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Table of Content: May 2015; 3(5)

<u>ARTICLES</u>

Full Length Research

THE CONTROVERSIES OF DEVOLUTION IN ZIMBABWE

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Devolution of powers from the centre has always presented challenges for unitary states. Unlike in federal states where the polity configuration allows for such dispensation, in unitary states such as Zimbabwe, devolution of power comes with different ramifications. The concept and practice of devolution has courted a lot of controversy in Zimbabwe with legal court challenges from the Mthwakazi political outfit. Lack of political will to put the wheels of devolution into motion has ruffled the feathers of sections of people in the western region of Matabeleland who have approached the ConCourt to compel the State to take appropriate measures to implement devolution. It would be incumbent upon the legislature and executive to set aside their political considerations and adopt a more restrained way of implementing the devolutionary provisions of the new constitution in letter and spirit. This paper recommends the need to align and harmonise existing local governance legislation with the new constitution to facilitate devolution

Keywords: Zimbabwe, devolution, sovereignty, secessionism, local governance, constitution, decentralisation.

INTRODUCTION

The inclusion of Local Governancein the new Constitution of Zimbabwe, especially the evolution of the concept and practice of devolution of power to subnational levels (at least in principle) has changed the face and power matrix of national politics. Through devolution, provinces are now able to make their own developmental decisions in line with the dictates of the resource-base theory. The proponents of the resource-base theory attempt to explain why certain regions develop while others fail to show evidence of development [Todaro and Smith, (2004); Munck and O'Hearn, (1999); Ghatak, (1998); Healey and Ilbery, (1996)]. This is the premise on which devolution is based where development would be on regional basis, depending on available resources. In the presentation and discussion of devolution, this paper incorporates a critical analysis of Section 264 of the new Constitution of Zimbabwe which provides for the devolution of governmental powers and responsibilities. It is the same clause from the Constitution which have courted controversy over the need to speed up the implementation of devolution in the country. The recent incorporation of local governance into the new Constitution has enabled Zimbabwe's local government system to be transformed from being a creature of statute to a constitutional provision.

Consequently, local councils are like to benefit from devolution of governmental powers and responsibilities, and cease to depend on delegated powers in their decision-making processes. Devolution is a paradigm shift from the previous plethora of local governance pieces of legislation which kept most executive powers to the Minister responsible for local government. For the first time in the history of local government, citizen participation and empowerment are the major elements

of in the new devolutionary discourse. This paper deliberates on the enigma of devolution as a tenet of democratic local governance.The recent transformation of local governance from a creature of statute to a constitutional provision has seen the inclusion of devolution as an alternative to democratic local governance. However, there has been huddles as to how the constitutional provisions, practice and process of devolution are to take place. This is on the backdrop of historical mistrusts in some regions, with some parts of the country taking it as an opportunity for a separate state, a behaviour that smacks of secessionism.[1]

Local Governance and the Dynamics of Power

Local government has been described as a lower level of public administration that uses delegated powers and functions to manage local affairs and provide services through local councils[2]. Consequently, urban councils are conduits through which services are provided to local communities and a form of decentralization and devolution of powers from central government to localities. Devolution is the most far-reaching form of decentralisation comprising of the transfer of administrative, political and fiscal powers, whereas delegation and de-concentration only include the transfer of administrative powers (Steiner, 2005). Treisman (2002) notes that decentralisation can be analysed from a static or dynamic time perspective, involving a dichotomous or continuous point of view of decentralisation to different degrees. The dynamics of power in local governance manifests itself in different practices that revolve around who holds power and what role the public plays in this power matrix. As a result the form of local governance is informed by whether the power to make decisions is *centralised*, *decentralised*, *delegated* or *devolved.* This paper discuses devolution and how it has impacted on the local governance discourse in Zimbabwe.

Centralisation in local governance is when most decision-making powers are vested in central government with local authorities having no or very little power to make independent decisions. In that case, local authorities are there to implement central government policies and ideologies. On the other hand, decentralisation is the antithesis of centralisation and entails empowering lower tiers of government with decision-making powers. Political reforms across the globe have come to support decentralization as a viable option against centralised systems of local government. Decentralized political systems have been characterized by power-sharing structures between central and local

government structures[3]. In decentralization, central government

transfers or delegates legal and political responsibility for planning, management and resource use and allocation from the central government and its agencies to field organisations of these agencies, subordinate units of government, semi-autonomous public corporations, area-wide regional or functional authorities, or non-governmental private or voluntary organisations[4].

In organisations decentralisation

means a choice between different types of public institutions, which vary in terms of the areas over which they have jurisdiction, the range of functions delegated to local institutions and the level of discretion allowed, as well as the manner in which decision-makers are recruited, so producing institutions that are primarily political or bureaucratic or a mixture of both[5]

In summary decentralization denotes that transfer of authority or power from a higher to a lower level of government, quasi-government or non-governmental organisations to execute and manage public activities or functions[6].This is the premise on which the paper regards power and functional dynamics in Zimbabwe's local government system and the extent to which the responsible Minister exercises these powers. This is in tandem with the dictates of devolution where enabling institutions and powers are devolved or delegated to lower levels of government. In devolution, local authorities have the mandate to make decisions without seeking central government approval. This paper therefore discusses the concept and practice of devolution and how it is likely to reconfigure the face of local governance in Zimbabwe.

Advocates of devolution find 'good governance' as

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[1]A detailed discussion of secessionism is provided below.
[2]Councillors Induction Handbook (2009:5)

[3]Mawhood (1993"Decentralisation: The Concept and the Practice" in Mawhood, P (ed), Local Government in the Third World, John Wiley and Sons, Chichester.
[4] Cameron (1995: 396-397); Rondinelli, D.A. (1981: 137) 1981, "Government Decentralisation in Comparative Perspective: Theory and Practice in Developing Countries" in International Review of Administrative Sciences, Vol. 47, No. 2.
[5] Smith (1997: 400) 1997, "The Decentralisation of Health Care in Developing Countries: Organisational Options" in Public Administration and Development, Vol. 17, No. 4.
[6] Smith (1997: 4001997, "The Decentralisation of Health Care in Developing Countries: Organisational Options" in Public Administration and Development, Vol. 17, No. 4.

encompassed in devolution which they claim yields improved public accountability, environmental sustainability and the empowerment of the poor and vulnerable groups (Anderson & Ostrom, 2008). The concept of accountability refers in general to the relationship between an actor and a forum, in which the actor has an obligation to explain and justify his or her conduct, while the forum can pose questions and pass judgement, and the actor facing consequences (Bovens, et al, 2008). Governance refers in general to the nature of rules that regulate the public realm where state, economic and societal actors interact to make decisions. Core principles of 'good governance' are participation, fairness, decency, accountability, transparency, and efficiency (Court, 2006b). In general, both the relations between the local and central government and the extent to which enhanced participation establishes accountability of local governments seem to determine decentralised performance (Moore & Putzel, 1999; Blair, 2000; Hutchcroft, 2001; Johnson, 2001; Bardhan, 2002; OECD, 2004; Jutting, Corsi et al, 2005).

Local Government and Modern States

Three major modes of governance that have come to characterize modern states are found in federal states, unitary states and devolved unitary states (Human Rights Constitutional Watch 6/2000)[7]. A federal system of governance is found in a country that is divided into two or more states with their own governments which then agree to have one national government (Constitution Watch 6/2010; Elazar, 1995). In federal forms of government "legal sovereignty is shared between the central and the sub-national levels of government[8] with each level or sphere of government, having constitutional authority to make some decisions independently of the other[9]. Citizens of a federal state remain subject to the authority of both the central and the state (sub-national) governments, each of which impacts directly on the citizen[10]. Additionally, in federal states, the formal stipulations are contained in the constitution and help to define the authority of governmental institutions at

federal, state (regional/provincial) and local levels.[11]

In a unitary system of government, power is vested in central government which controls all the political and administrative institutions.[12]A unitary system usually comprises of one level of government above the local level unlike in federal states where there is another sphere of government which is the provincial or regional government. In unitary states, Parliament has the power to grant the cities or counties more influence, or to take away policy jurisdiction they may already control.[13] The power dynamics in unitary states is such that sub-national governments, whether regional or local, may make policy as well as administer it, but they do so at the pleasure of the national government.[14]

One characteristic of the unitary system of government is that "...relations are mostly the result of enforced duties as prescribed by the constitution or statutes which control lower authorities by virtue of the centralised control of authority".[15] In unitary systems of government, it is legislation that prescribes the general principles, leaving all the detail to be stated in regulations which regulations will have been made by central government, and usually administered through public servants.[16] This leaves public servants with a great deal of authority, including in many cases the authority to change local decisions or even to set them aside.[17] This is the scenario in Zimbabwe where the Minister of Local Government exercises legislative power as provided for by the Urban Councils Act (as amended in 2008).

A devolved state exists within a unitary system where political and administrative power is shared between a national government and lower level spheres of the state,

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[7] "Human Rights: Constitution Watch 6/2010" in *The Zimbabwean*, 21 May 2010. Available at http://www.thezimbabwean.co.uk/human-rights/31122/-constitution-watch-62010.html

[8] Hague, R & Harrop, M. (1987)., Comparative Government and Politics: An Introduction, MacMillan Education Limited, London.

[9] Mahler, G S (1995). Comparative Politics: An Institutional and Cross-National Approach, Prentice Hall, Englewood Cliffs, New Jersey.

[10] Gildenhuys *et al*, (1991 : 165)

[11] Cameron, R (1996) "The Democratisation of South African Local Government" in Local Government Studies, Vol. 22, No. 1.

[12] Constitution Select Committee (COPAC), (2011).What systems of national government should Zimbabwe have?-Ensuring a People-Driven Constitution- Zimbabwe". Available at http://www.copac.org.zw/talking-points/talking-points/61-4-systems-of-government.html

[13] Mahler, G S (1995)., Comparative Politics: An Institutional and Cross-National Approach, Prentice Hall, Englewood Cliffs, New Jersey.

[14] Hague, R & Harrop, M. (1987). Comparative Government and Politics: An Introduction, MacMillan Education Limited, London.

[15] Gildenhuys, J S H,(1991)., Public Macro-Organisation, Juta and Company Limited, Cape Town.

[16] Craythorne: D L (1990)., Municipal Administration: A Handbook, Juta and Company Limited, Cape Town.

[17] Mahler, G S (1995), Comparative Politics: An Institutional and Cross-National Approach, Prentice Hall, Englewood Cliffs, New Jersey.

for example, provinces and local authorities[18]. Unlike the South African Constitution which provides for constitutionally-protected local government powers, previously in, the Zimbabwean constitution did not deal with local governance, leaving local government affairs at the mercy of the Minister of Local Government, Rural and Urban Development (MLGRUD). In the old local government legislative dispensation, the power of local authorities was given through an Act of Parliament, namely the Urban Councils Act and the Rural Councils Act both of which vested considerable power to the Minister of Local Government. Consequently, local government was an exhibition of residual powers of the central government which played a critical role in the affairs of local government institutions and gave enormous powers to the Minister of Local Government, Rural and Urban Development (MLGRUD) to preside over the affairs of local authorities. Despite the perceived autonomy of local authorities, central government played a domineering role in the everyday administration of local authorities. However, the new constitutional dispensation provides local government as a separate entity with community/citizen participation being at the epi-centre of the governance process. While centralization has been curtailed in the new constitutional order, decentralization and devolution have been given prominence as these seek to promote community participation in local governance processes.

Local government system is a dominant feature in most federal and unitary states. However the major difference is the way power is dispensed to local authorities by central government. Power can either be delegated or retained through constitutional provisions as in federal state systems or power can be dispensed through legislative provisions as is common in unitary systems of government. In federal states the constitution is used to empower local authorities to make laws and operate in a way that makes them autonomous and sustainable entities. On the other hand, in unitary states legislation is enacted by parliament and used to delegate power to local authorities. In the latter case, central government retains dominance in the affairs of local authorities.

