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LEGISLATURES AND HUMAN RIGHTS IN WEST AFRICA:

AGENDA FOR ACTION

A REPORT

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"visit four West African countries for the purpose of studying and evaluating the status of their legislative institutions; brief and orient USAID, USIS, and other embassy personnel concerned with legislatures and human rights, on the status of legislative development in the USA; and finally recommend to USAID/W programs which may help those countries meet some of their legislative needs."

Between August 26 and September 22, 1985, four West African States were visited; Ivory Coast, Cameroon, Mali and Senegal.¹

Approximately one week was spent in each of these states.

The four states were selected for a number of reasons. The four states are all French speaking countries with a French colonial experience and therefore have similar legislative institutions, yet different legislative histories. Cameroon however is a bilingual state, with French as a dominant language. Its legislative history has been shaped by both British and French legislative experience. With the exception of Senegal, the three other states are officially single party states. Even Senegal which is constitutionally a multiparty system is, in fact, a one party dominated system.

1

I sincerely wish to acknowledge the assistance and logistical support of the following, in making my visit to Africa successful, and this report possible: Beverly Farrell, Program Officer, USAID/W; Mr Elton Steperon, USIS/PAO, and Dr. Denis Dunon, ADB, in Ivory Coast; Mr Horace Pitkin, USEMB/CAM, and Mr Sona Elcngé, MINEDUC, in Cameroon; Ms Barbara Presgrove, USEMB/Mali, and Dr Bacari Kone, Mr Ahmadou Diall, and Aguibou Diarra (SUNYA graduates), in Mali; Ms Madgid Diallo Djibryl, SUNYA, Mr Steven Waggenseil, USEMB/Senegal, and Mr George Bikhazi, in Senegal; and finally Henry Elonge, Research Associate, at the International Development Program SUNYA.

2

All the four states are ethnically and linguistically divided societies with the tribe as the basic social and political unit. All four states are presently experiencing economic difficulties largely due to drought conditions and therefore are in the midst of massive economic and structural adjustments, with enormous political consequences. Finally, all are presently involved in a systematic effort to revamp their political institutions and specifically their legislative institutions. Yet with all these similarities, the four states have diverse political and legislative histories. Senegal, for example, has a long legislative experience with a thriving political party system even when it was a French colony. Since independence, Senegal has maintained an open political and economic system albeit under a single party system. Senegal was the first West African state to undertake a peaceful succession from Senghor, the founder of the State, to Diop, the present president. It was also the first state to move from a single party system to a multiparty system through a peaceful transition. Cameroon, as mentioned earlier, is officially a bilingual state (French and English), with a legislature that evolved from the above two traditions. The legislature of the Republic of Cameroon, is the result of a synthesis of two legislative traditions; The British tradition of the West and the French tradition of the rest of the country (East Cameroon). Until 1984, Cameroon was moving in a political path similar to Senegal. The founder of the State Ahidjo, was able to pass the leadership to a new generation (Paul Biya)

peacefully. Political development seemed to proceed without violent upheaval. Yet, in 1984, the new leadership had to deal with an attempted coup d'etat in which the previous president was implicated. Thus, what was meant to be a peaceful succession was soured. The present leadership is now faced with the task of reinforcing the political system without alienating the supporters of the previous regime. Ivory Coast is moving gingerly towards a multiparty system under the same leadership since its independence. Political observers are concerned that the president since independence has thus far failed to make the necessary preparation to insure a peaceful succession after his death or retirement. Consequently, attention is being increasingly focussed on the National Assembly as the arena that may eventually select a successor. This November, for the first time, the party will not unilaterally select a slate of candidates for the election to the National Assembly. Instead candidates are being asked to go and campaign directly in their districts. Thus under the banner of a single party system, multi-candidates are seeking public support for the same seat. Mali, perhaps the most homogeneous of the four states has been ruled by a single party since the coup d'etat that overthrew president Modibo Keita in 1968. In 1979, Lt. Mousa Traore, leader of the coup, was elected president for six years and the first National Assembly was elected for a period of three years. Thus, Malien legislative experience is the youngest of the four states and perhaps the least developed. Taken within the context of severe economic conditions which have devastated the agricultural base of the

country, Mali could be construed as a country with "minimal" legislative experience, if compared with the other three states. The four states visited have several essential characteristics in common, yet offer a variety of legislative experiences so that collectively, they can be conceived as representative of legislative experience in Francophone Africa. Any observation made in this report is therefore most likely applicable to other Francophone African countries.

LEGISLATURES AND HUMAN RIGHTS

Two questions kept coming up during the visit. How can a legislature, functioning within the constraints of a one party state, protect or promote human rights when it is supposed to enact what the party decides? How relevant are human rights concern to the majority of citizens suffering from the effect of prolonged drought and severe economic conditions? These two questions were raised by several of those met during the visit especially among some AID officials. Since these two questions are of concern to some, and are central to this report, they need to be addressed before we proceed any further.

