



DYNAMICS OF LEGISLATURE OVERSIGHT OVER THE ARMED FORCES IN LIBERAL DEMOCRACIES

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SUMMARY

This paper explores the institutional mechanisms through which legislatures in liberal democracies exercise oversight over the armed forces, emphasizing the importance of democratic control and accountability. It examines the pivotal role of defence committees, which serve as specialized legislative bodies responsible for scrutinizing military policies, defense strategies, and executive decisions. The paper analyzes how legislatures approve procurement of military equipment, ensuring transparency and fiscal responsibility in defense spending. It further addresses the legislative function in passing laws governing the armed forces, shaping their legal and operational frameworks. The process of vetting and confirming top military commanders is discussed as a tool for ensuring civilian supremacy over the military. The legislature's authority to approve declarations of a state of emergency is presented as a constitutional check on executive power in times of crisis. Finally, the paper evaluates legislative oversight of defense budgets, underscoring the role of the legislature in balancing national security needs with public accountability. Through comparative analysis, the study highlights best practices and persistent challenges in legislative oversight across liberal democracies.

INTRODUCTION

The principle of democratic civil–military relations rests upon the foundational principle that the armed forces, while vital to national security, must remain under firm civilian control. Among the key institutions responsible for exercising such control, the legislature plays a crucial role in ensuring that the military operates within constitutional boundaries, adheres to democratic norms, and remains accountable to the citizenry it is sworn to protect. Legislative oversight of the armed forces is a cornerstone of democratic governance and a critical mechanism for ensuring accountability, transparency, and civilian control over the military. Around the world, legislatures are constitutionally and legally mandated to scrutinise defence budgets, authorise military deployments, and monitor security sector policies. In mature democracies, such as those in Western Europe and North America, institutionalised legislative committees and robust legal frameworks have enabled relatively strong oversight.¹ Conversely, in many developing and transitional states, oversight remains constrained by executive dominance, weak institutions, lack of technical expertise, and restricted access to information.²

This paper explores the role of legislative oversight in promoting accountability, transparency, and democratic control over the armed forces from a global perspective. It focuses on five key legislative functions: the enactment of laws governing the armed forces, the role and effectiveness of legislature defence committees, procurement of military equipment, the vetting and approval of military commanders,

and legislative authorization for declarations of a state of emergency. These functions are examined as central mechanisms through which legislatures influence national security policy and uphold civilian supremacy over the military. Drawing on comparative insights from diverse political systems, the paper highlights best practices and common institutional frameworks, while also identifying persistent challenges such as executive dominance, limited legislative expertise, politicization of oversight processes, and restricted access to sensitive military information. The paper argues that strengthening legislative oversight is essential for maintaining constitutional checks and balances, preventing abuse of military power, and reinforcing democratic norms in both established and emerging democracies.

CONTEXT OF LEGISLATURE OVERSIGHT OF THE ARMED FORCES

Globally, the scope and effectiveness of legislative oversight vary widely across political systems, institutional designs, and historical contexts. In liberal democracies, such as the United States, the United Kingdom, and Germany, the legislative branch often possesses robust formal powers and institutional mechanisms for overseeing the armed forces sector.³ In the United States, for instance, congressional committees such as the House and Senate Armed Services Committees play an active role in shaping defence policy and holding the Department of Defence accountable through hearings, audits, and budgetary controls.⁴ Similarly, in Germany,

the Bundestag exercises extensive powers of oversight, including the unique role of the Parliamentary Commissioner for the Armed Forces, who serves as a watchdog for soldiers' rights and as a conduit between parliament and the military.⁵

However, in many transitional and authoritarian regimes, legislative oversight tends to be weak or symbolic, often constrained by executive dominance, institutional underdevelopment, or historical patterns of military interference in politics. In countries such as Pakistan, Egypt, and Myanmar, the military has historically wielded significant political power, often operating autonomously from civilian institutions and resisting efforts at legislative scrutiny.⁶ Indonesia⁷ and Nigeria,⁸ both of which transitioned from military rule to democratic governance in the late 20th century, have encountered significant challenges in establishing effective legislative oversight of their armed forces. These challenges are rooted in historical legacies, institutional weaknesses, and evolving political dynamics.

The diversity of legislative oversight arrangements also reflects broader differences in constitutional frameworks, party systems, civil society engagement, and international norms. Legislative systems, for example, may grant less independent power to legislatures compared with presidential systems, depending on the balance between the executive and legislative branches. Additionally, the nature of party discipline, the presence of a professional civil service, and the involvement of non-governmental organisations (NGOs) can significantly influence the depth and quality of

legislative engagement with defence issues.⁹ The legislative system of Canada is marked by strong party discipline, which streamlines legislative processes, including those related to defence. The Canadian civil service upholds professionalism and neutrality, providing legislators with accurate information and analysis to inform defence policymaking. Canadian NGOs and think tanks actively engage in defence policy discussions, contributing research and perspectives that enhance legislative deliberations and oversight.¹⁰

Moreover, global trends such as the war on terror, the militarisation of borders, cyber warfare, and peacekeeping operations have increasingly complicated the oversight landscape complicated traditional oversight mechanisms by introducing new domains of military activity that often escape the radar of conventional legislative scrutiny.¹¹ Despite these challenges, there is a growing international consensus on the importance of strengthening democratic oversight of the armed forces. Organisations such as the Inter-Parliamentary Union, the Geneva Centre for the Democratic Control of Armed Forces, and the United Nations Development Programme have actively supported efforts to build legislative capacity and promote best practices in defence governance.¹²

Research and comparative analysis suggest that effective oversight is not merely a function of formal powers, but also of informal practices, political will, institutional learning, and active engagement by civil society and the media.¹³ While formal legislative powers are foundational for oversight, their efficacy is significantly enhanced or impeded by informal practices, political will,

institutional learning, and the active participation of civil society and the media. Recognizing and strengthening these factors are essential steps toward ensuring robust and effective legislative oversight of the armed forces.¹⁴

GLOBAL TRENDS OF LEGISLATURE OVERSIGHT

Over the past few decades, the global landscape of legislative oversight of the armed forces has evolved in response to democratisation waves, institutional reforms, and changing security dynamics. One of the most notable trends has been the increased formalisation and institutionalisation of oversight mechanisms, particularly in newly democratised or post-authoritarian states. Many countries in Latin America, Eastern Europe, and parts of Africa and Asia have restructured their legislative bodies and legal frameworks to include more explicit roles for legislative defence committees, budgetary authorisation processes, and mandates to review military deployments and procurement procedures.¹⁵

International norms and external actors have also played a significant role in promoting oversight. Institutions such as the Geneva Centre for the Democratic Control of Armed Forces (DCAF), NATO, the European Union, and the United Nations have supported legislative reforms and capacity-building initiatives aimed at increasing transparency, accountability, and civilian control of the military. For countries seeking accession to the EU or NATO, compliance with democratic oversight norms has often been a prerequisite for membership thereby pushing states to implement substantive reforms.¹⁶