Local Government and the Democratic Discourse

The bottom line within the democratic discourse is that in making decisions that affect the generality of citizens, there has got to be input from the very people concerned. Paul (2005) cited in Folsher (2007:247) concurs that "…initiatives that encourage citizen participation in public

decision-making are more successful in societies that adhere to democratic governance, are open to public debate and criticism of those in authority, and allow independent civil society organisations to take root". Leftwich (1993:9) notes that democracy is based on the simple principle that when making an important public decision, the majority vote should prevail because the will of the majority outweighs the wants of the minority. Consequently in a democracy, citizens (including grassroots people) must be given an equal opportunity to influence the process of government, and participate in whatever decision that is taken (Diamond & Morlino, 2004:93). By devolving its operations, central government seeks to empower local communities in determining their destiny. Current debates on the deepening and consolidation of democracy have a distinct bias towards participatory approaches that enable citizens to take up their citizenship rights (Esau, 2006; Gaventa, 2006; Klandermans, Roef & Olivier, 2001). This is what devolution endeavours to do, at least in the context of this paper.

The notion of participatory spaces emanated from debates on the best way to "…involve citizens more actively in shaping decisions that affect their lives" (Cornwall, 2002:49), where innovative experiments in governance have opened up spaces for public involvement in deliberation over policies (Fung & Wright 2000) and a greater degree of control over the utilisation of resources (Goetz & Gaventa, 2001). Local government's role in the political system has been considered primarily in terms of its relationship with central government. Observers from a liberal democratic standpoint have stressed two bases upon which such relationships have been formulated since the nineteenth century. First, local government has been considered important to the encouragement of political education and participation, and the basis upon which services could be provided according to local needs. Hence, relationships with the centre have been based on the partnership of free democratic institutions. Secondly, local government has been seen as rational from an administrative point of view since it allows for the efficient provision of public services at the point of service need under the direction of the centre. On this basis local government is seen as the agent of central government for the implementation of public policies and as drivers of ideologies held by the ruling elites. Political participation therefore stems from the strong community identity underpinning commune local government, and a strong relationship between the operations of local government and the interests of the state.

However, local government has also lost most of its many responsibilities to non-elected local non-state actors created or encouraged by central government, so much so that the local political arena has increasingly been conceptualized as local governance, in which local

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[18]Human Rights: Constitution Watch 6/2010" in *The Zimbabwean*, 21 May 2010. Available at http://www.thezimbabwean.co.uk/human-rights/31122/-constitution-watch-62010.html

government is reduced to the status of one player among many ((Fung & Wright 2000). In the context of Zimbabwe the appointment of special interest councillors as provided for under the old legislative dispensation, violated democratic practice by denying residents to be involved in deciding whether special interest councillors are necessary or not and if so, to be involved in their election or appointment.

Local Governance as a Creature of Statute

Smarting from decades of delegated local governance and associated challenges, Zimbabwe seems to be clueless on how to activate the new devolutionary local governance provisions in the new constitution. This seemingly quagmire and possible lack of political will is evidenced by the failure by the legislature to realign, reconcile and harmonise the myriad of local governance legislation from the previous legislative regime to the new constitutional dispensation. This failure has tended to create two centres of power: one emanating from legislative provisions and the other from constitutional provisions. Subsequently, this scenario has caused confusion, contradictions, overlap and duplication of tasks. A cursory examination of the previous local governance legislation shows that the Minister of Local Government, Rural and Urban Development exercised and enjoyed the enormous executive powers and authority in the implementation of local government policy. One such case is that of Section 4 A of the Urban Councils Act (2008) which empowered the MLGRUD to arbitrarily appoint 'special interest' councillors in all urban councils. Of concern to all democracy-loving people is the fact that these powers were applied arbitrarily, culminating in controversy, mayhem and discontent among residents and civil society stakeholders. Studies on the appointment of such councillors have revealed that the incumbents were not appointed on the basis of expertise or their potential contribution to local governance, but on partisan lines.[19] It is this author's conviction that the cited piece of legislation required strong dedication and selflessness on the part of the executive. In addition to the lack of political will to realign existing legislation to the new constitution, there are also practical challenges which include lack of adequate financial resources, expertise as well as skewed priorities with more focus being on political tug-of-wars and power

dynamics.[20]

Colonial Administration and Regionalisation

In tandem with the dictates of the divide-and-rule tactic of the British colonial administration, the categorisation of the country into tribal regions (or provinces) set the wheels of devolution in motion, though vaguely. The provinces that were created included Mashonaland (geographical areas where the Shona are a majority), Matabeleland, a predominantly Ndebele area as well as Manicaland where the Manyika people are dominant. Lastly the Midlands Province was created at the centre of the country where all tribal groups would meet due to its industrial propensity. In the minds of the colonial administrators, regionalisation of Zimbabwe through the creation of 'provinces' would enable easy administration while on the other hand would provide tribal distinctions and exacerbate tribal differences. The loose form of devolution that was created exacerbated hostilities among tribal groups. However, the provinces so created were mere geographical configurations directed from the centre. All the decision-making power emanated from the centre. The configuration and historical background of Matabeleland manifested unwillingness to subdue to British colonial rule, more than the other provinces. Consequently, the concepts and practicalities of sovereignty and devolution have had an enduring impact on the Matabeleland region. This could partly be emanating from the perceived political hegemony, military might of the Ndebele State of the 19th century as well as its attendant incisive economic prowess, attributes that the people of the region had enjoyed prior to their migration into Zimbabwe from Zululand. This could explain why in this part of the country, devolution has been interpreted to imply sovereignty and/or secession and any claim to devolution has been viewed with suspicion by the establishment (Tsododo, 2014).

Claiming Sovereignty and Demanding Accelerated Devolution

Available literature (Jackson, 2001; Diamond & Morlino, 2004; Mahler, 1995; Gerald et al, 2002) have tended to view sovereignty and devolution as two sides of the same coin. While sovereignty alludes to the complete and exclusive control of all people and property within a given

[19]See Mapuva J (2013). "Putting Democratic Urban Governance to Test through the Appointment of 'special interest Councillors" *Public Policy and Administration Research* 3 (2) 110-129; as well as De Visser, J and Mapuva, J (2013). " Special Interest Councillors in Zimbabwe: A Review of Law and Practice in Terms of the 2013 Constitution" *Law, Democracy and Development Journal,* (17) 157-176.

[20]Africa in Fact (2015). "ZANU (PF) in no hurry to remodel laws" New Zimbabwe, 9 June 2015. Available at: http://www.newzimbabwe.com/news-23040-Zanu+PF+in+no+hurry+to+remodel+laws/news.aspx

geographical location[21] (Jackson, 2001),devolution on the other hand refers to the statutory granting of powers from the central government of a sovereign state to government at subnational level (Diamond & Morlino, 2004: 93). The issue of sovereignty and sovereign states have become very intense, especially in the age of globalisation. Globalisation has transformed the face of politics across the globe and the content of the notion of "sovereignty" is continuously changing, especially in recent years. Jackson (2003) has noted that the old "Westphalian" concept in the context of a nation-state's "right" to monopolize certain exercises of power with respect to its territory and citizens has been discredited in many ways.[22] The transformation of the world has also benefited citizens by bestowing upon them the power to make decisions on matters that affect their lives. Expressed loosely, state sovereignty denotes the complete and exclusive control of all people and property within a given geographical location. This definition provides a broader and more encompassing picture concerning states. From a miniature level, sovereignty would also imply claiming of autonomy by regions or provinces within a polity, which translates to devolution. **Devolution** on the other hand is the statutory granting of powers from the central government of a sovereign state to government at a subnational level, such as a regional, local, or state level (Mahler, 1995). This is the context in which this paper provides a critical analysis of the concept and practice of devolution emanating from the new Constitution of Zimbabwe. What has incited the author to equate a state and a province is the allegations and claims of secession that have emanated from the western province of Matabeleland where legal action have been initiated against the Zimbabwean state for failing to facilitate the implementation of devolution as provided for in the Constitution.

While at global level, under the concept of state sovereignty, no state has the authority to tell another state how to control its internal affairs (Gerald et al, 2002).   Jackson (2003) argues that the core of sovereignty-the "monopoly of power" entails certain linkages and "slop-over penumbra" of the other sovereignty dimensions. It is the confession of this paper that the 'other' dimension of sovereignty is devolution where people from a specific geographic location would have the freedom to determine their own destiny, which is the essence behind devolution. It is the same claim and clause which provinces would like to interpret the concept and practice of devolution. On the contrary, while

sovereignty both grants and limits power, it gives states complete territorial jurisdiction.[23] Interpreted in the context of devolution, this would mean that the state is weary and reluctant to give unfettered powers to provinces. This could be the major reason for the lack of political commitment in Zimbabwe to align and harmonise existing legislation to the new constitution so as to delegate powers to and empower provinces to administer their own affairs with central government playing an oversight role.

Given the political landscape in the country on the backdrop of an enduring tribal configuration of the western region of Matabeleland, it is not surprising that the demands for devolution are emanating from this side of the country. The Ndebele State of the 19th century had always claimed hegemony and sovereignty in the local wars with the Shona and other local groups during which they subdued these tribal groups. Their encounter with the British army in the Anglo-Ndebele War of 1893 culminated in defeat but that was not the end. A few years later, in league with the Shona in the Uprisings of 1896-97, their combination showed beyond any doubt the resilience of indigenous groups to achieve freedom and sovereignty. The indigenous people may have been defeated but had showed resistance against British military fire power.

Postcolonial Case Laws on Devolution

It has been argued that certain sections of society canvas for sovereignty mainly to court controversy. Jackson (2003) postulates that national government leaders and politicians, as well as special interest representatives, too often invoke the term "sovereignty" to forestall needed debate. This is taking into cognisance the fact that the central government would not allow ceding power to regions. In the post-colonial period once a civil strife surfaced under still controversial circumstances. With the advent of the new constitution in 2013, the concept of devolution once again resurfaced and this time around it has courted a lot of controversy. However, the slow pace at which the implementation of devolution has taken place has been attributed to lack of political will to implement the constitutional provision on devolution and this has culminated in court challenges by people of the western region of Matabeleland. There are basically two case laws both challenging the State to observe the content and provision of the Constitution (2013) on devolution. First was the court challenge by Paul Siwela of the *Mthwakazi,* a quasi-political outfit claiming to fight for a secessionist state and subsequent resurrection of

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[21] John H. Jackson *(2001). The WTO "Constitution" and Proposed Reforms: Seven "Mantras" Revisited,* 4]. INT'LEcON. L. 67

[22]Jackson, H (2003) "Sovereignty - Modern: A New Approach to an Outdated Concept" 97 *American Journal of International Law* 782-802 (2003).

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[23]Kreijen, Gerald et al. eds., 2002). State Sovereignty as Social Construct

the extinct Ndebele State.[24] The case law *Paul Siwela* vs *Minister Justice, Legal and Parliamentary Affairs* sought to compel the State to expeditiously attend to the constitutional provision on devolution.

Secondly came the Constitutional Court (ConCourt) challenge by a former Cabinet Minister, one Sipepa Nkomo of the Movement for Democratic Change (MDC) political outfit, who claims that the implementation of the constitutional provision on devolution is well overdue and should be activated forthwith (see *The Legal Monito*r April 2015).In the case, Sipepa Nkomo, bemoans the delay and attendant lack of political will to implement the provisions of the new constitution on devolution. By approaching the Constitutional Court (herein the ConCourt) to compel the Government of Zimbabwe to align existing legislation and eventually, this was meant to pile pressure on Government to put in place mechanisms for the implementation of devolution in different parts of the country. In his legal arguments, Sipepa Nkomo argues that provinces must be given the powers to administer their own affairs as a matter of urgency. As a result the issue of devolution has courted a lot of controversy in Zimbabwe's political landscape. However, the fact that the demand for devolution are coming from the western region has not been surprising, given many similar escapades such as the Anglo-Ndebele War (1893), the 1896-97 Uprising combining with indigenous people from Mashonaland as well as post-colonial skirmishes[25], all having presented the

western region as being at the forefront of demands for devolution.

The Enduring Thread of Sovereignty and Devolution in Zimbabwe

While sovereignty has been a national claim to self-determination prior to and during the liberation struggle, the claim for devolution and its attendant benefits seem to have been more regional. This is evidenced by the different wars and similar skirmishes in the region of Matabeleland, with notable events having been events around the Anglo-Ndebele War of 1893 which was an exhibition of initial tinctures of claiming sovereignty of the Matabeleland region by the Ndebele. The Uprisings of 1896-97 were a further manifestation of the desire by indigenous tribal groups to claim sovereignty over their geographical spaces. However the major different between the initial Ndebele resistance of 1893 and the 1896-97 was that while the former assumed a regional latitude, the latter assumed a national face, thereby indicating that indigenous tribal groups enjoy and can exploit similar interests to their advantage. This was a national and almost wholesale claim to sovereignty. The essence behind the concerted effort by the two major national tribal configurations was that they desired self-determination and displayed a quest for devolution in order to exercise powers over their resources.