Some of those who raised these questions expressed the legitimate fear that a legislature nominated by one party and representing the same political party is not likely to adopt a critical attitude towards policies and actions of a government of which they are a part and on which they depend for their future political career. It is argued that legislatures in such one

executive. As for human rights, it is argued that what concerns most Africans is food and other necessities and not abstract human rights. During my interviews with both Americans in the field and African legislators, staff, party and executive officials, I tried to raise these concerns and explore the validity of these fears within the states I visited. The findings are reported separately under each country later on in this report. However, it is important to report here the general assumptions that underlie those fears and the relevance of those assumptions to the African political scene.

Our present understanding of the legislature within a one party system seems to be based on the political experience of communist states, rather than an empirical analysis of the role of legislatures in the African states and the nature of the one party system that prevails in many of those states. In communist systems, where the party is a coherent ideological unit, it has often been argued that the legislature has a minimal role to play. Even in those systems, recent research has challenged such findings. Instead, it is now believed that in some communist countries the legislature still performs a unique role not performed by the party.

The role of legislatures in communist regimes is not of immediate concern to us here. What is important is whether the observations found relevant in a one party communist state are relevant to the one party African state? On the face of it, one is

tempted to find the similarities convincing. For example, many of the African states, even the most free economy oriented and the most pro western of them, seem to profess one brand of socialism or the other. The organization of the political party as well as the terminology used sounds similar to those of the communist party. Yet on closer analysis, the similarities stop there. African single party systems are the creation of one person, often after assuming power. By definition every citizen is theoretically a party member. In fact, every government employee is a party member. Interviews with senior party functionaries, government ministers and leading legislators in the countries visited however, reveal a completely different picture. There is a consensus among those that the party is more a symbol of the unity of the nation than a coherent, integrated, policy making body. Quite often, it is composed of component parts that espouse conflicting goals and objectives. This is not at all surprising given the pluralistic nature of African states. These states are composed of several ethnic communities with different languages, religions and political experiences. The political parties are superimposed on these organic units which are the real building blocks of society. Individuals are members of these primary groups before they are members of political parties. Loyalty is to the primary group and not the party.

It should also be pointed out that the ability of the party, or for that matter the state, to penetrate and mobilize society in these states is extremely limited. The economic ,technological and

informational resources of the party and the state are minimal. The presence of the state outside the capital and some major cities , for all practical purposes, is nonexistent. Real power belongs to local chiefs and other local leaders. The fragility of the political party can be seen in the resources it commands and the allegiance it generates. It is not surprising therefore that in times of political turmoil, the chief executive depends on the military and other instruments of the state and not the political party. It is also not surprising that in those societies, multi-parties prevailed before the imposition of a single party state and that given the opportunity, they will return to a multi-party system.

If our analysis is true, then why do these states resort to the political fiction of a one party state? A number of reasons were cited ranging from the critical to the most sympathetic.

Those who are within the party or the government and are critical of the policies and performances of the one party state explain the maintenance of this political fiction as a convenient excuse for the chief executive to exercise government authority in the name of an all embracing political party. To those critics, the party is a collection of opportunists who, in exchange for their subserviency to the chief executive, receive political and economic favors. While many are counted as party members, the beneficiaries are only few. In short, the party is a thin cover to hide the power which is being exercised by a clique of military and senior functionaries around the chief executive.

For sympathetic observers, the fiction of a one party system is political necessity, given the fractured nature of the state. The one party system is an attempt to coopt regional leaders and bring them to the power center so that they feel like part of the state. Put differently, the party is the instrument by which the government can appeal to a national audience or the nation. An informed cabinet minister in one of the states visited, when talking about the role of the party in a one party state , had this to say:

I do not call it a one party system. It is a national forum for debate. It is not intended to exclude other parties. The role of the party is to prepare the way for an evolution that would lead to a more open society with more than one one party. It is a way to insure more liberty within and more respect to human rights.

Given the real cleavages within every African state visited, the one party system is a symbol to emphasize the willingness to live under one state. That is why membership in the party is legally open to all members of society irrespective of their political orientation. It is equivalent to citizenship and therefore devoid of any ideological connotations or party discipline. In such a single party regime state power rests in bureaucracy whether military or civilian. Since most power in these societies fall outside the domain of the state, local communities and their spokespersons retain important residual power. It is this residual power which is so organic and so intrinsic in African societies, that is at the basis of local leadership and their representatives at the national level. In reality, all African societies are closer to a federation of organic communities

rather than unitary states ruled by a single party system. This is the political reality often emphasized by those who work within the political system, especially in the legislature.

HUMAN RIGHTS

Thus far I have argued that legislators, contrary to appearances and assumptions of a one party unitary system hold important residual power stemming from their leadership role in their communities. Although this power does not make legislatures in those countries, "the policy making institutions" as is the U.S. Congress, for example, it, nonetheless, enables them to play a number of important roles which are directly related to human rights within the African context.

Before we discuss the various roles played by legislators in the countries visited, it is important to clarify the meaning of human rights in the African context.

In my various meeting with both American and African officials, I noticed that the concept of "human rights" is closely associated with two political environments, neither of which are felt to be relevant to the African political scene. The first political environment is that of the Soviet Union and some other communist regimes. The second is that of some military regimes in South America. In both of these two environments, "human rights" mean the treatment of political dissent by a coherent ruling elite, whether it is the communist party or the military institution. The African political scene, it is argued, is radically different

from these two political environments because it does not have a coherent unified political elite, nor does it possess the informational, technological or material resources to penetrate and control society. Most importantly is the fact that in African society, the individual is protected by a coherent primary group, of which he/she is an integral part. The atomization of the individual is a necessary condition for total state control and manipulation, a condition that is as yet absent in most African societies.

