the length of committee tenure has been expanded to 2,5 years to reduce the steepness of the learning curve.

Specialised knowledge on security and defence can also come from committee clerks who are assigned to these issues. Even when clerks and staff must cover the business of multiple committees simultaneously, parliamentary staff frequently are the main source of institutional memory and technical knowledge for defence committees, as their tenure in the parliamentary service often outlasts that of parliamentarians themselves. In Ghana and South Africa, for example, their training and degree of specialisation on defence and security can surpass that of certain parliamentarians. However, financial resource limitations can stymie continuing education. In theory, defence committees would have resources to build capacity of parliamentarians and clerks by arranging activities such as consulting with defence-focused academics or security-focused civil society groups, doing *in loco* observation, visiting military or police installations, and developing and maintaining support bodies such as parliamentary budget offices and specialised staff functions for accurate oversight of national security. In practice, both political and financial barriers tend to constrain these efforts.

Nevertheless, African practitioners of security sector governance have developed innovative plans to address the knowledge and capacity gap on defence and security committees. In Niger, for example, the outgoing Committee on Defence and Security in 2021 worked with the Geneva Centre for Security Sector Governance (DCAF) to share knowledge about past successes, lessons learned and good practices, for oversight to the incoming

27 N'diaye (n 11); EA Akinlolu & OO Mosunmola. 'Legislative turnover in Nigeria's Fourth Republic: Issues and implications' in O Fagbadebo and others (eds) *The legislature in Nigeria's presidential democracy of the Fourth Republic* (2023) 199; Good Governance Africa 'The "falling of mighty oaks": Examining the plausible implications of the loss of experienced parliamentarians on the work of Ghana's 9th Parliament' (2024), <https://digitalmallblobstorage.blob.core.windows.net/wp-content/2024/02/Ghana-9th-Parliament-Implications-Policy-Briefing.pdf> (accessed 30 January 2025).

28 M Phiri 'Executive supremacy and the armed forces: A case study of public financial management in Malawi' in K Ross and others (eds) *Beyond impunity: New directions for governance in Malawi* (2022) 249.

committee.²⁹ South Africa's Joint Standing Committee on Defence has done similar institutional memory work through the transmission, presentation, and discussion of legacy reports from one cohort of the committee to another. Experience suggests that legacy reporting can be enhanced by 'having a well-resourced committee secretariat to provide continuity; keeping records of committee actions; briefing new committee members; and ensuring that pending issues are carried over for the committee's attention from one legislature to the next'.³⁰

Other practitioners have found that a complementary way to build capacity is by turning to citizens, who are some of the harshest critics and the most insightful teachers of parliamentarians and security officials. Some civil society organisations have the knowledge, resources, and expertise to offer trainings from which parliament and other government institutions might benefit, for example, on topics such as budget analysis, human rights, international law, code of conduct elaboration and gender analysis of security.³¹ In contexts where such expertise is available, parliamentarians who are motivated to fulfil their oversight duties would be wise to cultivate ties with such organisations and consider taking advantage of opportunities they offer. Parliamentary engagement with local leaders, civil society, and community organisations can help to improve the delivery of citizen security by linking local concerns with national and regional analysis of threats and the development of responses.³²

4.2 Cultures of secrecy

An equally serious feature of the contemporary oversight context in many African countries is the culture of secrecy around defence and security, which hinders information sharing between defence and security services and the parliamentarians who are charged with overseeing the defence and security budget. Both the tendency to over-classify such information, and the tendency for the defence and

29 J Morand & K Wurlod 'Parliamentary oversight of the security sector and political transition: Lessons from Niger' (2022), https://www.dcaf.ch/sites/default/files/imce/SSAD/Parliament_oversight_in_Niger_Policy_paper_EN.pdf (accessed 30 January 2025).

30 Parliamentary Monitoring Group 'Defence Joint Committee legacy report' 23 August 2019, <https://pmg.org.za/committee-meeting/28745/> (accessed 30 January 2025).

31 H Born and others (eds) *Parliamentary oversight of the security sector: An ECOWAS Parliament-DCAF guide for West African parliamentarians* (2011), https://www.files.ethz.ch/isn/141904/ECOWAS_Parliament-DCAF%20Guide%20eng.pdf (accessed 30 January 2025); A Loada & O Moderan *Civil society involvement in security sector governance* (2015) 22, https://www.dcaf.ch/sites/default/files/publications/documents/ECOWAS_Toolkit_T6_EN.pdf (accessed 30 May 2026).