Devolution and the new Constitution

Section 264 of the new Constitution of Zimbabwe provides for devolution. Taking a cue from the South African Constitution, the Zimbabwe Constitution of 2013 is considered as the most democratic in the constitutional history of the country. However, the interpretation of devolution has courted a lot of controversy with the Matabeleland region expressing impatience and anxiety over the delay in implementing devolution in the country. Sections of Matabeleland through the Mthwakazi have taken the issue of devolution a gear up by demanding secession thereby politicising devolution and being

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[24]Gabriel Nkomo *(2013). "*Treason Judgement for 'Mthwakazi' Siwela Set for Tuesday"Zim Eye

December 2, 2013. Available at http://www.zimeye.org/treason-judgement-for-mthwakazi-siwela-set-for-tuesday/#sthash.grneYFcJ.dpuf; Benny Tsododo (2014). "The folly of Secessionist, Tribal Politics" The Herald, 22 January 2014. Available at http://www.herald.co.zw/the-folly-of-secessionist-tribal-politics/

[25] The post-colonial civil unrest (herein skirmishes) assumed a regional dimension when some disgruntled militants in Matabeleland took up arms against the new political establishment. The concept, causes and course of the civil unrest remains controversial with a myriad of conspiracy theories being floated around. *See* "Gukurahundi was a Western Conspiracy, Says Vice President Mphoko" Newsdze Zimbabwe.   Available   at: http://www.newsdzezimbabwe.co.uk/2015/02/gukurahundi-was-west-conspiracy-says-vp.html;Ndlovu-Gatsheni (2011). "The Construction and Decline of *Chimurenga* Monologue in Zimbabwe: A Study in Resilience of Ideology and Limits of Alternatives" *Paper presented under Panel 109: Contestations over Memory and Nationhood: Comparative Perspectives from East and Southern Africa at the 4th European Conference on African Studies (ECAS4) on the theme: African Engagements:*

On Whose Terms? held at Nordic Africa Institute, Uppsala, 15-18, June 2011] as well as "The post-colonial state and Matebeleland: Regional perceptions of civil-military relations, 1980–2002" by the same author. On the contrary see"Gukurahundi: Mugabe innocent, Mphoko" New Zimbabwe 14 February 2015; Lloyd Mbiba (2015). ".Mphoko savaged over Gukurahundi" *Daily News*, 16 February 2015.

labelled 'a secessionist political party'[26] with leaders of the said political party being arraigned before courts of law.[27] This presents contradictions because secessionism is prohibited in the new Constitution. The major thrust of section 264 is devolution of governmental powers and responsibilities to provincial and metropolitan councils and local councils.[28] However, what is not clear are the conditions under which devolution would take place. This is the weak point which has caused controversy because the constitution does not give a timeframe under which devolution should be implemented. Devolution of governmental powers and responsibilities seems to rest in the hands of central government which can consider a region 'appropriate'[29]. It is therefore not surprising that Matabeleland may be found to be 'inappropriate', given that the Mthwakazi political party has mixed up its political ambitions with devolution. To the government, such ambitions would be tantamount to secessionism. Additionally, the clause 'whenever appropriate' creates anxiety within local governance circles as it entails that central government has the mandate to put in place institutions for devolution at a time appropriate to it. This raises fears as to what would happen if central government deems the situation inappropriate for devolution in a particular region. On the other hand, delays in implementing devolution may culminate in confusion and mayhem, and in some cases, overlap and duplication of tasks, since legislative and constitutional provisions would be operating simultaneously. Given that scenario, it is evident that central government may not voluntarily devolve the powers on a silver platter. It is the author's conviction that there may rise situations when central government may deem it inappropriate to devolve power and responsibilities, thereby making a mockery of participatory democracy as enshrined under this section of the new constitution. It therefore remains to be seen to what extent central government is committed to implement the devolution and the new constitution in letter and spirit. It also remains to be seen what would happen with devolution if central government 'finds' that some local councils are not 'competent to carry out those

responsibilities efficiently and effectively'[30]. Maybe central government will have to put in place a framework to determine levels of competency and potential for efficiency and effectiveness before power and responsibilities can be devolved to provinces. It therefore remains to be seen whether precedence will be set in this regard, given that the new constitution is yet to be tested.

The constitution also seeks to empower communities and enhance their participation in making decisions that affect them.[31] However, the provision is not precise as to whether there are any conditions under which such powers may not be bequeathed to such local councils.

Additionally, while emphasis has been put on the need to promote and build a democratic local governance dispensation, this has been over-emphasised. The provision

> to promote democratic, effective, transparent, accountable and coherent government of Zimbabwe as a whole[32]

while very impressive and portraying a very promising picture, is dependent on political commitment and availability of resources, taking cognisance of existing economic challenges. Transparency and accountability has always been absent in local governance over the years, as exhibited by certain section of local government legislation, notably section 4 A of the Urban Councils' Act which mandated the Minister of Local Government to appoint 'special interest councillors'. In some studies, the intervention by the Minister has been viewed as the "Achilles Heel" of local authorities, presenting a major weakness in the administration of local governance in the country.[33]

While equitable distribution of resources resonates with democratic practice, but the fact that it is enshrined in the new Constitution of Zimbabwe[34] does not mean that it will be an easy task. The precedence set by diamond mining in the Manicaland Province of Zimbabwe which only benefited a few people[35] is indicative of the fact that equitable distribution of resources is likely to present challenges. It would therefore be a mammoth challenge for central government to be able to:

> ensure the equitable sharing of local and national resources[36]

[26]Gabriel Nkomo *(2013). "*Treason Judgement for 'Mthwakazi'

Siwela Set for Tuesday"Zim Eye

December 2, 2013. Available at http://www.zimeye.org/treason-judgement-for-mthwakazi-siwela-set-for-tuesday/#sthash.grneYFcJ.dpuf
[27]Benny Tsododo (2014). "The folly of Secessionist, Tribal Politics" The Herald, 22 January 2014. Available at http://www.herald.co.zw/the-folly-of-secessionist-tribal-politics/
[28] Section 264 (1), Constitution of Zimbabwe (2013).
[29] Section 264 (1), Constitution of Zimbabwe (2013).

[30] Section 264 (1), Constitution of Zimbabwe (2013).
[31]Section 264 (2) (a), Constitution of Zimbabwe (2013).
[32]Section 264 (2) (b), Constitution of Zimbabwe (2013).
[33]Bland G. "Overcoming a Decade of Crisis: Zimbabwe's Local Authorities in Transition" (2011) *Journal of Public Administration and Development* 31 (4) 342.
[34]Section 264 (2) (e), Constitution of Zimbabwe (2013).
[35]Chitiyo, K (2009). Making the Case for Security Sector Reform in Zimbabwe
[36]Section 264 (2) (e), Constitution of Zimbabwe (2013.)

Resource allocation to local authorities would be a ground-breaking development, given the precedence in the local government legislation where local authorities have operated with no resources with central government having made no contingent plans to bail out councils in distress. It also remains to be seen whether central government will be able to:

> *transfer responsibilities and resources from the national government in order to establish a sound financial base for each provincial and metropolitan council and local authority.*[37]

What further makes it doubtful is that in most cases, central government is bedevilled by economic challenges such that it is most likely not able to transfer resources to local authorities. It also remains to be seen whether central government will contend with the idea of devolving power to local authorities and citizens whose new status under the new constitution will enable them to be partners in policy implementation. Additionally devolution makes local authorities (and citizens) participants in developmental initiatives with central government acting as a regulatory partner.

Recent Political Developments in Zimbabwe

Recent political developments in Zimbabwe has transformed local governance from being a creature of statute to a constitutional component with wide ranging powers being accorded to local authorities. This has resulted in local authorities having a constitutional standing and mandate to make decisions that affect their localities and at the same time curtailing the excessive powers of central government over local authorities. Zimbabwe has two types of local authorities, namely urban councils and their rural counterparts. Urban councils look after the interests of those living in cities and towns and can be divided into four categories, namely cities, municipalities, town and local boards depending on the size of population, infrastructure, services offered and social development[38].

Local government is generally used "to imply a greater degree of local decision-making, in particular in regard to what to do as opposed to how to do it" (Jordan, 1984:7). This leaves central government with room to dictate terms and conditions of how things should be done and to be involved in decision-making processes. The role of central government in local government affairs is further confirmed by Jordan (1984:7) who points out that "the powers of urban councils derive from and is limited by central government". This scenario puts central

government, notably the Minister of Local Government, Urban and Rural Development at the centre of most decision-making processes and appointments of bother senior and ex-*officios*. The powers of urban councils are contained in Chapter 214 which lists a cumulative total of 53powers ranging from service delivery to provision of facilities and granting limited freedoms to municipalities to act on matters that affect them, notably the appointment of senior council officials, councillors and mayors as well as deciding on their tenure. However, most of local authorities' powers are still usurped by the Minister of Local Government whose authority transcends those of all local authorities, given that alignment of the old legislation to the new constitution has not yet taken place. The trend of unlimited authority by the Minister of Local Government was further been exacerbated by the recent amendment to the Urban Council Act where central government has through statutory instrument 79/2010 has vested authority in the Minister of Local Government to arbitrarily appoint additional councillors-special interest councillors who do not represent any constituency. Although there is silence over this appointment of special interest councillors, further delay in aligning local government legislation to the new constitution will one day see the Minister of Local Government reverting back to the old legislation. However all local government amendments have been temporarily rendered futile by the new Constitution until alignment takes effect.

CONCLUSION

It is most likely that implementing the new constitution under existing condition would be a mammoth task, especially for a country whose local government system has never held any constitutional status. Therefore constitutionalising local governance in a unitary state such as Zimbabwe would present challenges at implementation. It is common knowledge that central government in a unitary state is highly centralised and devolving powers to regional and local levels would be difficult. Therefore the unitary nature of Zimbabwe makes it difficult to fully realise the fruits of devolution. It should therefore be noted that the major difference between local governance as a creature of statute and as a constitutional provision is that in the former, power is minimally delegated from the centre to local councils while in the latter case, there is a thread of community participation that runs from the centre to communities through local councils. Claims and allegations of secessionism and devolution tend to create sensationalisation and a possible cause for panic, especially taking cognisance of the fact that different regions in the Zimbabwean society have different interpretations of devolution. This has resulted in allegations of treason levelled against some regions. On

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[37]Section 264 (2) (f), Constitution of Zimbabwe (2013).
[38] At the Coalface-Zimbabwe (2009:70)

the other hand, politicisation of devolution has also led to more divisions, contrary to the dictates of the new constitution which call for unity in the country. It therefore remains to be seen whether a more amicable solution to devolution will be found. It is therefore this author's conviction that devolution should be supported by a carefully designed set of policies to achieve meaningful devolution devoid of tribal accusations and counter-accusations.

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Full Length Research

Smart Defence: Women Leadership in the Security Sector

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The concept of smart defence developed by NATO is a comprehensive tool to create capabilities which are to be used in common by the member states and partners. These concepts and thoughts have newly emerged as innovative solutions for the current issues which NATO is facing in terms of defence and security. The meaning of the concept refers to the 'common security' in all aspects. The core idea of this paper is that the current period and circumstances are favorable to the development of common securitization, which will bring and a series of advantages will be brought to securitization by gender balance and defence planning together.

Key-words: Securitization, women and leadership, smart defence, NATO, crisis, challenges

INTRODUCTION

In NATO's recently implemented action plan on 'Women, Peace and Security,' the organization relate to the issues pertinent to defence and security. The plan is to be used to cooperate, to share the capabilities of member states in order to contribute to developing new necessary capabilities together. Smart defence is seeking more beneficial defence solutions in the context of financial situations and gender empowerment.