Does this mean that there are no human rights abuses in Africa? Certainly there are, but these abuses are of a special nature that are susceptible to correction, among other means, through legislative intervention. Most human rights violations in the countries visited are the result of arbitrary actions taken by military and civilian bureaucrats in control of particular programs, services or operations. As arbitrary actions, they are not systematic repressions of a group or class of people, but individuals who appear to lack the appropriate political or social connections. This is not to argue that there is regional equality or equal power distributions in society. Different groups and different regions have different economic and power bases. Some groups are more powerful and dominant than others. The state through its limited power and resources may also favor one group or one region over another group or another region. But all of these are part of the normal political game in existence in all societies and therefore can not be construed as systematic

human right violations. In fact, a large part of the work of legislators is to continuously try to influence the distribution of state resources among the various regions and groups. This is the extent of their involvement (both formally as an institution, and informally, as individuals lobbying the government,) in public policy. The other major involvement is that of ombudsmen on behalf of agrieved citizens. Time and again, it was pointed out to me , especially by USAID officials in the field, that what is important in Africa is the ability of the citizen to secure basic human needs. These needs require real economic growth, which many USAID projects are attempting to address. It also requires a political system that insures proper distribution as well as a mechanism to address grivances arising from arbitrary actions of government bureaucrats. Legislatures and the various roles they play are at the core of this system.

LEGISLATURES AND THEIR ROLE

Legislators play a variety of roles, both when in and out of in session. During recess periods, for example, legislators in Africa return to their regions and mix with the citizens. During these visits, they explain the government development projects and policies and urge their support. They also inform the people of the various actions taken during the session and how these actions affect a particular group or region. During the recess, legislators participate in many community actions and thus serve as examples for others. They take a leading role in settling

disputes between citizens, organizations and communities, thus strengthening the spirit of national unity. During their stay in their communities they have a good chance to observe the actions of various government agencies and seek to redress adverse actions or abuses. They work as inspirers and animators in favor of certain developmental goals. As party members, they play a leading role in keeping the party informed of government policies and priorities and thus contribute to civic and political education and raise public awareness towards common problems and priorities.

While in session and during their presence in the capital, they also participate in a number of activities of importance to their regions and their constituencies. As members of legislative commissions they debate, elaborate and sometimes amend bills introduced by the government. Throughout my visit in the four countries, it was pointed out to me that real legislative action is taken within the committees and not at the plenary sessions. Since these legislative commissions meet in camera, the public and the outside observers do not get a glimpse of the intensity of the debate among various legislators and the government in which serious policy issues are debated and regional and national concerns and priorities are raised. One former cabinet minister for parliamentary affairs pointed out to me that one of his main functions was to attend these debates with the concerned substantive minister and at the end of the session to present a report to the chief executive containing all the

concerns and objections of the various legislators. Although in most cases government bills are approved, he pointed out, future government policies, if they are to be accepted, require that they incorporate significant portions of the suggestions made by the legislators. While in the capital, legislators often visit key government officials and lobby them for programs and services for their constituencies. They also meet with civil servants from their areas who occupy policy making positions in the bureaucracy and learn from them about programs that may affect their regions and alert them to forthcoming changes in policies and priorities, so that they may look to maximize their profits and minimize their losses.

In sum, the formal and the informal networks that legislators develop both in the capital and in the region determine, to a large extent, the degree to which they are able to influence public policy, redress grievances and serve their constituencies. In the African context these activities are directly connected with human rights. To the extent that legislatures as institutions and as individuals are strengthened to perform these roles more effectively, we are in effect promoting human rights in those countries. Yet, as will be discussed later, legislatures lack certain needed resources and capabilities that are essential to the proper performance of the various roles they play. However, before we summarize those needs and suggest programs to meet some of those needs, it is important to first present our findings on a country by country basis. As we

mentioned earlier, despite the many similarities, legislatures differ from one country to another both in needs and degree of development.

IVORY COAST

The first country visited was the Ivory Coast. Although AID officials were properly notified about the visit and its purposes, the Embassy was taken by surprise. Nonetheless, my meeting with the DCM, Mr. Carl Cundiff, who was at the same time the Charge d'Affair, Mr. Elton Stepherson USIS /PAO, and Mr. John Heffern, Political officer, was very informative and constructive. On a previous day, I had met with Mr. A. Gordon McArthur, Deputy Director of AID and Mr. Alex Nelson, Legal Advisor for AID. As a result of these meetings and others with Mr. Ahoua Ngutta, Secretary General of the National Assembly and several academics and SUNYA alumni, I was able to formulate the following impressions.

**** Ivory Coast does not benefit from any bilateral AID programs. There are, however, some regional programs that involve I.C and AID personnel who coordinate several regional programs from I.C.,. As a result AID involvement with the legislature of I.C is nonexistent. The Embassy, however, has maintained close touch, particularly through Mr. Ahoua, the former Ambassador of I.C. in the USA. Last year 8 legislators and this year 3, have been sent to the USA under the IVP and were reported to be very successful and well received.