Another trend is the broadening of the scope of oversight beyond conventional warfare. Contemporary military operations increasingly include peace operations, humanitarian interventions, cyber operations, counterterrorism, and intelligence gathering—domains that have traditionally been shielded from legislative scrutiny. As a result, legislatures are now grappling with complex challenges involving classified information, the actions of non-state actors, and the application of emerging technologies, all of which complicate traditional oversight models.¹⁷

Greater transparency and public engagement have become essential components of defence governance. In many democracies, the media, civil society organisations, and research institutions have played a critical supporting role in urging legislatures to exercise meaningful oversight. The availability of open data, investigative journalism, and watchdog reporting has enhanced the broader accountability ecosystem within which legislatures operate.¹⁸

ROLE OF DEFENCE COMMITTEES OF LEGISLATURES

Defence committees within legislatures around the world are specialised groups of lawmakers tasked with overseeing national defence, military policy, security affairs, and related budgetary matters. These committees play a vital role in maintaining civilian oversight of the armed forces and ensuring that defence policies align with national interests and democratic principles. Such bodies are often referred to as defence oversight committees.

The primary responsibilities of these committees

typically include: Policy oversight; Budget scrutiny; Legislative review; International defence affairs; and Promotion of accountability and transparency.¹⁹ Operating under the broader authority of the legislature, defence committees facilitate direct engagement with military leadership. In some jurisdictions, these committees are formally entrenched in national constitutions. For instance, the constitution of the Federal Republic of Germany mandates the establishment of a Defence Committee endowed with legislative powers, a model that exemplifies institutional clarity and authority. Although no African state has yet adopted such a constitutional provision, countries such as Ghana, Nigeria, South Africa, and Kenya have taken significant steps forward. They have established defence committees through legislative statutes and standing orders, representing a pragmatic adaptation of global best practices to their national contexts.²⁰

In the United States, the Congress has established both the House and Senate Armed Services Committees, representing the upper and lower chambers of the legislature respectively. These are powerful committees with broad and well-defined oversight functions. Defence committees in legislatures typically view defence policies, scrutinise budgets, and monitor military operations. They play a major role in authorising key legislative instruments, such as the National Defense Authorization Act in the United States. In the United Kingdom, the Defence Committee of the House of Commons monitors the Ministry of Defence, reports on military strategy, force readiness, veterans' affairs, and can summon ministers and military officials for questioning.²¹

Across jurisdictions, defence committees serve as the vanguard of legislative oversight, delving into the minutiae of defence governance with a focus on both accountability and strategic coherence. These committees undertake a broad array of responsibilities as assigned by the legislature. They review defence procurement contracts to ensure transparency and accountability, and they assess military interventions whether in response to domestic unrest or cross-border threats to ensure compliance with national legislation and international conventions, such as the Geneva Accords.

Additionally, they are tasked with monitoring the armed forces' adherence to human rights standards an especially critical function in regions where the military has been accused of abuses against civilian populations. The effectiveness of a defence committee depends largely on its capacity to function independently of executive influence a challenging task in political systems where presidents or prime ministers wield extensive executive authority.

A smaller committee size often proves advantageous, as it allows for more focused deliberation and encourages bipartisan cooperation. This structure enables legislators to transcend partisan divides and reach consensus on national security issues that require unity rather than division.

The institutionalisation of robust legislative oversight mechanisms particularly through well-structured defence committees can significantly enhance democratic governance and reinforce civilian control over the military. Broadly, defence

committees in legislatures around the world offer a range of benefits, including: Civilian oversight of the military; Transparency and accountability; Monitoring of armed forces conduct; Scrutiny of the defence budget; Informed law-making through expert testimony; Checks on executive authority; and better policymaking rooted in evidence and debate

DEFENCE LEGISLATION

The traditional role of the legislature in any democratic state is to enact legislation. Some notable areas of defence legislations include: military laws to regulate the Armed Forces, procurement of major defence equipment, approval to participate in foreign/international operations, enactment of a defence policy to protect the national interest based on the National Security Strategy and a National Defence Strategy. However, the manner in which defence-related legislation is formulated is shaped by each country's unique constitutional and political arrangements. These factors significantly influence both the process and the substance of legislative activity whether the government of a particular state is practising a presidential or parliamentary system of government. The perception is that legislators have less influence in the parliamentary type of government because the government decides strictly what defence policies are to be debated upon. Also, the government controls the agenda of the legislature with the majority supposed to vote on strictly party lines. The legislature wields substantive influence since all issues introduced in the legislature are openly discussed and issues are voted on the floor of

the legislature. The United Kingdom is a typical example of the parliamentary system and almost all defence policies originate from the ruling government.²² The US practises the presidential system with Congress wielding wide powers on the agenda of the legislature and the content of legislations. In most African democracies the executive proposes almost all bills introduced into the legislature, whether the system of government is a presidential or a parliamentary type. There are, however, very few cases of private members bill related to the armed forces or the defence sector in some countries. Specifically, legislatures are responsible for debating and passing defence legislations after the executive have submitted proposals for consideration. Once bills are presented and given the required number of readings they are passed to the specialised committee on Defence, which takes evidence, considers memoranda from various groups and civil society groups, before the committee reports back to the full legislature with its recommendations. In the United Kingdom, the first Armed Forces Bill was passed in 1961 to regulate disciplinary procedures of service personnel. In 1966, parliament amended the Armed Forces Act to make major changes to the operation of the court martial system.²³ Legislatures in most transitional and emerging democracies have used their legislative powers to pass important legislations on defence issues. In several transitional and emerging democracies, legislatures have played pivotal roles in redefining civil–military relations and aligning the armed forces with democratic norms. For example, Argentina's legislature redefined the role of

the military following the country's transition to democracy.²⁴ ²⁵Similarly, South Africa's Parliament, as part of the broader post-apartheid reforms in 1994, enacted a comprehensive Defence Policy under the National Security Framework.²⁶ The Defence Committee of the South African legislature has since remained at the forefront of defence sector reforms, promoting transparency, accountability, and civilian oversight. In Ghana, the Armed Forces Act was enacted in 1962 by the Parliament, marking a significant step towards institutionalising national control over the military. Following independence and the declaration of Republican status. The Ghana Parliament played an active role in enacting laws that contributed to the Africanisation of the armed forces, reshaping their structure and identity to reflect national priorities and sovereignty.²⁷ These experiences demonstrate the evolving potential of legislative oversight in African states, especially those transitioning from authoritarian or military rule. Legislatures can act not only as forums for debate but as agents of reform, shaping the roles, doctrines, and accountability mechanisms of national armed forces to meet democratic standards. This evolution has also been observed beyond Africa, where legislatures have influenced military modernisation through targeted legislation designed to enhance professionalism and civilian control.²⁸

One advantage for using the select committee system is that, the committee may not only propose amendments to the bill before the full legislature, but may also recommend that certain matters should be reviewed before the passage of the bill based on research and stakeholder

engagements conducted on the specific subject matter or submissions made by some defence related groups and civil society. In Ghana, the legislature has on several occasions gone through this process before a bill is finally passed²⁹.