The crisis of 2007 started a series of transformations on the international level with impacts on the global security environment. Thus, in the global world, there are some security risks and threats still impossible to ignore by any state of the international arena. The crisis acknowledged the international actors' or non-actors' weakness and strengths, creating new securitization opportunity, especially from an economic point of view. The new emergence of more powerful strategy with the gender challenge together with the stability in the space of expanding the opportunities available to women

worldwide has potential to end current wars or crises.

In this context, the urgent need for a new approach to defence strategy identifies barriers to women's advancement and leadership on securitization which would benefit from the 21st century security guarantees. For the main contributor to NATO, it became necessary to decrease the security crisis with the balancing defence expenses, to keep the budget steady using women leadership in the field of Peace and Security.

The paper discusses how women can be effective in the field of security. The research paper also analyzes women contribution to the security development sector, gender balance issue- as advantages of women entering to the security sector and new defence plan strategy. The following chapter will shed some light on the current situation of the women contribution to the defence and security, and their advantages on being as leaders in the field by grasping the logic interaction between the reports, approaches and reacts by the other actors. The

later chapter will explain the reason for having women leadership as effective role players in the Security sector. The paper concludes with the author's thoughts and ideas.

Smart Defence as a new concept

Smart Defence is a collective way of acting about establishing the modern defence capabilities, that the Alliance's needs. Allies are encouraged to work together to develop, enhance and maintain military capabilities as an essential core task agreed by NATO's strategic concept.[39] The meaning of the strategic concept is pooling and sharing all possible capabilities and coordination together to make efforts better. As a result, the Alliance's security environment will obtain a new challenge and will effect to decrease the financial crisis. The outcome of newly established concept will decrease the economic crisis risk and manages the financial risks of Europe for a better future. NATO is itself a 'Europe'. According to the Former Secretary General Anders Fogh Rasmussen, to have strong economy is an essential part of security.[40] We need a new approach: Smart Defence ensuring greater security, for less money by working together with more flexibility.[41] So, to get more security with existing resources, it is important to pool and share our capabilities, to work on our priorities and coordinate all our efforts for a better secured future. Pooling and sharing is a very vital issue enhancing the military capacities. It is also a major defence system under cooperation in securitization to maintain crucial capabilities.[42] And NATO is situated in the best place to connect the beyond nations that have similar desire but limited budget to build collective capability within the region. To develop a common interface helps us to provide new solutions to new a threat and hazardous risks. The defence policy needs to increase new approaches, structures, efforts by all nations, gather advice, and reduce bureaucracy, to work with the products and resources very efficiently.

The Global Economic Crisis

The Smart Defence finds itself reducing economic crisis to become a security crisis in the financial context. A number of political initiatives should rationally address the need for the economic crisis in global community. As a positive example of the concept, smart defence is about coordination number of new projects to the public. NATO needs to bring them together, to work collaboratively in a balanced way, so they can positively and effectively help to enhance Smart Defence projects. By this way, the new coming ideas will have been developed by the Alliance. NATO, in its side, tries to find a gap and to fill that with a major capability. It is hoped that, these potential solutions and new approaches will shape Smart Defence Policy.

In today's security environment, NATO selects a gender issue to be a part of a new supporting campaign. The member states do not conduct the military attentively- all those attempts is a core task of the smart defence working with the both genders, to examine and analyze the results. To make all these efforts we need to invest in science and technology, and to create huge coherence with European countries. Smart Defence is not only about imposing on nations; it is also about to work together, to enhance peace and security resources effectively and efficiently together. Together work is a part of common success, which might be gained the advantages. Shortly, smart defence is a vital securitization strategy to build the guarantee of security with fewer resources.

The idea of Smart Defence is supporting the changing international security strategy balancing the relationship between Europe and US.[43] It is somehow about shifting balance between them. Actions also concerns to security defenders, to 'men' but also concerns potential 'women' in the field. NATO will directly affect women as peacekeepers in the framework by those who wish to lead in the security sector. NATO is the biggest military international organization with special security structure for the Alliance. To keep the sustainability of the concept with the idea of bringing women to the security sector, NATO wants and needs to pick up frozen ideas of the Member States to muster professional, flexible gender balanced security program. So, they will start to analyze the capacities in greater detail in order to specialize the women working advantages.

Women as main role players

Smart defence as a new context reveals multiple factors

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[39] Smart Defence, http://www.nato.int/cps/en/natohq/topics_84268.htm, accessed on 16th July 2014

[40] NATO Secretary General Anders Fogh Rasmussen, "Building security in an age of austerity", Munich Security Conference, 5 February 2011, http://www.nato.int/cps/en/natolive/opimions_70400.htm

[41] Ibid.

[42] Pooling & Sharing, European Defence Agency, http://www.eda.europa.eu/aboutus/whatwedo/pooling-and-sharing

[43] Jakob Henius, Jacop Leone McDonald, "Smart Defence: A Critical Appraisal", NATO Defense College (College de Defense de I'OTAN), Rome, March 2012

about the selection of leading women as main role players in the highest levels of leadership. The dimension of smart defense by NATO may have particular implications, especially for women from regions of the world that may approach and describe peace and securitization differently.

Thus NATO is considering efforts to find and identify a smart alternative solution to develop military capabilities and equipment with the support of political ambitions. This is due to the fact that the world community believes that women may not be a part of militaries and diplomatic representatives to lead large-scale civil-military actions.[44] At the same time, a widespread notion has appeared that women candidates are good at decision-making and are quick solution finders. It is routinely accepted in history that women are less dangerous and less visible than men by nature. We can call the leadership of women self-elimination. According to a simple work interview for women, we can see that women are extremely confident that their experience and qualifications match the position descriptions. The main point is that male candidates do not exhibit the same reservations. The employer may think that female counterparts are safer candidates than men. At the same time, we can emphasize from our daily life that male workers earn higher salaries than women in the same position. Today's leaders are both men and women, not in every position, but almost in all kinds of jobs. However, the male candidates are more 'expensive' than women themselves. Today, world countries which are in a crisis are in need of a guarantee of cheap safety by professionals in the international security environment.

The Smart Defence concept of NATO is trying to find a solution using women to make defence expenses more efficient. It is a newly established way of thinking about creating modern defence capabilities which the Alliance needs for the coming new decade. Senior level women with years of experience in UN peacekeeping operations show that women are intelligent officials who deal with military system easily, acknowledge the requirement of the position quickly, win respect in performing according to their expertise and finally, are extremely positive about their background and the field of work.[45]

In smart defence missions, women can feel more flexible, potential, and free. Women demonstrate willingness and describe immediate approaches to manage divergent interests in conflict resolution situations. The power of women begins from their

characteristic talents or levels. They find creative ways to skip negative biases professionally and gain positive outcomes in dealing with military and intelligent actors. Women, as leaders, demonstrate a very strong commitment to increasing women's participation and hiring other women with enthusiasm. NATO's smart defense solution was launched to improve understanding of required qualifications and skills to lead NATO Security policy and operations and to promote more female actors for peacekeeping mission positions. The tie keeps the gender balance in the mission, and provides expanded opportunities for women leaders in peace and security operations. The necessity of women's participation in the peace operations results in spending of resources efficiently, smart investment to reach the ideal outcome, and educated spending of security-related expenses.

Specialization – the Women Leaders

The smart defence concept may have been an advantage in the international arena of the historical period. This period implies financial participation and resources in order to obtain military capabilities. The advantage is mutual cooperation and coordination in crisis and emergency situations. Women always acknowledge that working in the field of peace and security is not easy. Qualified women always understand the major realities of the field but not forever. Those qualified women, especially with more experience, want to work. Understanding the nature of the work is not a crucial problem for female peacekeepers more than for men. Men workers are eager to continue their work in this sphere, and sometimes, they cannot easily come to a compromise. Women can bring the problem to the community or the stakeholders immediately with special sensitive behavior. Strong, qualified and experienced women who are willing to go to the field of security are in high demand by organizations and society itself. According to the related historical facts, there were few women leaders in that permanent position. Women are positive about their background and experiences to contribute to the field operations. It is absolutely clear that women can have a positive impact and come up with resolution alternatives on the missions in terms of securitization and defense. Besides, they do not stop at the experience they have achieved or what they have learned; rather they are ready to gain and practice new opportunities from the colleagues and networks. Taking women's rights and gender equality balance into the peace and security arena is an important step.

The new defence policy is a huge reality in every society where females are affected by armed conflict in

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[44]Authors: Camille Pampell Conaway and Jolynn Shoemaker, Editors: Jolynn Shoemaker, Allison Adams-Alwine, and Jennifer Park, "Women in United Nations Peace Operations: Increasing the Leadership Opportunities, with the support of the Compton Foundation, Women in International Security, Georgetown University, July 2008

[45]Ibid.,p.10

the peace process.[46]This attempt will support women so they can escape from the deepest of the violence and sexual abuse and different circumstances to make progress in addressing peace and security. From a gender perspective, women will have permanent access to implicate gender and disarmament, and the central effect of securitization of international societies.

According to the standards, women always are judged more harshly than men if they are not doing a great job, according to UN peace resolution.[47] But a man can easily change his position, or switch from situation to another, without thinking about the benefits and costs. Female leaders like to keep the same position, to continue with a new success on their mission and to permanently lead from the same place. The claim has been made that women shine brightly in leadership positions. An ineffective woman can fail professionally and can do more attempts to be effective in the field. Failing women damage the advancement in leadership very rapidly. But men are not afraid of hurting their advancement. The term of gender equality is created because of lack of women participation in voting, leading positions and military bias. That is why if women fail, it means gender equality fails.[48] Female leaders who regularly work with men find immediate creative ways to be acquainted with them which dispel existing any potential problems. Women in high-level positions believe that they are more free and flexible to make an impact on field missions. The valuable asset of women within the Security Sector missions base is shown by very positive experience concerning their performance. They always can execute the possible frameworks that the situation allows them to do. If NATO wants to bring women into international security issues, it shows that the situation for men in leading positions will undergo unusual challenges. Those challenge help the willing female workers find the terms and conditions suitable for them. Many senior women can change the culture, nature and system with their roles and efforts in peace missions. This supposes not only that the international organizations' working structure at national levels should be modified, but also that they should create the opportunity to avoid the negative effects even on the financial policy of the defense industry. At the same time, international and regional organizations with competences in securitization and defense policy maintain the skills and capacities to act respectively in the mission. The concept of smart defence

would be able to provide comprehensive capabilities to achieve purposes and challenges coordinated by Member States. Women leaders respectively act and perform in those joint projects carried out by NATO. The main idea is that each leader should act independently and free of the others.[49]

Those defence challenges influences efficiently to the national level also. Besides the economic, military and security acknowledgements by NATO's smart defence policy, there is another side to the prior methodology.

According to current speeches by NATO professionals and the information written on NATO's official web page, it must consist of other types of activities. Thus, the summaries of activity types are evaluation of the national capabilities with NATO, concentration of investment in the area of the securitization industry, and cooperation, respectively.[50] If we are look through the concepts and priorities, we can observe specific difficulties. At the same time, all these types of priorities are genuine challenges in certain areas of the defence industry that are necessary to guarantee national security. Thus, the term explains that with the smart challenge policy, the role players are able to concentrate on the area in which they will cease to invest. The experts should compare and plan the maximal method for smart investment. Mostly, smart defence policy tries to find economic solutions to manage the financial crisis as it affects the military defence and economic budgets. As a result, smart defence is an intelligent way to seek capabilities to invest with the cooperation and coordination which is necessary to guarantee security, safer lives, and development. Simultaneously, NATO is willing to take a real challenge and make efforts to manage the financial crisis existing in Europe and beyond. Maybe NATO will encounter dozens of problems justifying it in the short term. In the long term, the smart defence policy has gained popularity in the global community for some period, bringing some new advantages in international relations. Choosing women as heroes of the smart defence policy demonstrates a willingness to follow difficult and sometimes impossible issues to find professional solutions in the sphere of international security, which does not recognize borders.