32 Transparency International – Defence and Security *The missing element: Addressing corruption through security sector reform in West Africa* (2021) 227, <https://ti-defence.org/publications/security-sector-reform-ssr-west-africa-corruption/> (accessed 30 January 2025).

security services to refrain from providing unclassified information that some consider strategically or politically sensitive, have adverse effects on the legislature's capacity to play its mandated role. When defence and security budget information is provided, it often comes to the legislature in aggregated form and does not always include aspects of defence procurement or other types of security spending that take place off-budget. These factors are also compounded by the political reticence that legislators may have within a historical context of defence secrecy to exercise their explicit authorities. For example, even as one of the continent's more resilient democracies, Senegal never held a legislative debate on the budget for the Ministry of Armed Forces until 2022.³³

Although classifying information can be necessary to keep information that could threaten national security from falling into adverse hands, security sectors often fall victim to their own over-classification of information. Safeguarding information in a way that overly restricts legislative access to defence and security information can prevent defence and security actors from receiving the resources they need to meet national security objectives. Inversely, sharing more disaggregated budgetary information with relevant parliamentary committees – without revealing operational details – can sometimes increase defence budget allocations.³⁴

With sufficient countervailing pressure from parliamentarians on defence and security committees, as well as from civil society and the public, there is potential to combat the culture of secrecy about types of defence and security information that do not warrant classification. Born of such a need, the Tshwane Global Principles on the Right to Information and National Security provide a set of model principles that countries can adapt and tailor to better fit their specific contexts.³⁵ Both security sector leaders and parliamentarians are key stakeholders for initiating discussions of these principles in their countries. In such discussions, it could be fruitful for them to discuss the pros and cons of existing legislation, such as Official Secrets Acts that regulate how defence and security service provision can be debated and discussed, as well as any Right to Information Laws that may limit the scope of the latter. Zambia was recently the twenty-eighth African country to pass such a law, and the growth of such legislation is a notable trend, even

33 F Ndiaye 'Debats en pleniére pour l'examen du budget des armees' *Seneweb* (Dakar) 9 December 2022, <https://www.senepius.com/politique/une-premiere-lassemblee-nationale-depuis-62-ans-dindependance> (accessed 30 January 2025).

34 ACSS (2023) (n 9).

35 Open Society Justice Initiative 'The Global Principles on National Security and the Right to Information (The Tshwane Principles)' (2013), <https://www.justiceinitiative.org/uploads/bd50b729-d427-4fbb-8da2-1943ef2a3423/global-principles-national-security-10232013.pdf> (accessed 30 January 2025).

if such laws do not always fully extend into the defence and security space.³⁶

Parliaments themselves dispose of tools to counteract over-classification and obtain the information they need for defence and security sector oversight. As stewards of the budget, they technically (though not always politically) have the power to allocate the legislature with the resources it needs to conduct high quality oversight.³⁷ This includes parliamentary budget offices or a relevant equivalent, technical expertise in the form of educated and capable legislative committee staff, parliamentary training institutes and congressional research services. Additionally, some countries (such as South Africa) allow for certain committees to hold closed sessions to restrict access to sensitive information, or (such as Guinea Bissau) allow for permanent specialised committees to conduct assessments that generate additional data to inform oversight.

In parallel, defence and security professionals have important roles to play in sharing their knowledge with their parliamentary counterparts, for the good of all citizens who expect greater efficiencies in the government's overall delivery of security and safety. Thought leaders focused on strengthening the social contract suggest that 'instituting a regular schedule of security briefings for elected officials to elevate their understanding of the security sector will help them better oversee the activities of the security sector while building trust with the military and police'.³⁸ This recommendation is rooted in the reality that

experts from the defence and security sector are among those best placed to inform parliamentarians and their staff on the evolving threat landscapes, strategic decision-making, personnel issues, and the workings of the complex security and defence systems needed to respond to security concerns.³⁹

In this vein, the Right Honourable Speaker of Nigeria's House of Representatives notes that there have been recent improvements in the willingness of defence and security leaders to share information with legislators by fulfilling their duties to appear before parliament. Such appearances have 'become increasingly institutionalised in Nigeria' among the service chiefs, inspector general of police and agency heads. They apply to 'engagement at various levels, including committee activities, appearances at plenaries, and participation

36 See A Okello and others 'Veiled transparency: Access to public information remains elusive despite progress on right to information laws' *Afrobarometer Dispatch* (2024) 771.

37 N'diaye (n 11).

38 Kuwali (n 13).

39 ACSS (2023) (n 9).

in House activities'.⁴⁰ To build on these developments, the Right Honourable Speaker further recommends dividing the defence budget into category A items (which the entire National Assembly can access in aggregate), category B items (which are 'disaggregated and revealed without restrictions to the members of the National Assembly's National Defence Committee'), and category C items (which are 'further disaggregated and revealed to the National Defence Committee with certain restrictions' to protect national security).⁴¹ Confidence building exercises could enhance the potential effects of measures such as these on the delivery of security services to citizens.