*** After explaining the various programs in the USA in the area

of legislative technologies and especially the programs available at SUNYA and the approach emphasizing institution building, both Mr. Cundiff and Mr. Stepherson were very supportive of new initiatives to meet the institutional need of the legislature in I.C., to supplement the existing initiatives started by USIS. They emphasized, however, that during my visit and in view of the on going electoral campaign, my contacts should be limited to the secretary general of the national assembly and should not involve any promises of new programs.

*** Since 1980 there has been an opening in the political system. Of the 147 legislators elected, about 80% of them were new faces. In november of this year, elections will be held for a new national assembly. While in I.C the campaign was fully underway and appeared to be open. Although in theory all candidates running for election were supposed to belong to the single party in power, in fact, several candidates were competing against each other in each district for what may be considered an open primary where all citizens were asked to choose the candidate who appealed to them. This is considered a major step taken by the regime in power since independence to open the political system to new faces and to set the process in motion for successions when and if it becomes necessary. The legislature is increasingly playing an active role in policy making and is likely to play a leading role during and after the forthcoming leadership succession.

*** There are four standing committees in the N.A. The Bureau

of the N.A is composed of a President, eight Vice-Presidents, sixteen Secretaries and two Questeurs.

*** There are about seven professional staff members who serve all the committees. The Secretary General of the N.A would like, if resources become available, to hire specialized professional staff for each committee and to develop existing staff. Some of the staff are graduates of the Ecole Nationale D'Administration.

*** Some of the specialized units serving the Assembly that can be developed in addition to the seven professional staff include a press secretary, a reference library, a documentation center and session staff.

*** Staff do not serve individual members, but the institution as a whole, which in effect means the president and some vice-presidents. They tend to perceive of their role as managers of the institution rather than serving its members. Therefore, any training programs envisioned should emphasize , in addition to subject matter specialization, some attitudinal orientation of what it means to work for the legislature.

*** Teams invited to visit the USA for special seminars and workshops should include both elected members and senior staff, so that each will develop the ability to work together.

*** Some of the supporting institutions relevant to the legislature include, School of Law, Ecole Nationale D'Administration, Centre Ivoirienne de Research Economique et Sociale within the faculty of economics and run by Dr. Edsen a SUNYA graduate, and, for English training, the Centre d'Enseignement et de Recherche audio-Visuels, run by

Professor Roger Alangba, another SUNYA graduate. In an individual capacity , Dr. Denis Zunon, presently with the African Development Bank, a SUNYA graduate, and a close associate of the International Development Program can be of great help in assessing institutional needs and providing orientations for candidates who may join any of the professional programs available at SUNYA in the area of legislative technologies.

*** Future programs under this initiative should be closely coordinated with the Embassy and USIS, to insure proper selection of participants and follow up.

CAMEROON

The visit to Cameroon was coordinated by Mr. Horace Pitkin, First Secretary at the U.S.Embassy , and from the Cameroonian side by Mr. Sona Elonge, a senior official of the Ministry of Education and Mrs.Mojoko Cambell of the National Assembly .Through their help and support , I was able to meet the senior decision maker from the American as well as the Cameroonian sides, among others. I met with Ambassador Frachette, Director of AID, Mr. Jay Johnson and his senior staff,DCM Mr. Denis Murphey, and PAO, Mr. Neal Walsh. From the Cameroonian side, I met with Mr. Francois Eyok, Assistant Secretary General of the National Assembly, Chief Emanuel T. Egbe, a leading parliamentarian , frequent minister and former minister for parliamentary affairs, Minister Doumba, present minister of parliamentary affairs and former secretary general of the National Assembly, Dr. Simon-Joseph Epale, former

director of the Economic and Social Council and other academics and officials. Below are some observations relevant to the purpose of my visit.

*** Ambassador Frachette, Director Johnson, and PAO Walsh, are all in agreement that it is time we start addressing the needs of the Cameroonian National Assembly. Ambassador Frachette feels that although human rights conditions are much better in Cameroon than many other African States, a better informed legislature can only improve human rights conditions. Thus, he puts high priority on building the information systems of the National Assembly, using techniques to train staff in the use of personal computers and the collection and manipulation of information for the use of the members. Another area is the compilation of existing legislations concerning H.R. and distributing it in Cameroon.

*** Cameroon is presently undergoing sweeping political reforms under the new leadership of President Biya, involving the democratization of the political party and the opening of the political process. This can only lead to strengthening of the National Assembly and increasing its legitimacy and role in public policy.

*** Neither AID, the Embassy, nor the USIS have had any programs addressing the needs of the N.A. Mr. Walsh, who has just assumed his new post as the PAO, thinks this should be rectified, by including some of the needs of the N.A. in the master country plan and making some Fullbright scholarships available to staff members. He welcomes any AID contributions.

*** The Cameroonian officials interviewed, whether from the

executive or the legislative side, kept emphasizing the importance of the National Assembly, historically, in creating a united Cameroon Republic and presently in reinforcing this unity. They also recounted case after case where the debate within the National Assembly had significant impact on government policy. All, however, agree that such an impact could be strengthened if information and other support becomes available to members.