However, a significant challenge persists in many African contexts: executive dominance in defence policymaking. In several countries, presidents and executive bodies continue to take unilateral decisions on major military matters, marginalising legislatures and undermining the integrity of the oversight process³⁰. As African states face increasingly complex security challenges from terrorism and insurgency to cyber threats legislative oversight is no longer merely a democratic aspiration but a strategic necessity. Ensuring that armed forces remain accountable to elected representatives and, by extension, the citizenry, helps prevent their use as instruments of political repression or foreign manipulation. Drawing inspiration from both African pioneers such as South Africa and international best practices, legislatures across the continent can establish a robust framework of oversight. By strengthening legislative capacity, ensuring constitutional clarity, and fostering political will, African parliaments can assert their role as guardians of democratic governance, guiding military institutions towards becoming effective tools of national defence grounded in democratic control.³¹

APPROVAL OF BUDGETS FOR THE ARMED FORCES

The legislative oversight of armed forces' budgets is a cornerstone of democratic governance and is

critically relevant across the world. It ensures that military power is used accountably, transparently, and in alignment with national priorities and the rule of law. The strength of most legislatures in the world today, especially in established democracies, lies in the sphere of armed forces expenditure. The historical background of armed forces budgets can be traced back to the Middle Ages in the United Kingdom. This is because, from the Middle Ages, the foreign military ventures of the Crown were dependent on its ability to raise funds from Parliament. Parliament was reluctant, until the end of the seventeenth century, to agree to the funding of a standing army from taxation.³² Funds continue to be allocated from taxes collected for armed forces budgets across the world. The legislature, as the representative of the taxpayer, therefore has the responsibility of stewardship regarding how funds are allocated and used. Legislatures in most modern democracies vote on the defence budget in its entirety. Even though departmental or ministerial expenditure may be scrutinised by the Defence Committee or the Accounts/Budget Committee (depending on the tradition of each country), the committees have no direct power over the expenditure vote. At the end of each financial year, the Ministry or Department of Defence produces accounts, showing that it has spent its funds in accordance with the approval given by the legislature. In the United Kingdom, for instance, this is audited by the National Audit Office and certified by its head, the Controller and Auditor General, and the Permanent Secretary of the Ministry of Defence.³³

Based on its control over defence budgets, most legislatures have the power to dictate the size of

the armed forces and the equipment to be procured for the military each year.³⁴ The maximum number of active and reservist personnel allowed for each service of the armed forces, for instance, is included in the Defence estimates for the year. The size of the defence budget could be influenced by the threats that a nation faces at any given time. During the Cold War era, the defence budgets of NATO states, particularly the US, were influenced by the threat posed by the Soviet Union and its Warsaw Pact allies. Thus, legislators were bound to assess such a threat in defence budget debates before approvals were made. Since 2003, the war on terrorism, as part of the National Security Strategy of the US, has influenced Congress in the approval of budgets for the armed forces. Public opinion in a particular country has also played a role in this process.

Influence on whether the legislature should increase or decrease budgets for the armed forces varies. Whilst some legislators are focused on curtailing spending on the armed forces in certain states, others have been influenced by public opinion to increase spending on the military. In the post-Cold War era, most legislatures have shifted emphasis from traditional security to human and environmental security issues. Thus, in African states, budgets for the armed forces have been reduced by the legislature and instead, such funding has been redirected to healthcare, education, poverty eradication, and other areas of human security. These cuts are implemented without compromising the defence of these states against external or internal threats. Legislative scrutiny of the defence budgets involves detailed analysis and deliberation to assess the

appropriateness of proposed expenditures, the justification for significant procurements, and the alignment of budgetary allocations with strategic defence objectives.

In states where democratic institutions are still maturing, the capacity of Budget Committees of the legislature to conduct thorough scrutiny of budgets can vary widely. Factors such as access to classified information, technical expertise of committee members, and the willingness of military and government officials to cooperate significantly influence the effectiveness of budget oversight.³⁵ Given the often-classified nature of military spending, achieving transparency in defence budget approval is sometimes a complex task. Budgets of the armed forces frequently include components related to defence intelligence operations, procurement of sophisticated military equipment and weaponry, and other sensitive activities that may not be disclosed to the public. Striking a balance between maintaining national security and promoting transparency is a key challenge. Legislative frameworks that specify clear guidelines for handling classified budget items while still subjecting them to oversight are critical for ensuring accountability without compromising security.³⁶

The budget approval process for the armed forces often becomes a focal point for debates over resource allocation between defence and other critical sectors such as healthcare, education, energy, agriculture, and infrastructure. Many countries face difficult trade-offs between meeting the immediate national security demands and investing in long-term socio-economic development. Non-partisan legislative debate

during the budget approval process helps ensure that defence spending is proportional and justified, with an emphasis on preventing resource wastage at the expense of essential public services.³⁷

Personnel emoluments, which often constitute a significant portion of the budgets of the armed forces, also require careful examination. Salaries, pensions, gratuities, and benefits for military personnel must be appropriately budgeted to maintain morale and operational readiness within the armed forces. However, issues such as “ghost soldiers” on payrolls, inflated personnel numbers, and inadequate pension management have surfaced in some countries within the African context, necessitating stringent checks and audits during budget approvals. The legislature must ensure that payroll management systems are robust and that funds earmarked for personnel expenses are accurately allocated and disbursed.³⁸

The approval process is not limited to examining monetary figures but also involves assessing strategic planning, military readiness, and operational efficiency. The legislature often reviews the strategic objectives laid out in the defence budget and evaluates whether proposed expenditures can effectively be achieved within the set goals. Questions concerning the readiness of the armed forces, modernisation of equipment, and capacity for responding to emerging threats are integral to the annual budgets of the armed forces. In addition to financial oversight, the legislative approval processes for defence budgets can serve as platforms for public engagement and accountability. Public hearings, debates, and reports generated during the approval process contribute to greater transparency and allow civil

society organisations, academics, and security experts to provide inputs for the finalisation of the budget. This engagement ensures that the approval process is not conducted in isolation but reflects broader societal interests and general concerns of national security.³⁹

The approval of defence budgets is an important component of democratic control and oversight of the armed forces. In the African context, where emerging security challenges are rampant and resources often limited, robust budget approval processes may ensure that defence spending is controlled and aligned with broader national priorities. Strengthening these processes is essential for building transparent and accountable armed forces that contribute not only to national security but also to the socio-economic development and stability of nation-states.⁴⁰

Legislative oversight of armed forces' budgets worldwide provides essential benefits that enhance transparency, accountability, and democratic control over military institutions. Through this oversight, legislatures ensure that defence spending aligns with national priorities, legal frameworks, and public interest, thereby promoting fiscal discipline and reducing opportunities for corruption and mismanagement.⁴¹ It also reinforces the principle of civilian supremacy over the military, a cornerstone of democratic governance, particularly in post-authoritarian and transitional states.⁴² Effective legislative scrutiny contributes to strategic defence planning, improves resource efficiency, and fosters public trust in security institutions by subjecting military budgets to open and informed debate⁴³. This

institutional engagement ultimately strengthens both national security policy and democratic resilience.