5 Ability and attitude: Opportunities for enhancing oversight

The ways that ability and attitude interact to produce successes or challenges in fulfilling formal oversight mandates, as described above, also inherently underscore several opportunities that African defence officials and parliamentarians could pursue to bridge the gap between formal authorities for oversight and actual fulfilment of them through enhanced ability and attitude. One is improving information sharing and communication between defence and security sector leaders and oversight actors in ways that foster more consistent working level communications. Another is enhancing executive-legislative engagement to foster a shared culture of professionalism in security sector governance.

5.1 Executive-legislative engagement to foster professionalism

Parliamentarians and security sector officials have separate codes of ethics and differing cultures of professionalism. However, there is potential for these actors to cross-pollinate their respective conversations on these issues, while embracing natural tensions that may arise, and to enhance civil-military relations in the process. Furthering mutual engagement in each other's norms and systems of professionalism could also affect security service provision and security sector oversight in ways that give citizens new reasons to trust elected officials to represent and provide for their security interests accurately and competently, and to trust the security sector to respect the constitutional parameters of civilian oversight.

Parliament as well as the defence and security sector have done work on these issues in many African countries, with somewhat

40 ACSS (2024) (n 9).

41 As above.

different processes and results. Over the last decade, several West African parliaments have established relevant codes that are based upon constitutional law, legislative rules of procedure, or some combination.⁴² In the armed forces, professionalism is based on principles such as the subordination of the military to democratic civilian authority, allegiance to the state, commitment to political neutrality and an ethical institutional culture. These principles are rooted in values such as discipline, integrity, honour, sacrifice, commitment to the good of society, dedication to duty, individual responsibility, and an accountable service ethic that transcends self-interest.⁴³ On these questions of ethics and professionalism, parliamentary oversight of defence and security tends to amplify certain culture clashes or institutional tensions between these key stakeholders, including, for example, on issues such as transparency in defence sector procurements, or the accountability of the security sector to the public for civilian harm. Challenges arising from clientelism and transparency in the armed forces and the legislature are also common points of frustration or controversy.

Nevertheless, there are promising avenues for fostering professionalism via enhanced executive-legislative branch engagement. Professional military education (PME) institutions in Africa have not traditionally explicitly included security sector governance in their curricula, but this is beginning to change. The Malawi Defence College is set to include a Security Sector Governance and Rule of Law course in its offerings 'to ensure that service members understand the *raison d'être* of and comply with democratic oversight of the military'.⁴⁴ The Nigeria National Defence College has a module in the Department of Governance and Public Policy that covers the theory and practice of military expenditure.⁴⁵

The College des Hautes Etudes de Stratégie et Défense (CHESD) of the DRC has also offered training slots in specific courses to defence and security focused parliamentarians seeking capacity building opportunities.⁴⁶ Bringing faculty members from civilian areas of the government and academia into PME institutions to teach on these issues, incentivising senior civilian leaders to study at PME institutions with military counterparts, and making security sector governance a

42 I Diouf 'Parliamentary ethics' in Born and others (eds) (n 31) 71; J Rousselle 'Les déontologues et les codes d'éthique des Parlements de l'espace francophone' in OIF (n 9) 141.

43 E Ouedraogo 'Advancing professionalism in Africa' 2024 ACSS Research Paper 6, <https://africacenter.org/publication/advancing-military-professionalism-in-africa/> (accessed 30 January 2025).

44 African Defence Forum 'Accountable to the people they serve' 15 July 2024, <https://adf-magazine.com/2024/07/accountable-to-the-people-they-serve/> (accessed 30 January 2025).

45 ACSS (2024) (n 11).

46 ACSS (2023) (n 11).

required part of training curricula for military and police officials are other innovations that leaders are trying to pursue in PME.

