

CHAPTER 2

MONITORING OF SECURITY ORGANS: THE ROLE OF PARLIAMENT, AND ITS CHALLENGES

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Introduction: Parliament's role as monitor

Parliamentarians are essentially the embodiment of the bond connecting the public, civic and private domains of society. They are the interlocutors for these three sectors, nurturing their unity of purpose while articulating and reconciling their interests. Inclusiveness, the underlying principle of good governance, is the very mission of parliamentarians. They are best placed to lead the process of engagement by mobilizing the energies of their constituents around the vision and principles of good governance, accountability and democracy.

The Parliamentarian's role of supervising and monitoring the work of the Executive nurtures the key prerequisites for good governance and accountability. As representatives of the people, parliamentarians should ensure that political, economic and social reforms and programmes lead to their improved well-being. In fact, the existence of Parliament is based on the popular maxim of 'No taxation without representation'. Parliament is there to ensure that tax and other state resources are employed in programmes that benefit the citizens. In general, Parliament is mandated to:

- legislate
- appropriate resources through national budgets
- monitor the functions of the executive in general
- monitor all expenditure of public funds.

The approval and monitoring of government expenditure are therefore among the most important tasks performed by the legislature. In conducting this process, a parliament is able to influence, criticize and scrutinize public spending and ensure its transparency. Parliament, on behalf of the people, therefore holds Government to account for its use of public funds.

In its budget monitoring role, Parliament is responsible for supervising and overseeing the actions of the following institutions:

- the executive branch, which is under the President, but is comprised of cabinet ministers;
- the bureaucracy, comprising government ministries, departments and agencies (MDAs);
- public organizations established by Acts of Parliament;
- local government, established by the Constitution.

The role of Parliament in maintaining peace and security

As far as peace and security in Africa are concerned, experience indicates that many high-intensity internal and regional conflicts have been taking place in countries with a weak legislative. Using defence and security organs, one country may unilaterally enter into an internal civil war or war with a neighbouring country. Such decisions are taken by the people, either in a referendum or by the agency of their representatives. Parliamentarians are not consulted in such decisions.

However, it must be appreciated that conflicts, which sometimes escalate into fighting and wars, are inherent in social relations. They inevitably arise in the competition over scarce resources, and in the clash of interests involving various values, needs and social groups. Creating national, regional and continental consensus around commonly-held values and goals by means of policy dialogue is therefore vital to the process of peace-building and conflict resolution.

This is when Parliament plays an important role. But, if Parliament is to conduct dialogue and diplomacy effectively, the legislature must be representative of the people and accountable to them. A properly-functioning Parliament, apart from fulfilling its legislative role, must oversee the functions of the state generally. This includes maintaining political order, the rule of law and monitoring the executive on matters related to peace and security and the use of security organs for resolving conflicts.

However, in Africa, there is little evidence pointing to the close involvement of parliaments and parliamentarians in peace and security policies and decisions reached by the executive wings of the state. For example, the second extraordinary session of the Assembly of the African Union in Sirte, Libya, on 28 February 2004, adopted the Common African Defence and

Security Policy (CADSP). This policy has great bearing on the political, cultural, social and economic imperatives of the African people, yet their representative parliamentarians were not fully involved in its preparation. Worse, though, most of them are unaware of its contents or of its implications for the people they represent.

Parliamentarians should, therefore, be aware of the Common African Defence and Security Policy, and exercise advocacy and parliamentary diplomacy accordingly. On the matter of defence, the policy document notes that:

[e]nsuring the common defence of Africa involves working on the basis of a definition of defence which encompasses both the traditional, military and state-centric notion of the use of the armed forces of the state to protect its national sovereignty and territorial integrity, as well as the less traditional, non-military aspects which relate to the protection of the people's political, cultural, social and economic values.¹

In terms of the defence connection between the national, regional and continental levels, it is also understood that 'each African country's defence is inextricably linked to that of other African countries, as well as that of other regions and, by the same token, that of the African continent as a whole'.²

On security, the CADSP states:

Ensuring the common security of Africa involves working on the basis of a definition which encompasses both the traditional state-centric notion of the survival of the state and its protection by military means from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflict.³

The causes of infra-state conflict necessitate a new emphasis on human security based not only on political value but also on social and economic imperatives. This newer, multi-dimensional notion of security thus embraces such issues as a wide range of rights, like: human rights; full participation in the process of governance; equal development; access to resources and the basic necessities of life; protection against poverty; conducive education and health conditions; protection against marginalization on the basis of gender; and protection against natural disasters and ecological and environmental degradation.