PROCUREMENT OF EQUIPMENT

Closely related to budgetary allocation is the role that the legislature plays regarding the procurement of equipment for the armed forces. The legislature's oversight of military procurement is critically important worldwide because defence procurement involves massive spending, long-term commitments, and significant risks of corruption and inefficiency. Without proper oversight, it can become a major source of national waste or even a threat to democracy. Weapon procurement has ceased to be the exclusive domain of the armed forces and the Ministry/Department of Defence in any democratic state.

In most established democracies, the procurement process is effectively divided between the legislature and the Ministry/Department of Defence.⁴⁴ The funding and development of a particular weapons programme is therefore subject to scrutiny and influence by the legislature. Legislatures demand to be involved and kept informed about all stages of the procurement process, from the definition of operational requirements to the stages of research and development, engineering, and the eventual full-scale production and entry into service of military equipment.

In the United States, military witnesses and political heads of service departments sometimes challenge the assessment and budgetary allocation proposals made by the Department of Defence for weapon systems. They are given a hearing

at Congress, where a final decision is made on procurement.⁴⁵ In contrast, there is often a show of solidarity towards the United Kingdom Ministry of Defence when defence issues are discussed in Parliament.⁴⁶ This may be due to the concept of collective responsibility inherent in the parliamentary system of governance.

The important lesson here is that the legislature and the public are far better informed about how the procurement process works and why certain decisions are made. The legislature is thus better positioned to approve estimates for new equipment. However, in some states, due to resistance from the executive in providing vital procurement information, the legislature is denied its constitutional duty of oversight in the procurement of equipment for the armed forces. This issue is particularly evident in many emerging democracies in Africa, which have transitioned from military regimes.

Procurement in the armed forces typically follows a multi-stage process, beginning with the identification of operational requirements by the military leadership. These requirements are informed by strategic defence objectives, threat assessments, and the need to modernise existing capabilities, procurement plans are developed once the needs are established by the armed forces. These plans are then submitted for approval by the Ministry of Defence and, in many cases, subjected to legislative oversight. The involvement of legislative bodies in procurement decisions ensures that expenditures are justified, aligned with national priorities, and subject to democratic control and oversight, helping to prevent the misuse of resources.⁴⁷

One of the challenges faced by African states in procurement for the armed forces is balancing the need for advanced technology with budgetary constraints. The high cost of modern military equipment often places significant financial strain on national budgets, prompting some nations to explore collaborative procurement initiatives or enter into defence agreements with foreign partners. Joint procurement initiatives within regional organisations, such as the African Union and Regional Economic Communities, offer opportunities to reduce costs through collective bargaining and shared resource management. However, ensuring that such collaborations respect national sovereignty and security and defence interests remains a critical concern.⁴⁸

Corruption in the procurement of military equipment is a persistent and global problem, undermining national security, wasting public resources, and eroding public trust in both the armed forces and government institutions. Defence procurement is particularly vulnerable due to the frequent use of confidentiality clauses, lack of transparency, complex technical specifications, and limited civilian oversight. These conditions often enable inflated pricing, kickbacks, favouritism in contract awards, and the acquisition of substandard or unnecessary equipment.⁴⁹ In many countries, defence budgets are among the least scrutinized, allowing procurement decisions to escape effective legislative or public accountability. This opacity has been exploited in both developed and developing nations, with high-profile scandals such as South Africa's 1999 Arms Deal and India's repeated procurement controversies highlighting the systemic risks involved.⁵⁰ Corruption in this

sector not only weakens operational readiness but also distorts defence priorities and compromises national interests.

Another key consideration in procurement is ensuring that acquired equipment is suitable for the operational environment and the specific needs of nation-states. Various states often face unique geographical and logistical challenges that necessitate tailored solutions. For example, vehicles and surveillance systems used in arid desert regions may differ significantly from those required in forested areas or Sahelian environments. Procurement decisions must, therefore, be guided by comprehensive evaluations of the operational context to ensure that acquired assets are fit for purpose and capable of delivering the required strategic outcomes.

The global experience with legislative oversight of armed forces procurement offers many important lessons, particularly about how to make military spending more transparent, effective and democratic. These lessons are drawn from both best practices and failures in countries across the world. Some of the lessons are that transparency is key to fighting corruption, oversight must be strong and not merely symbolic; checks and balances help to manage executive power; international standards raise performance; and public trust depends on visible oversight. The global lesson is clear: legislative oversight of defence procurement is not optional but rather essential. Where it is robust and empowered, oversight leads to better spending, stronger militaries, and healthier democracies. Where it is weak or ignored, procurement becomes a tool for waste, corruption, or abuse.

APPOINTMENTS AND PROMOTIONS OF MILITARY HIGH COMMAND

The legislature in some democratic states may have the responsibility of vetting and approving appointments and promotions of officers in the armed forces nominated by the executive to assume high command positions. The legislature's role in vetting and approving appointments of top military commanders is a crucial function in democracies around the world. It ensures that the armed forces remain professional, accountable, and under civilian control, which is essential for national stability, good governance, and public trust. These appointments are normally the prerogative of the Commander-in-Chief of the Armed Forces.

In some countries, the president or the head of government may be vested with the power by the constitution to appoint personnel to military high command positions. In these circumstances, and depending on the constitution or practices of the country, the legislature exercises its function of checks and balances by scrutinising/vetting individuals earmarked for appointment to such high public offices. The public is allowed to raise observations on the reliability of selected individuals through written petitions or any acceptable means to the committee vetting the nominees.