Parliamentary training institutions (PTIs), the military or police liaisons who work in African parliaments and defence think tanks in Africa also have catalytic roles to play here in developing in-house resources for parliamentarians on topical security issues, as well as in creating education and exchange programmes about security and defence issues for relevant parliamentarians and staff. Multiple models of such engagement are in development across the continent. In Senegal, the Centre des Hautes Etudes de Défense et de Sécurité (CHEDS) holds programmes dedicated to deputies of the National Assembly. These programmes reinforce relations between the executive branch and the legislature through short training modules and opportunities for civil-military dialogue. CHEDS has also facilitated site visits between members of the Defence and Security Committee and the Chief of Staff of the Armed Forces, for example. The outcomes of such programmes are twofold: Parliamentarians gain more familiarity with pertinent topics in the defence and security field, and with the mission of the armed forces and their approach to addressing security challenges.⁴⁷

In Nigeria, the National Institute for Legislative and Democratic Studies (NILDS) has created the Legislative Centre for Security Analysis, which seeks to reinforce the capacity of the legislature and security institutions to make informed decisions on peace and security through research and knowledge-sharing initiatives.⁴⁸ The institution has also provided trainings on security sector reform and governance, handbooks on oversight processes, and content-related analysis on issues such as ethics for military operations in domestic and international settings. Other PTIs, such as that of the Parliament of Ghana, have done learning visits with NILDS. The Ghana-Nigeria exchange included information and experience-sharing on working with the legislature on its oversight processes, public finance management and public procurement and capacity-building programmes for special committees.⁴⁹

47 Centre des Hautes Etudes de Défense et de Sécurité 'Programme Députés, Défense, Sécurité et Paix' (2024), <https://cheds.gouv.sn/programmes-speciaux/acteurspolitiques/> (accessed 30 January 2025).

48 National Institute for Legislative and Democratic Studies 'Legislative Centre for Security Analysis' (2024), <https://nilds.gov.ng/the-legislative-centre-for-security-analysis/> (accessed 30 January 2025).

49 E Akinboyo 'Nigerian institute ready to collaborate with Ghanaian parliament' 19 August 2021, https://www.premiumtimesng.com/news/more-news/480192-nigerian-institute-ready-to-collaborate-with-ghanaian-parliament-official.html?fbclid=IwY2xjawF4LkVleHRuA2FlbQIxMAABHZZHtu5RAB_hr1DOE4AhEE2c%20PGTGMWWtvKfTkt71vimDjlsGv6-ATiTKWQ_aem_34RLtyyOSOZjakb1DdcQAq (accessed 30 January 2025).

5.2 Strengthening communication, coordination and information sharing

Enhanced information sharing between the defence and security services and parliamentary overseers will depend on more than (as previously discussed) reviewing and specifying the circumstances under which oversight actors are authorised to access classified and sensitive national security information. It will also involve fostering greater communication, interaction, and coordination between these stakeholders, which in the longer term could change their capacity and motivations (that is, ability and attitude) for information sharing. For example, after the 2017 transition in The Gambia, after the country developed plans for security sector reform and transitional justice, leaders in the armed forces made proactive efforts to enhance the military's engagement with oversight actors – not only parliamentarians, but also judicial officials, the independent media, and civil society. As the armed forces began implementing a new public relations and civil affairs strategy, they also regularly engaged members of the parliamentary defence committee. The engagement has included briefings on the roles and functions of the armed forces, discussion of the defence budget before it is debated in the legislature's plenary session, updates on specific security challenges affecting The Gambia, visits to military installations, information about possible military cooperation agreements for ratification, and senior leader appearances before parliament when requested. The relationships that have been forged through these forms of information sharing have become even more important as The Gambia has advanced in developing a National Security Strategy and devised plans to coordinate on its implementation, in conjunction with security sector reform and transitional justice that also implicate a broad range of civilian oversight actors and defence and security service providers.⁵⁰

In South Africa, the need to develop a police station monitoring tool by members of the National Assembly's Portfolio Committee on Police in 2005 triggered communications, interactions, and consultations with state and societal champions of police oversight and accountability that have fostered lasting changes in the generation of data about police station management and operations, police outreach to communities and community perceptions of police.⁵¹ The Committee initiated the development of the Station Monitoring Tool, which they co-created with

50 UN Resident Coordinator Office and others 'Peace and prosperity in The Gambia: Problems and prospects' (Report 2024).

51 A van Wyk 'Parliamentary oversight of the police in South Africa: Lessons and opportunities' (2014) 5, https://apcof.org/wp-content/uploads/2016/05/No-10-Parliamentary-oversight-of-the-police-in-South-Africa_Lessons-and-opportunities-Annelize-Van-Wyk-.pdf (accessed 30 January 2025).

subject matter experts and formally adopted for use by the committee and beyond, and ‘developed in the format of a questionnaire that is used during oversight visits to police stations and was made available to all police stations through the Minister of Police’.⁵² The years of station-level data that the tool has generated attests to the wide range of interactions it has fostered between police, parliamentarians, civil society and other government oversight bodies in the service of the public. The theory behind the tool itself – as well as the Committee’s work overall – was that ‘oversight that improves the way in which the police conduct themselves will create trust and respect for the police’, and that ‘trust and respect will create a better relationship between the police and the community and contribute to a safer society’.⁵³