*** The N.A. of Cameroon is composed of 120 members elected for a 5 year period. It has five standing committees and a steering bureau composed of fifteen members, each with a private secretary. As in the case of Ivory Coast, most of the work of the N.A is done in camera, within the committees. The Finance Committee is very strong.

*** The N.A. of Cameroon is served by about 400 employees. At the head of the staff is a Secretary General, two Assistant Secretary Generals and various bureau heads, who head such areas as the documentation center, the library, the division of legislation serving the committees, the central research unit, the press section and member service. Few of the staff are presently engaged in the generation of information or in research of a public policy nature; the support is clerical and administrative.

*** To compensate for this lack of information, members resort to their own personal resources and use a number of informal networks to augment their information base. For example, it was pointed out that members acquire information through their specialization in committee work over time. Many members belong

to various administrative councils in their region and therefore obtain information affecting their regions from these councils. Thirty per cent of the party's Central Committee are parliamentarians. The polit-bureau of the party has one parliamentarian; therefore, information available to the party becomes available to the N.A. Many members have served before being elected in senior administrative positions and therefore have acquired some specialty on the job. They can return to their former jobs if they fail in the election or refuse to run again. Finally, senior civil servants and intellectuals tend to informally organize by region into what are called "development committees". These informal, but legal groups bring together technocrats, administrators, intellectuals and politicians for the purpose of advocating the development of the region from which they originally came. They inform each other and their respective elected members of governmental actions that may have a bearing on projects in their regions. They are normally a good source of information for members of the N.A. on pending bills in the various committees. All of the above sources of information depend on the individual efforts and initiative of the member and therefore vary from one member to another, and can hardly be construed as adequate from an institutional perspective.

*** Theoretically, the Economic and Social Council and its twelve member professional staff were supposed to help both the government and the N.A. in meeting their informational needs in the economic and social areas. It was supposed to

initiate public policy research and surveys and provide critical evaluation of pending legislation in the economic and social areas. This expectation has not been realized both because the government decided to use it for coopting influential individuals from the private sector and because the N.A. was concerned that a strengthened Council could rob it from its prerogatives as a legislative body, especially since the Council is not under the jurisdiction of the Assembly.

*** The leadership of the N.A welcomes all efforts to strengthen the capability of the institution. It is only apprehensive, in view of its history of past neglect, that nothing may develop as a result of the visit. Mr. Eyok is anxiously awaiting the outcome of this initiative.

*** The role of the National Assembly in Cameroon, its structure and operations as well as its needs, are very similar to those of Ivory Coast. Therefore, many of the recommendations relevant to the I.C. are also relevant to Cameroon. It should be noted, however, that Cameroon, while predominantly French speaking, is officially a bilingual state, with English as the second language. Therefore, some exposure to the Canadian experience may be appropriate, especially regarding the work of the Canadian parliament within the framework of bilingualism.

*** Cameroon has a reasonably good university system. The two schools that were mentioned as relevant to the needs of the legislature were the School of Law and the National School of Administration and Magistracy. Mr. Eyok and other Assembly staff members are graduates of ENAM. While in Yaounde, preparations were under way by the embassy to hold a regional conference on human

rights with one of the institutes associated with the university. Talks with some faculty members, who are graduates of American universities, showed a willingness to cooperate with the Assembly in the context of specific projects.

MALI

The visit to Mali was coordinated by Ms. Barbara Presgrove, Political Officer of the U.S. Embassy and by three SUNYA graduates, Mr. Ahmadou Diall, Assistant Secretary General of the Secreteriat General du Gouvernemnt, Bacari Kone of the Ministry of Finance and Aguibou Diarra of the Ministry of Interior. The combined excellent help I got enabled me to develop, in a short period of time, valuable contacts with legislative and party leaders and to learn of the economic and political needs of the country. On the American side, my contacts were limited to the political officer, Ms. Arlene Jacquette, the new PAO and the Director of the Peace Corp in Mali. The Amabassador and senior AID officials were out of the country. Ms. Presgrove, however, acted as the main contact person and intends to keep all informed of the purpose of the visit and the recommendations resulting from the visit.

The senior officials from Mali I met during the visit include: Mr. Sidiki Diarra, President of the National Assembly and his chief of cabinet Mr. Cheick Abdul Kader Low, Mr. Nock Ag Attia, 3rd Vice-President of the National Assembly, Mr. Siby, Organizational Secretary of the Central Executive Bureau of the Party (BEC), Mr. N'dye, Director of the Ecole Nationale

D'Administration, Mr. Daba Diawara, formerly of the Supreme Court, Mr. Mamadou Diakite, of the Supreme Court (also serving as the legislative director of the National Assembly), Mr. Alpha Gassama a former deputy, and Mr. Abdul Rahman Toare, head of political section in the cabinet of BEC of the party, among many others. Following are some impressions relevant to the purpose of the trip:

*** Of the four countries visited , Mali is facing the most serious economic problems, resulting from over ten years of drought that has devastated the economic infrastructure of the country and seriously undermined the capabilities of the government and its single political party, as well as the legislature, therefore reducing their legitimacy.