In the US, Congress approves the nominees of the president for the office of the Chairman of the Joint Chiefs of Staff and service commanders. Indeed, when President Trump nominated General Dan Caine to replace General Charles Browne as the Chairman of the Joint Chiefs on 21 February

2025, the nominee testified before the Senate Armed Services Committee before approval by the full Senate on 11 April 2025.⁵¹ In Indonesia, the People's Assembly has the right to approve or disapprove the nomination by the president for the commander of the Armed Forces⁵². Similarly, in Nigeria and Sierra Leone, the Chief of Defence Staff and the heads of the Army, Navy, and Air Force are vetted by the legislature before their appointments are confirmed. The screening and selection of officers' permit legislatures to send a strong message about the kind of behaviour that is expected of the military leadership, a message that the executive may be unwilling or unable to send.⁵³ Perhaps it is upon this assertion that some legislatures have occasionally refused to confirm the nominees to the military high command submitted by the executive. In view of the history of human rights violations associated with the Argentine military, the Senate occasionally refused to confirm the nominees of the President to the military high command, citing human rights violations against individuals nominated.⁵⁴

The processes of appointing and promoting senior military officials within the high command are integral to the effective functioning and strategic direction of the defence sector of a country. These appointments determine the leadership that will command national defence forces, oversee military operations, and shape military culture. In African countries, where the security landscapes are often complex and evolving, ensuring the right individuals ascend to positions of command is crucial for the operational functioning of the armed forces and improving civil-military relations. The mechanisms for appointments and

promotions, if well-structured and transparent, foster professionalism and accountability in the armed forces while bolstering national defence capabilities.

The global experience shows that legislative oversight of appointments of commanders for the armed forces plays a vital role in upholding democratic principles, promoting professionalism, and ensuring accountability in military leadership. Effective vetting processes help prevent politicisation, corruption, and abuse of power by ensuring that appointments are based on merit, ethical conduct, and alignment with national values and strategic goals. It also strengthens civilian control over the military, fosters public trust, and reinforces institutional checks and balances. Conversely, where legislative oversight is weak or absent, there is a higher risk of military overreach, authoritarianism, and instability. The key lesson is that robust, transparent, and merit-based oversight is essential for safeguarding both national security and democratic governance.

DECLARATION OF STATE OF EMERGENCY

A state of emergency is a legal and political measure declared by a government or head of state during a perceived or actual crisis such as war, civil unrest, natural disaster, pandemic, or terrorist threat, that threatens the security or stability of the nation. This declaration allows for temporary suspension or limitation of certain constitutional rights and civil liberties, and enables the executive branch to take exceptional measures that would otherwise require legislative approval or be deemed unconstitutional under normal circumstances.⁵⁵

An emerging role of the legislature in modern and transitioning democracies is the right to declare a State of Emergency and to deploy security forces, including the military, to manage crisis at the request of the executive. In view of the history of the misuse of the military to suppress internal opposition in most developing states in the past, most modern constitutions demand the approval of the legislature before a State of Emergency is declared by the executive to quell domestic insurrections, violence, disturbances, and external threats. In some states, the executive alone has the right to declare a state of emergency, while in other states, the legislature must sanction a state of emergency.

Legislative oversight of the declaration of a state of emergency is crucial worldwide, as it serves as a vital safeguard against the abuse of executive power and the erosion of democratic freedoms. By requiring legislative approval or review, the legislature ensures that emergency powers are exercised lawfully, proportionately, and only when truly necessary. It promotes transparency, protects civil liberties, and upholds the rule of law during times of crisis, such as war, natural disasters, internal unrest, or public health emergencies. Moreover, legislative involvement provides a check on indefinite or politically motivated extensions of emergency measures, helping to prevent authoritarian overreach and maintain public trust in government institutions.

In some circumstances, Presidents or heads of government can declare a state of emergency and deploy the armed forces; however, the legislature must approve such a move. In the US and Germany, the legislature alone has authority to declare a

state of emergency.⁵⁶ The Philippine constitution requires legislative and judiciary approval for a declaration of martial law.⁵⁷ The declaration of a state of emergency is a critical measure exercised during times of crisis when the normal functioning of a state is threatened by situations such as external aggression, internal conflict, widespread unrest, public health emergencies, or natural disasters such as earthquakes, tsunamis, floods, and droughts that overwhelm civil authorities.

In African countries, the decision carries profound legal, political, and social implications, empowering the government to take extraordinary measures to restore order, protect lives, and maintain national security while testing the balance between civil liberties and state authority.⁵⁸ Most African states have constitutional provisions defining the conditions and legal processes for such declarations, typically vesting authority in the executive branch, often the President or Prime Minister, though some jurisdictions require legislative ratification within a set timeframe. In Ghana, the constitution of Ghana empowers the President, acting in accordance with advice from the Council of State, to declare a state of emergency in any part of the country by proclamation published in a gazette, but the Parliament of Ghana must approve the state of emergency within 72 hours, or it will be revoked after seven days.⁵⁹ A key challenge with a state of emergency is maintaining a balance between national security and civil liberties, with historical examples showing the use of emergency periods as pretexts to silence dissent or suppress opposition.⁶⁰ African countries increasingly utilise judicial reviews, legislative oversight, and

civil society engagement to monitor emergency powers, alongside international actors enforcing human rights obligations.⁶¹

The lessons from legislative oversight of declarations of states of emergency highlight the importance of maintaining democratic checks even during crisis. Countries with strong legislative involvement have shown greater resilience in protecting civil liberties, limiting executive overreach, and ensuring that emergency powers are used responsibly and temporarily. Legislative oversight helps prevent the misuse of emergencies to suppress dissent, prolong authoritarian rule, or bypass constitutional processes. It also reinforces transparency and public trust, especially when emergency measures significantly affect citizens' rights. Where such oversight is absent or weak, history has shown that states of emergency can become tools for consolidating power and undermining democracy.

CHALLENGES OF LEGISLATURE OVERSIGHT

Despite the positive developments discussed, legislative oversight of the armed forces is confronted with significant challenges that undermine its effectiveness. One of the foremost challenges is executive dominance, particularly in presidential systems where the executive branch often monopolises control over defence and foreign policy decisions. Even in parliamentary systems, ruling party majorities and executive-legislative alignment can limit the independence of oversight committees.⁶² This concentration of power is especially problematic in times of crisis or war, when executives may invoke national

security to justify secrecy and unilaterally expand military operations.⁶³ The Authorization for Use of Military Force passed by the US Congress in 2001 granted the President significant latitude to conduct military operations without formal declarations of war. Additionally, the establishment of Guantánamo Bay detention centre and the use of military tribunals for terror suspects bypassed standard judicial processes. These actions were undertaken with minimal legislative oversight, often shielded by claims of executive privilege and national security secrecy.⁶⁴

Second, limited technical expertise and institutional capacity within legislatures also hampers effective oversight. In many countries, defence and security issues are highly specialised, requiring lawmakers to have access to independent analysis, technical briefings, and classified information. Without such resources oversight bodies often struggle to critically engage with military budgets, procurement processes, and strategic planning.⁶⁵ ⁶⁶ The third challenge is the opacity of military spending, especially in states with large off-budget expenditures, hidden funds, or powerful military-industrial complexes. Lack of transparency in procurement and budgeting creates fertile ground for corruption, inefficiency, and misuse of funds—often without meaningful legislative review.⁶⁷ In many low- and middle-income countries, donor-funded security assistance and externally driven military programmes may bypass national oversight mechanisms altogether.⁶⁸ Fourth, the institutional fragmentation of oversight responsibilities also poses difficulties. Defence policy, intelligence oversight, and military operations may fall

under separate legislative committees with weak coordination or overlapping mandates. This fragmentation can lead to duplication of efforts, jurisdictional confusion, or legislative inaction.⁶⁹