The recognition of women's participation in decision making also affects the decisions that are made. The result reflects the small challenges which played a role in

[46]Women, peace and security, NATO, UNSCR 1325 and related Resolutions, accessed on 18th September 2014, http://www.nato.int/cps/en/natohq/topics_91091.htm

[47]Camille Pampell Conaway and Jolynn Shoemaker, "Women in United Nations Peace Operations", Georgetown University, July 2008

[48]Ibid., p.37

[49]Jolynn Shoemaker, Marie-Laure Poire, "Women In Peace and Security Careers", U.S. Congressional Staffs, Women In International Security (WIIS), February 2014

[50]Cristina Bogzeanu, "NATO-EU Relation From the Perspective of the Implications of 'Smart Defence' and 'Pooling and Sharing' Concepts", Central and Eastern European Online Library, Source: Strategic Impact (Impact Strategic), issue: 3/2012, pages: 33-40, on http://www.ceeol.com

the decision-making process. Some female leaders play a proactive role in taking different approaches immediately. Another effective point of women being a outstanding leaders is that they can help the same gender in all spheres and in peace operations with enthusiasm. They do not skip the possibilities of an incomplete situation if it might be useful and vital for the mission. Increasing the gender balance in peacekeeping will be a long procedure, because of women's limited participation on a national level in many countries. First, they should be recruited nationally to develop gender balance, then they can affect the international level. The community should require that equal participation of genders be maintained within society. Due to the existing problems, smart defence is not willing to maintain this idea because of some problems on national levels. However, it first calls to evaluate the needs nationally. The need for female talent will affect three aspects of the situation: cheap defense solution, which will help to reduce the economic crisis in Europe and countries beyond; increasing gender balance equality, which will bring women into leading positions even in the military and institutions supporting peace and security in the world; and defending human rights, which is a crucial problem especially for women, to recognize their rights and fight for it. Here, the both sides will benefit the situation and outcomes on national and international levels.

Currently, international organizations are seeking talented actors who centralize the field missions. Beyond that, these new structures and functions are changes in culture, behavior, and policy in the related field. There is no concrete reason that male players cannot take the same action. One can argue that women players will continue to have an impact in the field missions. This creates the opportunity to have different female workers in peacekeeping positions. The valuable access of women in smart defence is a demonstration of newly changed securitization policy with the smartest ways. Women inside the NATO's peace military missions will concentrate on a number of solutions in the management levels. Women in leadership positions serve as active role players in the mission, and a symbol of the participation of females in the host country.[51] The smart defence policy is not a new idea; it is one which has brought economic and military benefits. Obviously, women's advancement is a valuable asset to the security sector and a new addition to the policy to show that a crisis situation doesn't always create negative results.

It is for sure that, all research has a limited point of view. This may include the answer to the question of the paper with different approaches. The topic needs more different views in order to find out how the women can contribute and how their contribution may affect affirmative to the related problems. To address research limitations in their research can be suggestions for the future authors who are interested in security and defence sector.

Conclusion

In my conclusion, I would like to emphasize that the smart defence policy exists as an economic and gender-related solution to manage the financial crisis with leading female participation. The idea of smart defence relates the development of capacities in common and the acceptance of the concept by member states. Three major points will develop in this long-term security policy. First, inexpensive securitization policy will emerge; second, female qualities in the leading positions will develop and cooperation will occur on effective capacities of the member and partner countries. One of the goals of the concept is to improve understanding, breaking down barriers that exist between women and society in light of the new perspective on mission contributions in peacekeeping. The notion of smart defence will create an outstanding chance for women in the high levels of leadership in the peace and security field. Future women's participation in peace operations will generate new projects for women in decision-making, peaceful resolutions and securitization. All these happenings will show that the financial crisis did not only generate negative results; on the contrary, it has opened paths to new challenges with respected common ideas. When managing the financial and economic crisis by creating valuable solutions for the implementation of the smart defence concept, the situation of security integration and defense matters may be much improved with the special development of smart defence.

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Full Length Research

Nigeria At War With Herself -The Boko Haram Insurgency: Peace Restoration and Sustainable Development

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Ordinarily, Nigerians will say that the civil war ended in 1970, but it simply marked the end of the three consecutive years of genocidal gun battle between Nigeria and the Biafra. Ever since that war stopped, Nigeria has constantly engaged herself in intra state war, appearing in different nomenclature. This has affected economic activities, political processes, administrative convenience, infrastructure development and social life of the citizens. With this being the situation Nigeria is facing, sustainable development is grossly hampered. The researcher, through extensive consultation with relevant literature, tried to identify reasons for the deterioration of peace in Nigeria and argued that the problem of Nigerians is not beyond what we can handle. It only requires Nigerians' concerted effort to meaningfully jaw-jaw so as to proffer long lasting solutions to the persistent chaotic atmosphere based on the general understanding that Nigeria is our own country which we depend on each other for individual and collective survival. The paper suggests that regionalism; ethnicity, religious dissimilarity and so many other ill interpreted concepts should not be allowed to play front role in our national discourse, so that landmark achievements can be actualized, sustained and expanded.

Keywords: peace, restoration, roadmap, sustainable development, war

INTRODUCTION

Nigeria at war with herself can be referred to as an intrastate war/conflict which is different from an interstate war/conflict or an extra-state conflict; though these terms are often used whenever a detailed and informed discussion about conflict and war is on. However, to some people, it is confusing but in this paper, the concentration is intrastate war or conflict. Intrastate violence or conflict is the most common and is ubiquitous in the Nigerian society. It is a kind of violence or conflict

that emanates from an armed group projecting from either government, non-governmental organization, interest group or a group of aggrieved individuals who took up arms against the state, state properties, the public or a single individual as a way of showcasing their ill feelings, or influencing government decisions. It takes place within the boundaries of a nation-state but make frantic effort to create awareness in the international system. It claims as many lives as a heightened civil war

and perpetuate damages that will cost a fortune to ameliorate.

This paper tried to explain the concepts of war, Boko Haram, peace restoration, and sustainable development. It tried to bring into focus, some of the violent attacks between Boko Haram, the Nigerian Army and the civilians as well as the prominent people killed by Boko Haram and unknown gunmen. A vivid presentation of the state of Nigeria as regards to conflict was made and tried to find out why war is becoming common and who is behind it. The effect of war was identified and the researcher concluded that all and sundry need to be up and doing in the fight against insurgency and all other forms of conflicts so that culture of peace can be enthroned and sustained

Conceptual Clarifications

War: Oxford Advanced Learners Dictionary (2010 8th edition), defined war as a situation in which two or more countries or groups of people fight against each other over a period of time, a fight or an effort over a long period of time to get rid of or stop something unpleasant.

Leadership of Inter-society Nigeria as quoted in Ukwuije & Nwachukwu (2013), stated on the 8th of April, 2013 that over 18,000 Nigerians died outside the law since 1999. On the 5th of August 2009, they estimated that over 30,000 unlawful death took place in Nigeria since the 1999, a period of ten years, and on the 17th March 2010, they reviewed it and concluded that the number might have increased to 34,000 as a result of the further rise in the killings. Their latest figures however, indicate that these figures may have been under-estimated hence the latest figure is in the neighborhood of 54,000 illegal deaths...Going by this figure, one can rightly believe that Nigeria is at war with herself, her over 150 million population and her citizens as was said by the Intersociety Nigeria. This assertion will gain acceptance based on the definition of war by recognized war dictionary that "war is simply an inter-state or intra-state violent conflict that claimed over 999 lives (Pp136-137)

Some authorities are of the opinion that development goes hand in glove with violence but when it begins to take greater dimension, claim lives in thousands and destroy properties that will cost a fortune to ameliorate, then it can be termed war. The fight between Nigerian and the Boko Haram deserve to be called war long before now and this is why it has attracted wider international condemnation; yet the war do not seem to be getting over.

Boko Haram: The term Boko Haram (Western Education is forbidden) is officially called **Jama 'atu Ahlis Sunna Lidda 'Awati Wai Jihad** (People of Sunnah Committed to the Propagation of the Teachings of the Prophet and Jihad"). It is a group of Islamist terrorists and militants in the northern part of Nigeria with extended activities in countries like Cameroon, Chad, and Niger. The group is a confirmation of the assertion that "though all Muslims may not be terrorists, but all terrorists are Muslims. The group is formally recognized as a terrorist organization by such countries like:

New Zealand	Aug. 20,2012,
United Nations	May 22,2014
Australia	Jun.26, 2014,
UAE	Nov 15, 2014
United Kingdom	Jul. 10, 2013,
USA	Nov. 14 2013
Canada	Dec. 24, 2013,

The United Nations Security Council (UNSC) has officially declared it an Al Qaeda affiliate and imposed the Al Qaeda sanctions regime on the group. Its membership strength has expanded to between 7,000 - 10,000 people from different works of life whose perceptual understanding of the term "Religion" differs from the generally accepted denotative meaning. As of January2015, the towns and villages in Bornu and Yobe States under the control of the Boko Haram is about 20,000sq miles, an area estimated to be equal or nearly equal to the size of Belgium.

Boko Haram is known by so many inscriptions, images and logos but the most prominent logos by which they are easily identified are:

In these logos three elements are very pronounced and common amongst them. They could be explained thus:

1. Two Kalashinkov AK-47 automatic assault rifles. This symbolizes an armed struggle and the willingness of the group members and their loyalists use violence to actualize their death-determined objectives.
2. An open Quran. The holy book of Islam. This symbolizes their deep rooted faith in Islam, which   to them, is the only perfect and acceptable religion.
3. The Islamic declaration of faith, the Shahada. This declaration is written in Arabic – the official   language of the Islamic religion. It is

read from right to left and it reads thus: "There is no God but Allah and Mohammed is the messenger of Allah
(Source: Adapted from
en.m.wikipedia.org/wiki/Boko_Horam)

Peace Restoration: Actually, it is very difficult for one to say exactly where and when peace deterioration began. How it started is also confusing because it has now assumed a larger scale. Formally, there was some level of appreciable global peace until the 20th century when the war of terror appeared like a full moon in countries like USA, Nigeria, Cameroon, Somalia, Iraq, Iran, Liberia, Chad, Palestine, Israel etc. Recently, France is experiencing the effects of hit-and-run terrorists. The war emanating from terrorism, violence and conflict became deep rooted in Nigeria in the early years of the 21st century, starting with hostage taking, abduction, kidnapping and extended swiftly to outright killing of innocent citizens and destruction of valuable properties which afterwards resulted to the conceptualization of the Nigerian situation as "Nigeria at war with herself". in fact, peace has deteriorated at every spot of human existence in Nigeria.

Scriptures of literature provides that there are both theory and empirical evidences that provide support that there exist a correlation between a nation's level of development and the level of peace and security they enjoy. This is to say; in as much as a country continues to develop, violence, conflict and terroristic acts cannot be totally over ruled. But what we are advocating is the infinitesimal reduction of war-like situations so that we can boost of the existence of relative peace like the present Ghana, Switzerland, Canada etc. This style of hit-and-run can only yield one out of all the expected results - **"Cheap Popularity"** at the same time attracting wider condemnation. But if the cowardice perpetrators of this crime against humanity and human right can stand to defend the reason for their actions, I think this can give government through the competent negotiating body, the opportunity to negotiate terms and conditions that will bring lasting solution to the issue that brought the catastrophe.

Sustainable Development: Development is a central focus of every society-developed, or developing. Though some countries are said to have obviously developed more than others but there is no limit to the height of development a given society can attain and say, they are no longer working towards a better society. This assertion can hang on the shoulder of the definition proffered by Njoku (2005) that:

development is a multi-dimensional process involving major changes in social structure,

popular attitude and national institutions, as well as the acceleration of economic growth, the reduction of inequality and eradication of poverty. Development, in its essence, must represent the gamut of change by which an entire social system turned to the diverse basic needs and desires of individuals and social groups within that system, moves away from a condition of life widely perceived as unsatisfactory towards a situation or condition of life regarded as materially and spiritually better (p13)

World Bank (1987) gave a landmark definition of sustainable development as "Development that meets the needs of the present without compromising the ability of future generations to meet their own need". These needs-present and future might be conflicting considering the variety of human needs. Therefore, sustainable development suggests that meeting the needs of the future depends on how well we balance social, economic and environmental objectives or needs when making decision today. Some of the social, economic and environmental challenges that are part of the sustainable development issues are what people around the world strive to balance when making often difficult decisions about development. These three areas of need can be expanded thus (Table 1):

As a social process, sustainable development requires organizational and institutional arrangements to:

i. support sustainable system of production and consumption, and
ii. support the development of sustainable communities that have the interest and capacity to defend local ecosystem integrity. Individuals acting alone cannot preserve bio-diversity, manage landscapes, or protect watersheds. It takes some form of community to conserve or protect resources (Ketilson, Gertler, Fulton, Dobson & Polsom 1998).