*** With the help of international organizations and bilateral assistance programs, especially USAID, Mali is presently undergoing basic economic structural adjustment efforts with far reaching political and social consequences. Although the most homogeneous of the four states visited, Mali's political institutions have been weakened significantly. Present efforts are concentrated on reweaving and reactivating the party and the National Assembly to combat the apathy rampant among the politically conscious portion of the population. This summer, legislative elections resulted in many new faces in the eighty-two member Assembly, including the election of a new president, who is being charged by the party with the responsibility of revitalizing the assembly and re-establishing its credibility as a legislative body.

*** The political organization of the N.A. is similar to those of Ivory Coast and Cameroon, including the five standing committees and the twelve member steering Bureau. However, its staff, administrative and equipment resources are far inferior to the others. The Secretary General is a former judge who is due to retire this January. The other professional staff member is officially part of the staff of the Supreme Court. He is expected to assume the position of the Secretary General upon the retirement of the existing one. He, in conjunction with the newly elected president of the Assembly, has developed a preliminary plan to inject some resources into the Assembly, but their hands are tied as a result of the severe economic conditions of the country.

*** The priorities envisioned by the president, Mr. Diarra and Mr. Diakite (who incidently has just returned from a three month training program at the French National Assembly), include some basic clerical and administrative assistance to the members, which can hardly be conceived of as professional by any stretch of the imagination. These needs in the immediate future include ; capabilities to take minutes at meetings of the committees, printing, reproduction of texts, duplication and photocopying of documents for members' information and the training of personnel to perform the above functions. In the long run, both envision the establishment of a legislative reference library, the beginning of a documentation center , some bill drafting capability and most importantly, the hiring of professional staff to work with the committees. Both mentioned with appreciation the assistance of the

French and the Belgian government in these efforts aimed at staff development and acquisition of needed equipment (throughout the trip, I have noticed that the French have, for some time, been assisting the staff development of these legislatures Furthermore, several legislators visit France yearly on official invitations. Most of those interviewed mentioned the total neglect of the legislative institution by the USA and its cultural and technical assistance programs. Recently, the Canadians have begun to take an interest in assisting legislatures in developing countries.)

*** Long term stability and human rights conditions will ultimately depend on the improvement of the economic conditions in the country. The potential of the N.A. to alleviate some of the glaring regional inequality, especially in the North of the country, due to the drought, is enormous. As president Diarra put it, "the Assembly is the symbol of our sovereignty. Therefore we are so concerned with its credibility". He therefore would welcome any assistance in staffing and equipping the legislature with needed capabilities to develop its credibility and effectiveness.

*** Any effort by the USA to help the National Assembly would be the first such US effort in Mali. Ms. Presgrove and other Embassy personnel interviewed would welcome such an effort. So would AID/Mali according to Ms. Presgrove.

*** Mali's university system is yet to be developed. There is, however, a reasonably good National School of Administration which trains higher civil servants. Thus far, none of the staff of the

Assembly have attended this school. Perhaps, with appropriate encouragement, the attention of the school could be directed towards the needs of the legislature. The director of the school seems to be open for new ideas, especially if resources become available.

SENEGAL

The fourth and last country visited was Senegal. In Senegal, the principal coordinators of my program were Mr. Steven Waggenseil, the first secretary of the US Embassy, Mr. George Bikhazi and Mrs. Madji Diallo, presently a graduate student at SUNYA from Senegal. Although my stay in Senegal was shorter than the other states, I was able to meet all the principal actors, both from the American and the Senegalese sides. From the American side, in addition to Mr. Waggenseil, I met Ambassador Walker, who had just returned from a conference in the USA and was eager to learn of my mission in the area of legislative development. I also met Mr. Robert R. LaGamma PAO, and Mr. Harold Lubell, Program Officer of AID in Senegal. From the Senegalese side, I met the Secretary General of the National Assembly Mr. Dame Ndiaya, and Deputy Abdoulaye Wade, leader of the Social Democratic Party, the main opposition party represented in the National Assembly (Mr. Wade was in the limelight at the time of my visit, since he has just been released from jail and has been acquitted by the courts of charges brought by the government that he had held an unauthorized public protest. Outside his public appearances in news

conferences, in front of local and international representatives of the media, I was perhaps the first American who met with him and his senior party aids for over two hours continuously. During this time, Mr. Wade discussed the whole struggle of the party and its economic, political and social programs and provided me with various party literature and position papers and proposed legislation regarding the reforming and strengthening of the legislative institution in Senegal. Deputy Boubacar Fall, a member of the party, spent the following day discussing various aspect of his work and the party in his district.). Below are some of my impressions:

*** Senegal is considered by most political observers to be the most politically advanced country in Francophone West Africa. Even before its independence, Senegal enjoyed a high degree of political consciousness and a multi-party system. Since independence, under the leadership of Leopold Senghor, Senegal drifted into the route of the one party system, characteristic of most African states. Yet political reality in Senegal was stronger than the ability of the government to define it by fiat. As of 1974, legislation was introduced and approved to allow a return to a multi-party system. Although there are over ten political parties which are legal and active in Senegal, only two are represented in the National assembly; the ruling party (Social Party) with 111 members and the main opposition party of Mr. Wade with only 8 members. There is one member who does not belong to either and has decided to formulate his own party.