Finally, civil-military relations shaped by historical legacies present enduring obstacles. In countries with histories of military rule, coups, or civil war, the armed forces may enjoy a privileged position within the political system and resist legislative scrutiny. Legislators in such contexts may fear military retaliation or lack the political leverage to hold security actors accountable.⁷⁰ In Pakistan, the military has historically dominated national security policy and frequently intervened in politics through coups, coercion, and indirect influence. Even in periods of civilian rule, legislators often avoid challenging military decisions out of fear of reprisal or institutional pushback.⁷¹

Addressing these global challenges requires not only legal reforms and institutional strengthening but also a broader cultural shift toward democratic norms, transparency, and inclusive governance.

BEST PRACTICES FOR STRENGTHENING LEGISLATURE OVERSIGHT

Enhancing legislative oversight of the armed forces is essential for promoting democratic governance, ensuring accountability, and safeguarding human rights and national interests. Based on comparative experiences, recommendations and best practices can serve as a blueprint for reform across diverse political and institutional contexts.

First, effective oversight begins with a clear legal mandate. Constitutions and national

defence laws must explicitly define the roles, responsibilities, and powers of legislatures in defence and security matters. These should include: authority to approve defence budgets and major procurements; power to authorise military deployments and the use of force; mandates for oversight of intelligence services and internal security operations. Countries such as Germany, South Africa, and Ghana provide strong examples of such legal frameworks.⁷²

Second, legislative bodies must be equipped with the technical expertise and institutional support necessary to understand and evaluate complex military issues. This includes: establishing well-staffed defence and security committees; hiring professional advisors with military, financial, or legal backgrounds; training legislators in security sector governance and oversight techniques; and creating research arms or partnerships with independent think tanks and civil society. Countries such as the United States and the United Kingdom demonstrate the value of specialised legislative committees supported by professional analysts and researchers.⁷³

Third, access to accurate, timely, and comprehensive information is a prerequisite for oversight. Legislatures should: have legal rights to review classified materials under appropriate safeguards; require regular reporting from defence ministries on budgets, deployments, and strategic objectives; and mandate public disclosure of defence expenditures, procurement contracts, and performance audits. This approach helps deter corruption, waste, and abuse, particularly in countries where defence spending is prone to secrecy.⁷⁴

Fourth, given the growing role of intelligence and cyber operations in national security, legislatures must not neglect these areas. Oversight mechanisms should include: a dedicated intelligence oversight committee with access to classified operations; regular briefings and reporting requirements from intelligence agencies; and clear legal boundaries to prevent abuse of power and ensure compliance with civil liberties.⁷⁵

Fifth, to ensure meaningful oversight, legislative committees must operate independently of the executive branch and avoid excessive politicisation. This can be achieved by: ensuring multiparty representation and leadership rotation in defence committees; granting opposition parties rights to chair or co-chair key committees; and protecting whistle-blowers and safeguarding legislators from military or executive retaliation.⁷⁶

Sixth, oversight is most effective when it involves a broader ecosystem of accountability. Legislatures should: consult with civil society organisations, academia, and think tanks; hold public hearings and release non-classified summaries of findings; and foster media engagement and citizen education on defence and security matters.⁷⁷

Seventh, in post-authoritarian or post-conflict societies, reforming civil-military relations requires addressing the historical dominance of the armed forces. Steps include: conducting security sector reforms in tandem with transitional justice and reconciliation; building a culture of democratic values within the military through training and civilian education; supporting legislative assertiveness through international peer learning and capacity-building.⁷⁸

Finally, countries can benefit from aligning their oversight frameworks with international best practices and norms promoted by organizations such as the Geneva Centre for the Democratic Control of Armed Forces (DCAF); the Parliamentary Assembly of NATO; the African Union and ECOWAS frameworks on Security Sector Reforms; and the United Nations guidelines on democratic governance of security institutions. Participation in regional or global parliamentary networks facilitates knowledge sharing and technical assistance.⁷⁹

CONCLUSION

The dynamics of legislative oversight over the armed forces in liberal democracies reflect the intricate balance between ensuring national security and upholding democratic principles of transparency, accountability, and civilian supremacy. Throughout this paper, it has been demonstrated that legislatures play a critical role in shaping and monitoring the security architecture of the state through a range of constitutionally and statutorily defined powers. These include the establishment and operation of defence committees, which serve as the institutional mechanism for continuous legislative engagement with military and defence policy. Through these committees, legislatures are able to scrutinize defence strategies, question military leadership, and demand explanations on critical issues, thereby ensuring a degree of civilian oversight that is essential in a democratic context.

One of the most sensitive areas of oversight is military procurement. This has been shown to be particularly prone to corruption, opacity,

and political manipulation. Legislatures, where effective, play a watchdog role, ensuring that procurement processes are competitive, transparent, and aligned with national defence needs. This is crucial in curbing wasteful expenditure and preventing the politicisation of defence contracts. Similarly, the vetting and approval of military commanders, where applicable, underscores the principle of civilian control and helps guard against politicised or partisan appointments that could threaten the neutrality of the armed forces.

The legislative function of enacting laws that govern the operation, conduct, and structure of the armed forces is another pillar of parliamentary oversight. Through this function, parliaments not only define the legal boundaries within which the military operates but also ensure alignment with democratic values and international obligations, including human rights norms. Furthermore, legislative approval of states of emergency serves as a safeguard against the abuse of executive power in times of national crisis. By requiring legislative sanction for such declarations, democracies ensure that emergency powers are exercised within a framework of legality, proportionality, and temporal limits.

Budgetary approval remains one of the most powerful tools of legislative oversight. By controlling the purse strings, legislatures can directly influence defence priorities, limit

unchecked military spending, and demand greater accountability from defence ministries and military leadership. However, despite these formal powers, the paper also underscores the persistent challenges that undermine effective legislative oversight. These include limited technical expertise among legislators, executive dominance in security affairs, lack of access to classified information, weak institutional capacity, partisan politics, and limited engagement with civil society and the media. In many cases, these challenges result in superficial oversight or a mere rubber-stamping of executive decisions.