Evidence of war in Nigeria

Below is a table showing some of the violent attacks between the Boko Haram, the Nigerian Army and the civilians in 2012 (Table 2 & 3)

The Nigerian State

Nigeria's Terrorism Prevention Act of 2011 and the Amendment Bill of 2012 were passed by the Senate on October 17, 2012 and in the House of Representatives, it

Table 1. Socio-economic and environmental needs for sustainable development

ECONOMIC	SOCIAL	ENVIRONMENTAL
Services	Equity	Biodiversity
Household needs	Participation	Natural resources
Industrial growth	Empowerment	Carrying capacity
Agricultural growth	Social mobility	Ecosystem integrity
Efficient use of labour	Cultural preservation	Clean air and water

Table 2. Boko Haram: A diary of violence

2012	Place of Attack	Nature of the attack	No of death	Responsibility
5-6 Jan.	Yobe and Borno	Multiple attacks		Boko Haram
20 Jan.	Kano	Bombing		Boko Haram
28 Jan.	Boko Haram		11	Nigerian Army
8 Feb.	Army H/Q Kaduna	Suicide bombing		Boko Haram
16 Feb.	Central Nigeria	Prison Break, released 119 inmates	1	Boko haram
8 March	Boko Haram den	Hostage rescue	2 Foreigners	Boko Haram
31 May	Boko Haram den	JTF raid	5 sect memebrs and a German hostage	?
3 June	Church in Bauchi	Bombing	Church goers and several other injured	Boko Haram
17 June	Churches in Kaduna	Suicide bombing	At least 50 people	Boko Haram
17 June	Plateau State	Attack	130 bodies found dead	Boko Haram
3 Oct.	Mubi	Massacre	25-46 people	Boko Haram

source: Adapted from "Source Magazine: January 21, 2013 Vol. 32 No.14 As compiled by Okoro, Marcel

Table 3: Prominent persons killed by Boko Hara and unknown gunmen in 2012

2012	Name	Origin	Occupation	Responsibility
20 Jan.	Enenche Godwin Akogwu	Kano	Channel Television Correspondent	Sect members
8. March	Franco Lamolinara	Italy	Engineer	Boko Haram
29 April	Jerome Ayodele		A professor and 14 other	Boko Haram
8 July	Gyang Dantong and 50 others	Plateau -state	Senator	Gunmen
15 Oct.	Mala Kaka	Maiduguri	Head of gwange	Gunmen
15 Oct.	Isaac Ananja, his wife and son	Maiduguri	Rtd Fire service official	Gunmen
18 Sept.	Ibrahim Jama Katagun	?	Ex Controller of Immigration	Gunmen
2 Nov	Gen. Muhammadu Shuwa	?	Rtd Civil War veteran	Gunmen
6 Nov	Alhaji Maiyara beheaded and 16 others shot dead	Zamfara State	Head of Kaboro Village	Gunmen
November	Babagana Kolo and mallam Yerima	Bornu	Lecturer, UNIMAID and Deputy Director State Ministry of Lands and Survey	Gunmen
November	Lawan Kangare	Kangare	District Head of Kangare	Gunmen
11 Dec	Kazalla Ali and his son	Bornu		Sect Members

source: Adapted from "Source Magazine: January 21, 2013 Vol. 32 No.14 As compiled by Okoro, Marcel

was adopted on October 11, 2012. New amendments to Section 17 of the Terrorism Prevention Act, gave a clear distinction between an act of terrorism and an act of conspiracy. For the latter, an imprisonment for a term of not less than 20 years is prescribed, then in a unanimous resolution, the senate held that there was no alternative to punishing terrorism offenders than death.

Goodluck Jonathan in an address on the Democracy Day - May 29, 2012 admitted that "terrorism, a new menace, totally alien to our way of life and culture, has reared its head and is posing serious challenge" ...the address read in part thus: "As a President, it is my solemn duty to defend the constitution of this country. That includes the obligation to protect life and property. we are doing everything possible to check the menace of terrorism. In this regard, we are determined to review some of the existing laws, to further strengthen the national counter-terrorism strategy. Coordinated joint action among our security agencies has now assumed greater importance. We have developed a new security architecture to strengthen the security environment.

Today, progress has been made. The country's credit rating is positive in contrast with many nations being downgraded. In 2011, our economy grew by 7.45%. As at mid May 2012, our foreign exchange reserve has risen in 21 months. We have stabilized and moved our fiscal regime. We brought the fiscal deficit down to 2.85% of GDP from 2.9% in 2011. We reduced recurrent expenditure from 7.4% to 71% and reduced domestic borrowing from ₦852 billion in 2011 to ₦744 billion in 2012. We cut out over ₦100 billion of non-essential expenditure and increased internally generated revenue from 200 to 467 billion.

For the first time in over a decade, we now have a daft Trade Policy which provides a multi dimensional framework to boost our trade regime and facilitate the inflow of investment. We have generated over ₦6.6 trillion worth of investment. commitment. The total value of our trade is also much higher than the value estimated the previous year due to deliberate government policies. To facilitate the base of doing business in Nigeria, we have a policy in place to make visa procurement easier, for foreign investors, with safeguards to prevent abuse.

Why War?

The question, "why war" is for everybody in Nigeria both the leaders and the led. The clergy and the laity, even the traditionalists. it is for those who are causing the war, those who are fighting the war and those who are suppose to control the war. This question has provoked so many answers with theoretical support. To expand this further , we need to look into the theories that explain the cause of war in Nigeria. This theories are very broadly divided into two: Micro and Macro Theories and going by

their definitions, it is accepted that they apply in Nigeria as a Nation-State. According to Roskin, Cord, Medeiros & Jones (2010), these theories explain that:

| Micro Theories are rooted in biology and psychology. The might explain war as the result of genetic human aggressiveness that makes people fighters. In this, humans are no different from other animals | Macro Theories are rooted in history and political science and concentrated on the power and ambition of state, not individuals, as the key actors, argue Macro Theorist. Political leaders have an almost automatic feel for national interest and power and more to enhance them. |

The assumptions of the micro theories provoked such arguments which the afore-mentioned writer deduced thus:

> *... the biological and psychological theories offer some insight and fall far short of explaining war. If humans are naturally aggressive, why aren't all nations constantly at war?.. under what circumstances do humans become aggressive? One the other hand, one questions still calls for answers, perhaps from the macro theories. Does the pursuit of power lead to war or peace? (Pp. 340-341)*

Another major factor causing war is what Roskin et al (2010) called misconception. To them some thinkers focused on "image" or "perception" as the key to war. It is not the real situation (which is hard to know) but what leaders perceive that makes them decide for war or peace...In misconception or image theory, the psychological and real world bounce against each other in the minds of political leaders. They think they are acting defensively but their picture of the situation may be distorted. In our time it is interesting to note, no country calls its action anything but defensive.

More so, Dahrendorf cited in Appelbaum (1970), wrote that for Max, society is not primarily a smooth functioning order of the form of a social organism, a social system or a static social fabric. its dominant characteristics is rather, the continuous change of not only its elements, but it's very structural form. This change in turn bears witness to the presence of conflict as an essential feature of every society. Conflicts are not random; they are a systematic product of the structure of society itself. According to this image, there is no order except in the regularity of change.

On the contrary, Max (1959), gave a some worth supportive argument to conflict. He said "without conflicts no progress: This is the law which civilization has

followed to the present day. Precisely, the history of all society up the present is the history of class struggle".

Who is Behind This War?

Ndege (2012) stated that after nearly 3 years of violence and fighting by Nigerian extremist group - Boko Haram, in which more than a thousand people have been killed, the country's security services have released a list of Boko Haram's most wanted men. All the men on the list are being pursued in connection with terrorist activities in parts of the Northern Nigeria over the last couple of years which has included the bombing of churches, schools, civilian murders, assassination of religious leaders, businessmen and politicians and attacks on the media. First on the most wanted list is Abubakar Shekau, the self styled leader of the group, and the man seen on a string of You-Tube videos in the internet...The Nigerian government is offering $300, 000 dollars in reward money for Shekau's capture. The other 18 men on the Boko Haram's most wanted list who have bounties ranging from $155, 000 down to a more meagre $60, 000 irrespective of the fact that their heads, names and faces are hardly known to the public or the media. This may make their capture much more difficult but undoubtedly, there will be those out there who know some of the men.

Udechi (2013) posited that "it is no longer hidden that the average Nigerian feels terribly unsafe in his own country. What is happening now was prophesized years ago by men of God and scholars, some of whom are no more. Several of them were brutally killed or severely punished to silence them because some of the solutions they proffered were unacceptable to those benefiting from the problem". To him, there is no doubt that some top ranking Nigerians are involved in the terrorist acts. "A lot of people know them but are afraid to speak out. Sycophancy is the order of the day. Fear is crippling our courageous men and women because no one wants to die or be battered like animal" He further stated that "it is time for stock-taking, time for Nigerians to think about the future...this is the time our leaders should wake up and flush out those people that are supporting the so-called Boko Haram because most of them are in the present administration, not in the past". This submission is in line with the imaginations of the people, particularly those that have taken time to analyze the operations of the Boko Hara.

But the writer lost sight in one area that is so vital-sponsorship! Some of Nigerian soldiers are not very familiar with the kind of weapons this people are using; meaning that automatically, these weapons are very exorbitant. So, how do they raise money to purchase these weapons? They source fund from people in the present administration and people who have served Nigeria in one way or the other before, who are probably

thinking they deserve a better position than they are occupying now or aspiring for something greater than what they have now. The success stories of their attacks show clearly that they have received some form of well organized formal training. This therefore suggest that membership of Boko Haram is not only composed of miscreants and hoodlums but some others who must have received training sponsored with the tax payers money and money generated from the sale of our God given resources. The training of such I suppose, was for the good of the entire country - for purpose of protecting the lives and proprieties and the territorial boundaries of this nation and to protect us against external aggression but it is unfortunate they later turned it against the country

Effects of Nigeria at war with herself on National progress

In as much as we continue to pronounce our self as "one Nigeria", the programmes and actions of this Muslim extremists does not really depict that we are one. They are not behaving like enlightened human beings and are not seeing others who are not Muslims as worthy to live. They are heart less, wicked and have no regard for whatever the law say/constitution says about human right. Yet, each time the government moves to punish them according to the constitutional provisions, their elite, elders and supporters will run to the National Assembly; saying, "they are defending their religion". Is it done by killing innocent and defenseless people and destroying their properties? Their actions is seriously bequeathing danger on posterity and the economy.

Igbatayo, (2014), says ... No sooner than the problem in the Niger Delta subsided, then the Boko Haram insurgency emerged in the North Eastern axis of Nigeria. An insurgence of religious extremists who vowed to establish an Islamic entity in Northern Nigeria. The Boko Haram Jihadist have demonstrated extreme viciousness in the method and scope of their attacks against defenseless civilians, religious bodies and the nation's security forces. The unrelenting attacks in the Northern States of Bornu, Yobe, and Adamawa States have virtually grounded economic activities in the region.

The devastating effect of this war is seriously affecting the psyche of the Nigerian citizens as per the trust and confidence they repose on the Nigerian Police and the Military. If these security operatives including the international negotiators and military intelligence from foreign countries could not stop this war up to this time; it simply means that they have failed. The loyalty of the citizens to the government is now in doubt.

Abidde (1012), says: either way one looks at the group, it s activities have been very damaging both physically and psychologically. Its real leadership and financiers are largely unknown. An because its theatre of operation is

very wide, no one can predict where it is going to strike next, or at whom. What's more, the group seems not to pay much attention to occasional setbacks and threats. It operates at will and at its own choosing. And it seems to have this aura of invincility. These factors give the group a clear advantage over the government and the people. And finally, the group's activities have both domestic and a global implication...Boko Haram's success is making the security agencies look inept. As a result, there is growing perception, whether true or not, will most likely have a negative impact on the trust and confidence level of those who see the police as their defenders.

Further to this, Abidde up-cited maintained that if Boko Haram were to bomb Lagos, such an act would most likely provoke equivalent retaliation and mass exodus of Nigerians of northern extraction from Lagos and adjacent citizens/states. And if the bombing and the counter-bombing are prolonged, the country may witness pre-1967 conditions. A pre-1967 conditions will give rise to national political instability. We already know that unstable political space are characterized by uncertainty, unpredictability, and suffocating apprehension, and ultimately to economic deficits.