*** As a result of this political history and the fact that the country graduated from a one party into a multi-party system without a revolution, Senegal is viewed by many African political leaders with a single party system(including many in the states I visited) as a model to emulate and to watch very carefully. That is why the arrest of the opposition leader Mr. Wade was followed very closely in other African countries. The question that was being asked in those countries was whether Senegal is a genuine multi-party system or not?

*** Of the legislatures visited, the National Assembly in Senegal enjoys the most autonomy from the executive. For example, while meeting with the Secretary General, I asked whether it is necessary, for the purpose of my visit, to meet with other cabinet ministers or party officials. His response was quick and in the negative. He added, " the priorities of the N.A. are decided by the N.A. There is a genuine separation of power". As if to prove his point he showed us a recent bill passed in July of 1985, reorganizing the whole staff structure of the Assembly. His main concern was the implementation of this new legislation. That is why he viewed the visit as most opportune and welcomed any assistance that we would be able to give.

*** While praising the Senegalese democratic experience as the most developed in the region, the Secretary General, was quick to add that such an experience is not matched by adequate resources available to the deputies. Although in comparative terms the N.A in Senegal is better staffed than any of its counterparts in the

other states visited, Mr. Ndiaye pointed out that there is a lot to be desired. For example, the more than eleven permanent committees are served by about four jurist working out of the legislative section. Mr. Ndiaye, estimates that there are about 25 professional staff and 50 administrative staff who can benefit from various sorts of short training programs. These programs can not extend for more than two to three months and must be conducted during the recess. The best time for such training, for both members and staff, would be from July to the end of November or April until early June.

*** The staff of the N.A. has the infrastructure of most of the specialized units typical in a legislature modeled on the French parliamentary experience. This includes a documentation unit, a transcription unit, international relations, a bill drafting service and a legislative reference library. The professional committee staff has yet to develop.

*** Although neither the AID nor the Embassy has any program which addresses the needs of the legislature, Ambassador Walker, First Secretary Waggenseil and PAO LaGamma, are extremely interested in seeing some concrete programs develop. Mr. LaGamma intends to include legislative needs as part of his country plan. He also expressed the interest in seeing one U.S. university develop a comprehensive interest in and relations with Senegal. He feels such an approach is more productive than spreading various minor components among different universities. The experience of SUNYA with the Brazilian Congress over the past 15 years tend to confirm Mr. LaGamma's orientation.

*** Senegal has a good university system, a school of public administration and a good economic institute. All can be tapped as supporting institutions for legislative development.

RECOMMENDATIONS

Thus far we have argued the following points:

*** Although legislatures in the countries visited operate within the context of a one party system(except Senegal), they nonetheless perform essential functions directly connected with the protection and promotion of human rights as relevant to the African political and economic environments. This is due to the fluid and porous nature of the party, its lack of coherence and ideological rigidity. Therefore , the party tends to include a divergence of views and in most cases, it plays a marginal role in public policy, since it lacks the resources to do so.

*** All of the legislatures visited are presently engaged in political efforts to strengthen themselves and to refortify their legitimacy. In Ivory Coast, for the first time , a rather open and competitive elections is underway. The Secretary General, who is familiar with US legislative staffing patterns, is anxious to move to strengthen the research and informational capabilities of the Assembly. In Cameroon the whole political system is going through a liberalization process . Although the present Assembly is supposed to last until 1987, informed guesses are that it may be dissolved and that a new election will be called earlier. Again the administrative, as well as the political leadership is committed to strengthening the institutional capabilities of the Assembly.

In Mali, a new election was just completed in June 1985. The leadership of the Assembly and the political party are anxious for the Assembly to assert its prerogatives. And finally, in Senegal, a comprehensive act reforming the whole administration of the Assembly was passed in July 1985, and is presently crying for implementation. In short, the climate for legislative development could not be more opportune.

*** The leadership, both within the National Assemblies and within the various US Embassies, AID missions, and USIS's are supportive of efforts to strengthen the institutional capabilities of these Assemblies.

WHAT IS TO BE DONE

There are two approaches to come up with a list of priorities to meet some of the needs of each of these institutions. One is for us to develop that list on the basis of what we already know about each legislature. The other is to work with the administrative and political leadership in each legislature to develop this list. My preference is for a combination of the two. Any list of priorities that we develop would include both staff and legislator training programs as well as some assistance, as in the case of Mali, in acquiring some photocopying and reproduction equipment. Our emphasis, however, should be on the human dimension, since it is the permanent component in any long range development effort. Here one can think of a wide range of specially designed workshops, ranging from a few weeks to few months and involving both legislators and some of their

specialized staff. These seminars can easily be mounted in the USA and can involve the cooperation of specialized academic institutions, state legislatures and professional organizations such as the National Conference of State Legislatures and its specialized component parts. A number of areas appear to be most relevant in the immediate future .