In summary, while liberal democracies have established formal mechanisms for legislative oversight of the armed forces, the effectiveness of this oversight depends on much more than institutional design. It requires sustained political will, a culture of accountability, adequate resources, and active engagement by independent actors such as the media, civil society, and professional policy analysts. Strengthening the legislative role in defence governance is not only critical to ensuring responsible military conduct and resource use, but also vital to preserving democratic integrity in an era where security concerns often justify exceptional measures. Moving forward, the challenge lies in deepening institutional capacities, fostering informed legislative debate, and reinforcing the norms that protect civilian control and democratic accountability in the security sector.

ENDNOTES

- ¹ Feaver, P. D. (2003). *Armed servants: Agency, oversight, and civil-military relations*. Harvard University Press / Born, H., Finer, D., & Wills, A. (2007). *Oversight and guidance: The relevance of parliamentary oversight for the security sector and its reform*. DCAF..
- ² Chuter, D. (2006). *Understanding Security Sector Reform*. Geneva Centre for the Democratic Control of Armed Forces (DCAF).
- ³ UK Parliament Defence Committee: <https://committees.parliament.uk/committee/24/defence-committee/>; and U.S. Senate Armed Services Committee: <https://www.armed-services.senate.gov/>.
- ⁴ Feaver, P. D. (2003). *Armed servants: Agency, oversight, and civil-military relations*. Harvard University Press. / Owens, M. T. (2015). US civil-military relations after 9/11: Renegotiating the civil-military bargain. *Orbis*, 59(1), 32–48. <https://doi.org/10.1016/j.orbis.2014.11.005>
- ⁵ Born, H., Finer, D., & Wills, A. (2007). *Oversight and guidance: The relevance of parliamentary oversight for the security sector and its reform*. DCAF
- ⁶ Croissant, A., Kuehn, D., & Lorenz, P. (2013). Civilian control of the military in the world: A review and a new dataset. *Democratization*, 20(5), 950–976. <https://doi.org/10.1080/13510347.2012.705637>/ Albrecht, H., & Franke, B. (2011). Egypt: The decline of the civilian political elite. *International Journal of Middle East Studies*, 43(3), 361–379. <https://doi.org/10.1017/S0020743811000467>
- ⁷ Ng, J. C., & Kurniawan, Y. (2022). *The Parliament and Cooperative Oversight of the Indonesian Armed Forces: Why Civil–Military Relations in Indonesia is Stable but Still in Transition*. *Armed Forces & Society*. [Link](#)
- ⁸ Academia.edu. (n.d.). *Subordinating the Military to Civilian/Legislative Control in Nigeria's Fourth Republic: Issues, Challenges and the Way Forward*.
- ⁹ Wagner, W. (2006). Parliamentary control of military missions: Accounting for institutional variation. *European Security*, 15(2), 199–218. <https://doi.org/10.1080/09662830600903636>
- ¹⁰ Marland, Alex (2020). *Whipped: Party Discipline in Canada*. Vancouver: UBC Press. ISBN 978-0774864961.
- ¹¹ Bruneau, T. C., & Matei, F. C. (2013). *The Routledge Handbook of Civil-Military Relations*. Routledge.
- ¹² Geneva Centre for Security Sector Governance (DCAF): <https://www.dcaf.ch/about-us>; and UNDP Security Sector Governance and Reform: <https://www.undp.org/rolhr/community-security/security-sector>
- ¹³ Born, H., & Wills, A. (2012). *Parliamentary oversight of the security sector: Principles, mechanisms and practices*. Geneva Centre for the Democratic Control of Armed Forces (DCAF).
- ¹⁴ O'Brien, M. (2005). "Parliamentary Oversight of the Security Sector: Lessons from a Comparative Perspective." *The Journal of Legislative Studies*, 11(2), 109–129.
- ¹⁵ Cottey, A., Edmunds, T., & Forster, A. (2002). *Democratic control of the military in postcommunist Europe: Guarding the guardians*. Palgrave Macmillan. / Born, H., & Wills, A. (2012). *Parliamentary oversight of the security sector: Principles, mechanisms and practices*. Geneva Centre for the Democratic Control of Armed Forces (DCAF).
- ¹⁶ Fluri, P., & Born, H. (2003). *Handbook for Parliamentarians: Parliamentary Oversight of the Security Sector*. Geneva Centre for the Democratic Control of Armed Forces (DCAF).
- ¹⁷ Bruneau, T. C., & Matei, F. C. (2013). *The Routledge Handbook of Civil-Military Relations*. Routledge.
- ¹⁸ Wagner, W. (2006). Parliamentary control of military missions: Accounting for institutional variation. *European Security*, 15(2), 199–218. <https://doi.org/10.1080/09662830600903636>
- ¹⁹ *Parliamentary Oversight: A Comparative Study*. Geneva: IPU, 2007. Available at: <https://www.ipu.org>.
- ²⁰ Joint Rules of Parliament of South Africa: Joint Rule 120A establishes the Joint Standing Committee on Defence. Available at: <https://www.parliament.gov.za/storage/app/media/JointRules/joint-rules-a51.pdf>
- ²¹ UK Parliament. (n.d.). Defence Committee – Role and Responsibilities: <https://committees.parliament.uk/committee/24/defence-committee/>
- ²² UK Parliament. (2021). Armed Forces Act 2021. <https://www.legislation.gov.uk/ukpga/2021/35/contents/enacted>.
- ²³ Tom Dodd. (June 1998). "Parliament and Defence," *RUSI Journal*.
- ²⁴ Jeanne, K. Giraldo. (June 2001). "Legislature and Defence: The Comparative Experience," *Occasional Paper Number 8*, Centre for Civil-Military Relations, Monterey, California.
- ²⁵ Nathan, L. (1996). *The Changing of the Guard: Armed Forces and Defence Policy in a Democratic South Africa*. HSRC Press.
- ²⁶ Chuter, D. (2006). *Understanding Security Sector Reform*. Geneva Centre for the Democratic Control of Armed Forces (DCAF).
- ²⁷ The Armed Forces Act, 1962 (Act 105). Republic of Ghana.
- ²⁸ Hernandez, C. G. (2010). "The Role of Legislatures in Defence Oversight: A Comparative Perspective on the Philippines and

Malaysia.” *Journal of Asian Security Studies*, 3(2), 45–67.

²⁹ Parliament of Ghana. (2024, February 17). The New 2024 Standing Orders to Address Ghana’s Dynamic and Hybrid Parliamentary Democracy. Retrieved from <https://www.parliament.gh/news?CO=217>

³⁰ Africa Centre for Strategic Studies. (2020). *Executive Dominance and Legislative Oversight in African Defence Policy*. Policy Brief No. 12.

³¹ Van Dyke, M. (2021). *Building Democratic Civil-Military Relations in Africa: Lessons from Global Experiences*. Cambridge University Press.

³² Tom Dodd. (June 1998). “Parliament and Defence,” *RUSI Journal*.

³³ bid

³⁴ Chuter, D. (2006). Understanding Security Sector Reform. Geneva Centre for the Democratic Control of Armed Forces (DCAF).