I have painful memories that lie buried most of the time. it is never easy when they surface, and yet there is a part of me that remains nostalgic for war's simplicity and height. The enduring attraction of war is this: Even with its destruction and carnage, it gives us what we all long for in life. it gives us purpose, meaning, a reason for living. Only when we are in the midst of conflict does the shallowness and validness of our lives become apparent. Trivia dominates our conversations and increasingly our news. And war is an enticing elixir. It gives us resolve, a cause. It allows us to be noble. and those that have the least meaning in their lives-the impoverished refugees in Gaza, the disfranchised North African Immigrants in France, even the lost legions of youth that live in the splendid indolence and safety of the Industrialized world-are all susceptible to war's appeal.

CONCLUSION

The Holy Father, Pope Francis XVI in a weekly Angelus held in St. Peter's Square on September 8, 2013 posed the question as to the wars occurring all over the world are truly "over real problem or is it a commercial war to sell illegal weapons", He added that the only true fight is for peace and the common good. Conflict no matter the nature is not good let alone when it could be termed war. Whenever there is a war-like situation in a society, it is very likely that that society will be in disarray. It will affect not only the government, but the citizens as well. This is why all and sundry need to be up and doing in the fight against insurgency, terrorism, kidnapping, electoral violence, ethno-religious conflict and any form of chaotic

atmosphere that is capable of disrupting the acceptable social order. So that the part to sustainable development which we are on, can be maintained.

RECOMMENDATIONS

1.   Amadi, Nye & Amadi (2013). suggested that "if the world order is to move away from its present chaotic and violent conditions especially Nigeria, where indiscriminate bombing and burning of religious houses (sic) is the order of the day, building "culture of peace" is the remedy. The creative management of differences is at the core of peace culture. This suggestion is ideal, timely and in-tune with the Transformation Agenda of the Goodluck Jonathan's Administration; and could be achieved if at the individual level, it is given a rational and concerted approach then, at the state level, it is given an all-inclusive approach.

2.   No recommendation can be more proper except it is pointing towards building the culture of peace. United Nation through the General Assembly in 1999 defined culture of peace as the values, attitudes and behaviours that reflect and inspire social interactions and sharing based on the principles of freedom, justice, and democracy, all human rights, tolerance and solidarity, that rejects violence and endevour to prevent conflict by tackling root causes to solve problems to participate fully in the development process of the society. So that we all shall work together to achieve peace by adhering strictly to the programme of action of the UN which described culture of peace as actions to:

- Foster a culture of peace through education
- Promote sustainable economic and social development
- Promote respect for human right
- Ensure equality between women and men
- Advance understanding, tolerance and solidarity
- Support participatory communication and the free flow of information and knowledge
- Promote international peace and security.

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Full Length Research

Dam, Development and Democracy; revisiting the Democratic governance in India

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Democracy has now been reduce to the electoral politics and development has emerged as an apolitical domain of specialized knowledge which has been emasculating larger section of society in term of determining their course of living. This knowledge and expertise has been coercing people to follow and accept the prescribe model of development without any kind of reservations. The tragedy is that the democracy as a form of government and democratic theory has also been co-opted in this.

Keywords: Modernization, Coercive domain, Development visualized as an apolitical domain of specialized knowledge, Disaster, Democracy, liberal democracy, hegemony of experts, passive visualization of local community and financial viability.

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INTRODUCTION

Modernization has brought with itself the project of development. Development has become a project which is emerging as a new coercive domain, in which newly independent counties and now known as developing countries are given only two alternatives either to move on the path of development or leave behind in a state of backwardness. Those who are not able to modernize in terms of their economic mode of production and usage of technologies are depicted as backward. The spirit of decolonization itself become a source for the creation of development of large dam this set them on a new technological mission of transformation of fluvial powers into national assets. These projects were to be used for hydro-electricity generation, navigation, irrigation, and flood control D'Souza and Rohan (2008).

Nature of modern production and its financial viability -

Modern production technologies are inherently designed for the large scale mass production which becomes the reason that usually these large scale projects are established without looking into and constant sensitive interactions with the local communities, then it becomes the reason of suppression. Tragedy is that this process of

interaction and communication cannot be limited to any point of time or stage rather it should be continuous processes but the very nature of modern large scale projects are such that they are designed and executed with a specific context which is usually drawn at the early stage of planning. If the process of interaction is continuous and sensitive in every stage of implementation then it would lead to lot of changes in the initial design and scale of the project. So much of modifications in the project would jeopardize the financial viability of funding such a project. Because the nature of the modern finance and funding by the investors is such that for them financial viability of their investment is the most important concern. Therefore any funding for any large scale project is based on the exactness or precision of the facts presented to them by the builder of the project. The method of approximation is based on a particular view and representing only the direct initiators of the projects. Even if they want they cannot measures the impact of that project on the people who are going to be displaced or whose livelihoods is going to face problem. Even their estimations of the profits which will ensue to the peoples cannot be perfect because they are taking all the variables as constant.

A need for an accommodative and communication based process

The continuity of interaction and openness of that communication process is very essential if a more sensitive accommodation processes is to be evolved. Whenever large scale projects are implemented without sensitive accommodation process the net result is a disaster. Disaster occurs when local communities are reduced to the status of passive components of the large development projects. This process of passive visualization of local communities has been happening throughout the world because modernity has brought forward the hegemony of experts. These experts claim to posses all the knowledge because of their specialization and expertise in the field of project development which becomes the source of their legitimacy. This legitimacy is derived from the claim to posses the ultimate knowledge and this claim is sanctified by the modernization and west oriented science (which believe in rational capacity of experts and depicts knowledge as objective rather as a result of inter-subjective interaction). Rajini Kothari in his seminal work "Rethinking Development" points at the most vicious and subtle threat which democracy faces from the new technocratic hegemony of the project of development which gained almost a universal legitimacy. Which provides technocratic expertise and markets the soul power of defining what is development and how it ought to be attained while people are reduced to the status of passive beneficiaries of this transformation

process. Because people themselves are not capable of judging what they need and how can to attain it they need guardianship of the experts Rajni Kothari (1989).

Narmada a river full of dams – rise of anti –dam activism

India began thinking about damming the Narmada, its fifth longest river in 1946. The official Narmada Valley Development Plan now calls for 30 major, 135 medium, 3000 small dams to be built on the Narmada   and its tributaries over the next 50 years. The center piece of the scheme is to be the Sardar Sarovar Dam, stretching 4,000 feet across the river and rising up to the height of a 45-story building. When its associated canals, irrigation works, and power transmission lines are taken into account, Sardar Sarovar is the biggest water project in India, and probably in the world. The multi-billion-dollar venture is intended to irrigate nearly 4.8 million acre of farmland and bring drinking water to 30 million people. It will also take the land of at least 3, 20,000 people, many of whom are indigenous or tribal people know in India as adivasi. Work on Sardar Sarovar begins in 1961. Nehru laid the foundation of this project. The helipad on which he landed was built as were the dam's offices and the guest quarters for visiting dignitaries on land obtained by the forcible eviction of at least eight hundred families. In 1961 the government appointed a tribunal to settle the quarrel. After ten years of testimony and debates, the tribunal awarded most of project of irrigation and drinking water to Gujarat, the driest of the three states. The tribunal also ruled, however, the Sardar Sarovar is not viable on its own. It requires three more reservoirs upstream so that the massive amounts of water that flow through the river during the monsoon season can be stored and released later in the year. All these projects are collectively called the Narmada Sargar Projects; these three upstream reservoirs will displace another 20,000 people and cost another $1.6 billion.

Rise of anti-dam activism

Due to the imposition of these dams by the political and technocratic elites the negative externalities of their projects impacted the lives of adivasis, marginal peasants and rural folks who have been living beside this holy river for thousands of years. Their misery and the consciousness of being exploited and with help of environmentalists gave birth to Narmada Bachao Andolan (NBA). There were many groups such as Gujarat – based Arch-Vahini (Action Research in Community Health and Development) and Narmada Asargrastha Samiti(Committee for people affected by the Narmada Dam), Madhya Pradesh-based Narmada Ghati

Nav Nirman Samiti (Committee for a new life in the Narmada Valley) and Maharashtra – based Narmada Dharangrastha Samiti (Committee for Narmada dam-affected people) who either believed in the need for fair rehabilitation plans for the people or who vehemently opposed dam construction despite a resettlement policy.

While Medha Patkar established Narmada Bachao Andolan in 1989, all these groups joined this national coalition of environmental and human rights activists, scientists, academics and project- affected people with a non –violent approach (.Fisher, William 1995).

Role World Bank and International Investors

Catherine Caufield has written a critical book on the fakeness of World Bank led model of development. She points out that the world bank had long been interested in helping to finance Sardar Sarovor, but it could do little while the tribunal was still debating the matter. Once the tribunal ruled, however, the bank was swift to act. Bank staffers, working closely with Indian officials, spent several years reworking the project, trying to maximize its financial and technical viability and minimize its negative side effects. Once the project plans were finalized, four delegates of Bank Staffers and consultants missions in the Bank parlance visited India to appraise the technical and economic aspects of the project. They did not, however, considered the social or environmental issues, an omission that worried the Bank's tiny environmental office.

Failure in resolving the issue of resettlement

India's resettlement record is disturbing to say the least. A conservative estimate of the number of Indian forced from their homes by large dams since independence is 11 million, another 4 million having been by mines, industrial developments, and wild life sanctuaries. Some of the authorities put the figure at 20 million or more. Three –quarters of these people were not 'rehabilitated' bureaucratese for returned to their previous standard of living. As a result, millions of poor but self-sufficient peasants have ended up as baggers in the slums of the nearest city.

The Bank too has had much bitter experience with resettlement. According to its own experts, Bank –funded development projects across the World have displaced millions of people, pushing many into destitution. In 1980 , belatedly recognizing the harm it had done, the Bank announce that all new projects must, ensure that, after a reasonable transition period , the displaced people regain at least their previous standard of living . Two years later, the Bank looked specifically at the impact of

displacement on the world's tribal peoples. It found that "tribal people are not more likely to be harmed than helped by development projects" and stated that, "the Bank will not assist development project that knowingly encroach on traditional territories being used or occupied by tribal people unless adequate safeguards are provided." The Bank also said it 'would not be prepared to assist with project if it appears that the project sponsors had forcibly 'cleared the area of tribal people beforehand."

Ukai a post –implementation analysis of impacts on people

Ukai is the largest functioning irrigation project in Gujarat. Built with World Bank funds, its dam and irrigation works displaced 70,000 people, mostly tribal's. The farmers of the area had previously grown their own food, mostly millet, barley, and corn. With irrigation it became possible to grow more 'demanding' but saleable crops, such as sugarcane and wheat. Most farmers could not afford the fertilizers and pesticides that such intensive, irrigated agriculture requires, but the largest and the wealthiest landowners were able to take advantages of the possibilities or irrigation and in doing so increased their earnings considerably. As a result, the value of all the irrigable land in the region rose as did taxes and the prices of even the basic farm supplies – and the small farmers eventually sold out to wealthier men who could capitalize on the new conditions. Vast sugar cane plantation now dominates the area. Balraj Maheshwari , the lawyer who took me (Catherine Caufield) to Gadher, knows the Ukai area well. Maheshwari says "I could show you prosperous landowners who have turned into labours, step by step. Now they are living in the slums of Baroda. Some have joined the 10,000-wreteched souls who work on the big cane estates from May to Oct every year, living in miserable conditions and sleeping in streets." Father Joseph who lived among the adivasis of Ukai says, "The saying is unless we have a cake we cannot share it. So let us produce a cake but sharing never comes. As the cake is produced, about 10 to 15% of the population gobbles it up. Where once the Ukai region was more or less uniformly poor, now it is divided into a dominant class of rich sugarcane magnates and a sub class of near- destitute sugarcane workers (Catherine Caufield1998).