Coordination and communication beyond the national level is also essential to building common norms and practices of legislative oversight of the defence and security sector, and to sharing different countries’ approaches to addressing the more specific legal and political questions about national security and the right to information that naturally arise in this work. Beyond the principles and best practices that have been developed in strategy and policy frameworks of the regional economic communities in Africa, there are ample transnational networks that can be further leveraged to advance productive exchanges. The Network of African Parliamentarians – Members of Defence Committees, the African Security Sector Network, and the ACSS network of *alumni* are just a few examples. Given that the African Union last year completed a ten-year review of its Security Sector Governance and Reform Policy Framework and is updating its operational guidance notes on oversight issues, the prospects for advancing practical scholarship and strategic solutions in the legislative oversight arena for the defence and security sector are significant.

6 Conclusion

Parliamentary oversight is a core tool for holding defence and security officials accountable to the people on the scope and the limits of their mandate. Legislatures and their constituent political parties are supposed to represent citizen interests and, therefore, parliament ‘has both a duty and a right to exercise judgment over all facets of public life, including the security sector’.⁵⁴ Frequently, however, as this chapter has sought to showcase, neither parliamentarians on their countries’ defence and security committees, nor the defence and security officials who

52 Van Wyk (n 51) 4.

53 Van Wyk (n 51) 14.

54 Ebo & N’diaye (n 9) 6.

engage with the legislature, are as reliably networked or as extensively informed as they could be about on another's roles, responsibilities, points of natural tension and areas of complementarity in their work. These disconnections hinder the ways in which these actors can pursue their common interest in making the security sector governance process a tool for building trust and bolstering legitimacy with citizens.

However, this chapter has also provided examples attesting that African parliamentarians, staff, and executive branch officials working on defence and security issues also have a multitude of ideas, innovations and resilience mechanisms to build upon together to make security sector governance work for citizens. Comparative analysis of which tools, techniques and approaches work in which political and institutional contexts – and why, particularly in the current environment where military *coups* and *coup* attempts in West Africa have been on the rise – will require careful, ongoing analysis that is interdisciplinary and 'pracademic'. The legal-institutional approach that Fombad takes in this domain goes hand-in-hand with the security sector governance practitioner literature that produced the 3As model for assessing parliamentary oversight of defence and security. Both have helped open the door to including a wider range of civilian oversight actors in scholarly analysis and practitioner programming on legislative oversight of the defence and security sector. These actors include not only the armed forces, the Ministry of Defence, and the legislative committees on defence and security (as might be emphasised in the civil-military relations literature), but also the judiciary, supreme audit institutions, independent commissions for anti-corruption and human rights and civil society.

The latest Afrobarometer public opinion surveys done in nearly 40 countries demonstrate that African citizens are favourable to stronger oversight of the executive branch and expect transparent and accountable governance, even if accountable governance happens more slowly than opaque governance.⁵⁵ Yet, the latest Ibrahim Index shows that public perceptions of the actual quality of African governance are in decline. The advances that scholars and practitioners have made on security sector governance and civilian oversight of the defence sector must, therefore, continue to iterate and adapt their efforts to generate comparative insights that can be effectively translated into both legal and political practice.

55 E Gyimah-Boadi & J Asunka 'Do Africans want democracy – and do they think they're getting it?' *The Washington Post* (Washington DC) 22 October 2021, <https://www.washingtonpost.com/politics/2021/10/22/do-africans-want-democracy-do-they-think-theyre-getting-it/> (accessed 30 January 2025).

Annex 1: Data collection for analysis of authorities

The analysis of constitutional-legal authority of legislatures was based on the systematic examination of the constitution and the parliamentary standing orders of each country in question, whenever those documents in their current form were publicly available, as per below.

COUNTRY	CONSTITUTION	STANDING ORDERS
Angola	X	
Benin	X	X
Botswana	X	X
Cape Verde	X	X
Comoros	X	
Côte d'Ivoire	X	
Democratic Republic of the Congo	X	
Eswatini	X	
The Gambia	X	X
Ghana	X	X*
Guinea Bissau	X	X
Kenya	X	X
Lesotho	X	
Liberia	X	
Madagascar	X	
Malawi	X	
Mauritius	X	
Mozambique	X	
Namibia	X	
Nigeria	X	X
Senegal	X	X
Seychelles	X	
Sierra Leone	X	X
South Africa	X	X
Tanzania	X	
Togo	X	X
Zambia	X	X
Zimbabwe	X	

* Standing orders currently under review

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