³⁵ Hendrickson, Dylan, and Nicole Ball. *Off-Budget Military Expenditure and Revenue: Issues and Policy Perspectives for Donors*. London: Conflict, Security & Development Group, King’s College London, 2002.

³⁶ Human Rights Watch. *Human Rights and the Military: Challenges in Africa*. 2020.

³⁷ *Post-Conflict Military Reforms: Challenges and Opportunities*. 2021.

³⁸ International Committee of the Red Cross (ICRC). *Guidelines on Military Operations and Human Rights*. 2018.

³⁹ International Crisis Group. *The Role of the African Union in Crisis Management*.

⁴⁰ *Defence Legislation and Governance*. 2022.

⁴¹ Born, H., & Leigh, I. (2005). Making Intelligence Accountable: Legal Standards and Best Practice for Oversight of Intelligence Agencies. Publishing House of the Parliament of Norway.

⁴² Hänggi, H., & Winkler, T. (Eds.). (2003). Challenges of Security Sector Governance. LIT Verlag.

⁴³ IPU & UNDP. (2012). Global Parliamentary Report: The Changing Nature of Parliamentary Representation.

⁴⁴ Born, H., & Caparini, M. (2007). Democratic Control of Armed Forces in the EU. DCAF. <https://www.dcaf.ch>.

⁴⁵ U.S. Government Accountability Office (GAO). (2022). Defense Acquisitions Annual Assessment.

<https://www.gao.gov/products/gao-22-104533>.

⁴⁶ OECD. (2007). Security System Reform and Governance: A DAC Reference Document. <https://www.oecd.org>.

⁴⁷ Kofi Annan International Peacekeeping Training Centre. *Civil-Military Relations in Africa: Trends and Prospects*. 2018.

⁴⁸ Liebenberg, Ian, and Markus Barnard. *Arms Acquisition and Procurement in South Africa*. 1994.

⁴⁹ Perlo-Freeman, S., & Ismail, O. (2014). Military Expenditure and Corruption. SIPRI Background Paper. Stockholm International Peace Research Institute. <https://www.sipri.org/>.

⁵⁰ Feinstein, A. (2007). After the Party: A Personal and Political Journey Inside the ANC. Jonathan Ball Publishers. (Details the South African Arms Deal scandal).

⁵¹ Lalita Baldor: apnews.com, 11 April 2025.

⁵² Jeanne, K. Giraldo. (June 2001). “Legislature and Defence: The Comparative Experience,” *Occasional Paper Number 8*, Centre for Civil-Military Relations, Monterey, California.

⁵³ Maull, H. W. (2017). Civilian Control and the Bundeswehr: Germany’s Civil-Military Relations. In *European Security*

⁵⁴ Bingham Centre for the Rule of Law. (2020). Judicial Vetting: The Forgotten Aspect of Argentina’s Transition. Retrieved from: <https://binghamcentre.biicl.org/comments/19/judicial-vetting-the-forgotten-aspect-of-argentinass-transition>.

⁵⁵ Gross, O., & Ní Aoláin, F. (2006). Law in Times of Crisis: Emergency Powers in Theory and Practice. Cambridge University Press.

⁵⁶ *U.S. Constitution*, Article I, Section 8; *Basic Law for the Federal Republic of Germany*, Article 115a.

⁵⁷ *1987 Constitution of the Republic of the Philippines*, Article VII, Section 18.

⁵⁸ Oko, O. (2005). “The Challenges of Democratic Consolidation in Africa.” *Washington University Global Studies Law Review*, 4(2), 51–85.

⁵⁹ Constitution of Ghana, 1992, Article 31.

⁶⁰ Agbese, P. (2004). “Authoritarianism and the Abuse of Emergency Powers in Africa: Historical Reflections and Contemporary Realities.” *Journal of Third World Studies*, 21(1), 35–58

⁶¹ African Commission on Human and Peoples’ Rights (2021). *Guidelines on Emergency Measures and Human Rights in Africa*.

⁶² Wagner, W. (2006). Parliamentary control of military missions: Accounting for institutional variation. *European Security*, 15(2),

199–218. <https://doi.org/10.1080/09662830600903636>

⁶³ Owens, M. T. (2015). US civil-military relations after 9/11: Renegotiating the civil-military bargain. *Orbis*, 59(1), 32–48. <https://doi.org/10.1016/j.orbis.2014.11.005>

⁶⁴ Cole, D., & Lobel, J. (2007). *Less Safe, Less Free: Why America Is Losing the War on Terror*. New Press.

⁶⁵ Chuter, D. (2006). *Understanding Security Sector Reform*. Geneva Centre for the Democratic Control of Armed Forces (DCAF).

⁶⁶ Born, H., Finer, D., & Wills, A. (2007). *Oversight and guidance: The relevance of parliamentary oversight for the security sector and its reform*. DCAF.

⁶⁷ Transparency International. (2020). *Government Defence Integrity Index 2020*. <https://ti-defence.org/gdi>

⁶⁸ Brzoska, M. (2003). *Security sector reform and donor policies*. Safer world Report.

⁶⁹ Born, H., & Wills, A. (2012). *Parliamentary oversight of the security sector: Principles, mechanisms and practices*. Geneva Centre for the Democratic Control of Armed Forces (DCAF).

⁷⁰ Croissant, A., Kuehn, D., & Lorenz, P. (2013). Civilian control of the military in the world: A review and a new dataset. *Democratization*, 20(5), 950–976. <https://doi.org/10.1080/13510347.2012.705637>

⁷¹ International Crisis Group (2021). *Pakistan: Shaping a New Government*.

⁷² Born, H., Finer, D., & Wills, A. (2007). *Oversight and guidance: The relevance of parliamentary oversight for the security sector and its reform*. DCAF.

⁷³ Feaver, P. D. (2003). *Armed Servants: Agency, Oversight, and Civil-Military Relations*. Harvard University Press.

⁷⁴ Transparency International. (2020). *Government Defence Integrity Index 2020*. <https://ti-defence.org/gdi>

⁷⁵ Born, H., & Leigh, I. (2007). *Making Intelligence Accountable: Legal Standards and Best Practices for Oversight of Intelligence Agencies*. DCAF.

⁷⁶ Wagner, W. (2006). Parliamentary control of military missions: Accounting for institutional variation. *European Security*, 15(2), 199–218.

⁷⁷ Bryden, A., & Olonisakin, F. (2010). *Security Sector Transformation in Africa*. Lit Verlag.

⁷⁸ Croissant, A., Kuehn, D., & Lorenz, P. (2013). Civilian control of the military in the world: A review and a new dataset. *Democratization*, 20(5), 950–976.

⁷⁹ Fluri, P., & Born, H. (2003). *Handbook for Parliamentarians: Parliamentary Oversight of the Security Sector*. DCAF.

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