At the national level, the aim would be to safeguard the security of individuals, families, communities and the state, or national life, in their economic, political and social dimensions. This applies also to the regional level. Regarding the continental level, the principle would be underscored that the security of each African country is inseparably linked to that of other African countries and to that of the continent as a whole.

Understanding such defence and security policies and their budgetary implications for defence and security organs would also guide parliamentarians in scrutinizing and approving the budgets and expenditure of these organs.

Parliamentary monitoring of security organs in Tanzania

In Tanzania, the term 'Defence and National Security Organs' comprises the People's Defence Forces, the Tanzanian National Service, the Tanzanian Police Force, the Tanzanian Prisons Service, the Tanzanian Intelligence and Security Services, the National Security Council and the Prevention of Corruption Bureau. Parliamentary monitoring of security organs is initially exercised through the Parliamentary Committee on Defence and Security (CDS) and the Parliamentary Public Accounts Committee (PAC). According to the responsibilities of Standing Committees of Parliament, as mandated in the Parliamentary Standing Orders, the Committee on Defence and Security scrutinizes and discusses the annual budget proposals of the Ministries of Defence and National Service, as well as Internal Affairs, before they are submitted to Parliament for authorization. Most of the security organs mentioned above fall under these ministries. The CDS is further mandated to deal with all bills and protocols originating in the ministries and requiring Parliament's enactment, approval or ratification. The Committee also oversees the activities and the operational and financial performances of public institutions falling under those ministries.

On the other hand, parliamentary monitoring of the use of public funds approved and allocated to defence and security organs by Parliament, like that of all the other government ministries and departments, is exercised by the public Accounts Committee (PAC). The PAC bases its own monitoring activities on the report of the Controller and Auditor General (CAG). On behalf of Parliament, the PAC is charged with the duty of ensuring that all monies appropriated according to the Act of Parliament and disbursed to government ministries, departments and agencies, including the security agency, have been used for the purpose for which they were appropriated. The expenditure must also conform to the authority that governs it. As

provided for under section 30(2) of the Public Finance Act No. 6 of 2001, the Controller and Auditor General must submit all the audit reports issued by him to the Minister for Finance. The Minister, in turn, must promptly submit them to the National Assembly, after which they are made public. The PAC then scrutinizes the reports and submits its findings and recommendations to Parliament for endorsement. The two committees may also exercise their monitoring powers by inspecting specific or selected projects, activities and programmes organized or handled by the defence and security organs, in order to check the accountable, proper use of public resources.

Conclusion

Since the mid-1980s, when economic reforms instigated by structural adjustment programmes, the World Bank and the International Monetary Fund were introduced in many African countries, the government of Tanzania, like the governments of many other African countries, has systematically withdrawn from the direct provision of basic social services. Economic policy-making and monitoring have gradually but steadily shifted away from domestic institutions like Parliament to multilateral and bilateral institutions, with the World Bank and the IMF playing increasingly decisive roles. As a result, and exacerbated by the apparent apathy of the executive wing of the Government, the important parliamentary role of monitoring has been considerably downplayed in many African countries. General consensus is emerging that, even after the demise of authoritarian and dictatorial rule in Africa and the emergence of democratic governance, parliaments on the continent have not performed very well. They are, in fact, seen as a 'nuisance at worst or a mere extension of the presidential palace at best'. However, if a necessary condition for development is a capable and democratic state, then it must be accepted that the legislature, as an arm of the state, is a key element in the design and monitoring of development, especially when public resources mobilization and use are concerned.

Notes

- 1 AU Web site, Solemn Declaration on a Common African Defence and Security Policy, p. 2, paragraph 5.
- 2 Ibid.
- 3 Ibid, p. 3, para. 6.