These areas include the following:

*** creating a workshop on the collection of government generated data; organizing and manipulating this data for use by legislatures in their various legislative roles discussed above. This would include some exposure to the nature of government documents, what information is available in these public documents, how to organize and manipulate it. It will involve basic statistics, an introduction to the use of legislative reference libraries, and, if possible, the use of micro-computers in the legislative process for the manipulation of data.

*** Another seminar closely related to the above would be for legislative reference librarians. Here the emphasis would be on what documents and other reference material legislative libraries can easily (without much expenditure) acquire, the various services reference libraries can provide to legislatures and how to relate the work of these libraries to other staff units.

*** A workshop on documentations, press and media relations and dissemination of information to the public. One of the major functions of legislatures in contemporary society is the dissemination of information and the education of the public on issues facing society. Yet all of the legislatures visited conduct their business in camera. Consequently, the public , even

the attentive public, does not know what takes place behind these closed doors and many times fail to understand the relevance of the legislative institution to the problems facing society. Often the problem is not what legislatures do or do not do; it is what people perceive them to be doing or not doing. In the countries I visited, the legislatures do much more than what most observers and even specialists credit them. The gap is in the ability of these institutions to communicate with the public.

*** Another workshop designed for both political and administrative leadership of legislatures concentrates on various legislative staffing patterns and the role they play in the legislative process. Legislatures in Africa, under the influence of the French legislative experience, stressed house keeping and simple administrative capabilities and neglected analytical and research capabilities among legislative staff. Since independence, the same pattern continued, since it was convenient for the single party and the dominant executive. There is now a realization that this needs to be changed if legislatures are to play a positive role in the developmental process.

*** Finally, since the heart of the legislative process is the budget, a special workshop for legislators and their senior staff in the budget area (in most legislatures in Africa such a staff does not exist, but all recognize its importance. Therefore some of the existing staff could be recruited to develop some expertise in budget analysis and evaluation) should be organized for the purpose of developing a vision of what needs to be done

on a long range basis.

These are short term programs that are of relevance to all the legislatures visited. A long term strategy would involve recruiting some young and bright staff members to work for a Master degree in legislative administration and informations system, similar to the approach successfully followed in the Brazilian case.

Before we finalize any of these programs, it is advisable that the leaders of the legislatures be given the chance to take the lead in drawing up their list of priorities. This can be accomplished through a three week visit to the USA, by a four member delegation from each legislature, consisting of two elected members and two senior staff. To avoid making this visit ceremonial we should avoid inviting the president of the Assemblies, since they expect to be treated as head of states and therefore the business purpose of the workshop would be foreshadowed. Instead we can invite one senior vice-president and one questeur who are part of the bureau of the Assembly and secretary general or his assistant and a senior professional staff, such as the director of legislation. These three weeks seminars can be arranged for two delegations at the same time (Cameroon and Mali , Senegal and Ivory coast or any other combination depending on the advice from the U.S. missions to avoid sensitivities that they may be aware of). The last few days of the workshop will be spent with each delegation trying to help them draw their priority lists, after they have had a chance to

see what is available in this country, and how some of their needs can be matched. If this idea is feasible we should start immediately to develop the contents of such a workshop so that it would be implemented as early as next spring and no later than next summer and begin the process of identifying and notifying prospective participants.

Finally a word of caution needs to be said regarding how we proceed to implement these programs and yet maintain their professional and academic credibility and relevance to the institutions we are trying to help.

Institutionally, one would expect USAID missions to supervise the implementation of these programs and to select and identify potential participants. AID missions have established a professional profile in the areas in which they have been working and are credited for the quality of work they do. The problem is that, at least in the countries I have visited, none of the AID operations deal with political institutions nor, in particular and especially with legislatures. In some cases, like Ivory Coast, this relation is totally absent. At best, AID professionalism is not in political development or legislative reform.

The other two institutions are the Embassy (Ambassador and his political officers) and the USIS. Traditionally the Embassies and USIS have maintained strong relations with the executive and little if any with legislatures. There are many reasons for this executive bias which are beyond the scope of this report. There is, therefore, an apprehension that the needs of the legislatures

would be second to other needs. Embassy actions, even when they are made for purely professional reasons, tend to be interpreted from a political angle, especially by detractors. Thus, a legislator invited to participate in a professional conference because of his/her position may be interpreted as a preference by the embassy for this or that legislator, when it is not the intention nor the interest of the Embassy to be viewed in that perspective. Sometimes it is also not in the political interest of the participant to have such an unfounded identification.

Under a major grant from AID over a decade ago, a third approach was pioneered by SUNYA to work with legislatures in developing countries which could avoid the limitations discussed above. Essentially, this approach gives the university a central role in implementing technical assistance programs to legislatures while still maintaining coordination and consultation with both AID missions and embassies. The underlying assumptions and operations of this approach are described in the article enclosed with this report.

For a balanced approach to legislative development and human rights in Africa, a similar survey of the needs of Anglophone African legislatures needs to be undertaken. The countries to be visited and the timing can be worked out with AID/W and the US missions in the countries to be visited. Tentatively, I recommend the following countries: Kenya, Tanzania, Zambia, Zimbabwe and , or Botswana. Either November of 1985, or as early as January of 1986, seem to be good time to undertake this project.