Eastern Himalayas- unevenness of potential beneficiaries and losers

The issue of hydropower projects in the Eastern Himalayas in particular the Lower Subansiri project is generating lot of controversies. This turn of events

underscores the serious legitimacy deficit of India's ambitious hydropower development projects on the rivers on the eastern Himalayas. The great unevenness in the distribution of potential gains and losses – and of vulnerability to risks has become rather obvious. There is talk of reliable and inexpensive energy attracting industries to north –east India. However, the hydropower that will be produces in the Lower Subansiri and other plants is meant almost entirely for use elsewhere. Arunachal Pradesh, the host state will be compensated handsomely with royalties from hydropower sales, and a small number of people in the immediate project area, expected to be displaced in a physical sense , will be compensated and rehabilitated. However, official impact assessments give almost no attention to the serious threat to the livelihoods of the hundreds and thousands of people who depend on small –scale fishing and subsistence agriculture in the downstream areas of Assam and beyond. Equally controversial are serious geological hazards – seismic and hydrologic –specific to north –east India that will add significantly to the burden imposed on the region. This lopsided distribution of costs, and of vulnerability, accounts for serious legitimacy deficit in India's hydropower development policy in the eastern Himalayas. Initially environmentalists favored hydropower because it is a low carbon source of energy. Because water is replenish able by the earth's hydrological cycle, therefore it was thought to be a renewable source of energy. However, hydropower development when done on large- scale becomes the source of unsustainability. Large hydropower dams on rivers of the eastern Himalayas are sure to destroy the health of some of the world's most powerful rivers and their ecosystems. The adverse impact will be huge on the aquatic and terrestrial habitats of numerous plant and wildlife species, and it will have devastating consequences for the livelihood of communities that depend on them(Sanjib Baruah, 2012).

The findings of World Commission of Dams- acceptance of failure

it was the rise of the NBA which for the first politicized the question of construction of large dams on the rivers for the first time in the world it provoked even the global institutions to rethink and revise their positions. The influential 2000 report of the *World Commission of Dams (WCD)* concluded that while dams can bring '"substantial benefits", the record of the dam building is one of "pervasive and systemic failure to assess the range of potential negative impacts" includes the impact on "downstream livelihoods". The result is the "impoverished and suffering of millions, giving rise to growing opposition to dams by the affected communities worldwide" (WCD 2000: xxx-xxxi). In order to ensure that dams in future do not impose such heavy social costs, the WCD had

proposed guidelines that break away from the notion of the dam building decisions being then exclusive domain of technocrats. The WCD advocated a participatory approach; treating the affected people as active negotiating partners and not as passive victims or beneficiaries in addition, the report recommended a precautionary approach vis-à-vis decisions about dams: "exercise caution when information is uncertain, unreliable, or inadequate and when the negative impacts of actions on the environment, human livelihoods, or health are potentially irreversible (ibid: 236-237).

Western Himalayas- an example of co-option of political elites

Policymakers(politicians and bureaucrats) have a " grand vision" of turning Uttarakhand, an ecologically fragile and sensitive Himalayan state into an Urja Pradesh and have planned 558 dams and hydroelectricity projects (HEPs) on its rivers to produce thousands of megawatts (MW) of electricity, most of which will be sold outside the state. With all these dams and run-of-the-river projects, the rivers of the state, including the Ganges, will flow inside tunnels and the present river streams will run dry. It will also displace thousands of people from their homes and destroy their fields and forest. The resulting mass migration will create massive unemployment through the loss of extant livelihoods, which the few low-end and menial jobs for locals from these "development" projects will hardly recompense. There is a discrepancy in the government's own data about people affected and resettled by these projects. All the policy makers cutting across party lines are favoring the present model of development irrespective of its impacts on the poor, deprived and have-nots. The Uttarakhand Jal Vidyut Nigam Limited (UJVNL) is the state's nodal agency to construct, run and operate HEPs in the state, while its data mentions 104 projects being developed by the state, central and private sectors. The state government considers only those displaced who are directly affected or where villages lie in the vicinity of tunnels to be among the "affected" people. But many villages lie above or below the length of these tunnels and people living in these villages are also affected since their homes also develop cracks and water sources in these villages dry up. Further, the mountain sides get weakened by the blasting and give rise to landslides. This becomes a permanent threat to people living below and above these dams and HEPs (Rakesh Agrawal, 2013).

 Himachal Pradesh is also facing same kind of problems as Uttarakhand has faced tribal District of Kinnaur is bombarded with Projects , Kullu and now even tribal district of Lahaul and Spiti is on the line. Even before this the Bilaspur district has witnessed large scale

displacements in the Bhakhra Dam and Kol Dam. Many a farmer and their families which were promised a resettlement in 1960s their next generations are still struggling for just compensations. While in case of Kinnaur, Kullu, Shimla, Chamba and Lahaul & Spiti beside compensation danger of landslides and high seismicity is another crucial factors. There are regions where under-ground tunnels have been constructed which are now witnessing the reduction in the water tables and fall in the agricultural and horticultural production. J.P.Hydro-electric plant in Kinnar district in Himachal witnessed over hundred days of strike on the issue of better payments for workers and compensation for the local people.

Failure of liberal democracy and questions which reflects its shallowness

In the present dominant model of liberal democracy it may seem weird to see any direct connection of survival of democracy with the issue of development and dams. The present liberal democratic governance treats present model of development as sacrosanct and essential part of governance and treats the issue of displacement and resettlements as merely essential cost for the larger welfare of the society. This governance apparatus and ruling elite's cross- cutting political affiliations believe that the issue of displacement and resettlement can be solved with the formulation of legislation dealing with such issues. It can be accepted as just method if the meaning of democracy is reduced to only organizing free and fair elections. Voting has now become the soul criteria of citizenship and the citizens are expected to remain passive towards the decisions being made for them till the next elections. Democracy cannot be limited to this definition it involves empowerment by modes of participation and capacity creation which is the product of self regulation. Besides that a constant and communicative dialogue lies at the heart of a democratic process. Norms of inclusiveness, participation and dialogue should not be limited to only the creation of government. Democratic norms should be application to the Dams and Hydro Electric Projects. How can a dam be planned before consulting the people who reside in the area, how few experts can give a clean chit or positive Environmental Impact Assessment (EIA) to a project for once and all, which have not yet been constructed? Do he concept of sovereignty is the soul preserve of Centre or the State governments, do people of villages have no power to determine and chose their own destiny? How can a project affected villages can be asked to sacrifice their livelihoods, residence, environments and even lives on the name of national interest? Especially when the concept of national interest hides behind it the insatiable money backed quest of consumerist middle-class city residents or factories of businessmen's to consume and acquire more and more.

Even if the ruling coalition's(political elites, businessman and bureaucrats) can search an excuse for all this still the fundamental question stands can the state as wielder of sovereignty rob Peter (affected communities) to pay Paul (consumers and businessmen). Or the fact the Government of India or state government have larger majorities behind them can they be given license to ruin the autonomy of local communities and yet their method of governance be legitimized as democratic?

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Full Length Research

Policymaking Process in Korean National Assembly

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One of the main functions of parliament is to debate exhaustively over a policy. It is certainly the case that modern day parliaments do not only make laws and examine whatever the government is doing, but as the supreme legislative body they may operate throughout the political system. As Korea enjoys one of the world's highest economic growth, progress has been much slower in institutionalizing the equally important principle of checks and balances, along with the legislative continuing to play a secondary role in the existing process of formulating, deliberating and implementing public policy to the fullest extent due to concentration of power in the hands of the president and the parliament to play, by and large, a perfunctory role. Yet the changing nature of political discourse and processes in Korea is such that the policymaking process is evolving and strengthening rapidly and parliament has also been playing its watchdog role. This paper discusses the Korean policymaking process from a general perspective.

Key Words: Policymaking, Promulgation, Bills, Law, National Assembly, Korea, Authoritarian, Democracy, Civil Society, Speaker, President, Public Policy

INTRODUCTION

Legislative politics has fascinated scholars and reformers for over a century now. In today's political systems, the legislative organ as the national representative institution is considered the most important area of investigation. Over the years, parliament has also been playing its watchdog role and this has resulted, among other things, policymaking and processes that are effective, responsive and accountable to citizens. What is policy? Perhaps there is no simple answer to the question. Harold Laswell, considered as the founding father of the public policy analysis approach, has placed great emphasis on personalities in shaping policy and in the policymaking process. His best known books *Psychopathology and Politics* (1930) and *Power and*

Personality (1948) had explored the ideas as to why and how particular actors realistically could make better and more rational choices by virtue of their legitimate control of institutional structures. Public policy, according to Easton (1957), is the response of political system to the demands arising from the environment comprised of some identifiable and interrelated institutions and their activities in a society that make authoritative allocation of values. (Easton, 1957) Notably, Hudson and Lowe (2004) have pointed out the extent to which the parliament's impact on the legislative process affects both the executive and the legislature and that the actors work together to formulate and enact policy at the expense of one another.

Sherri Torjman (2005), for example, argues that in a democracy public policy represents a decision made by the 'publicly elected or designated body which is deemed to be the public interest. She further argues that public policy is usually a deliberate and careful decision that provides guidance for selected public needs and seeks to achieve the desired goal which is considered belonging to all the members of the society. It is not surprising that policymaking is a multi-tiered complex process, with no short-cuts, involving some charismatic personalities or great leaders, either with or without political power, who interact rationally with institutional structures and develop policy. Moreover, the chances that a policy that has been found to be successful in one country may provide a quick route of legitimacy in another are limited by many factors. Although a stable democratic political order would often cater for the promotion of the politics is a broad concept that embodies several dimensions can be seen, then, as a decision making process that helps address identified goals, problems or concerns. (Torjman 2005) One point deserves to be mentioned here is that in a democracy, it is likely that the policy agenda is unduly influenced by the private sector such as civil society, big-business and so on and presumably the policymaking is heavily dependent on the wider environment and interactions, world events, and public opinion. Yet, what we know is that the legislature is a key feature of the policymaking process, although the extent and nature varies radically from place to place. It is equally clear that the formulation of a policy involves a wide range of actions that respond to those concerns. And any given policy represents the end result of the decision of the society as to how best to achieve a specific objective (Kim, 2010).

In modern times, state policy is usually the result of an agreement among different parties, rather than the translation of a single party election manifesto the electorate had voted for. The past few years have provided a number of arguments to show that the parliament embodies the diversity of the society that steers the political process and policymaking has become a matter of paramount concern. It also is the place where both ruling and opposition parties play their vital role in the lively floor debates that characterize it. Here again, the parliament alone is ultimately entitled to adopt laws for the country, it must be a democratic forum where people's demands may be adequately reflected and articulated. The legislature is variously known as the parliament, congress or national assembly, their most common fundamental consideration is to make public policy decisions to influence virtually every aspect of the people's lives both profoundly and pervasively. A democratically elected parliament is exclusively important because it not only represents pluralist conception that enables various segments of the society to contribute to law making, but also acts as a bridge between the government and the people.

Differences may be there in the manner various parliaments function. It would be unrealistic and even incorrect to say that the formulation of policy follows a clear and consistent route. To a large extent, independent institution with the capacity, resources entrusted with the responsibility of acting in the interest of the people is required. Another way to tell. Since democracy is based on the right of everyone to take part in the management of public affairs, it therefore requires the existence of representative institutions at all levels and a legislature, in particular, in which all components of society are represented and has the requisite powers and means to express the will of the people through appropriate legislating and also to oversee the government action.(Bouchet and Kariithi 2003) The fact that parliament often gets dislocated beyond the reach of most citizens means that they are constrained in their attempt to input their views on a daily basis. Yet, to put it very briefly, while legislature seems to have a larger role can be seen to create genuine influence to the policy process and legislators have larger role in presidential regimes such as the United States (US). In the United Kingdom (UK), on the other hand, the legislature is formally supreme and appoints the executive and are necessarily controlled by the same party. These two are possibly the two most famous role models that are imitated in most political systems. Over the years, parliament has also been playing its watchdog role, at times in alliance with civil society groups and surveillance institutions, to promote good governance.

But in a government by the people, which a democracy is, the executive branch implements policies and programs, administers the national budget and conducts national affairs; the legislative branch enacts laws and approves the budget; and the judicial branch determines whether or not the law has been infringed upon. How these policies are made is also important to enable the masses to get involved in the policymaking process. However, in a situation where the legislature has little or no control over what the executive branch does with policymaking, it is difficult to expect that the lawmakers

would consider themselves as having a great deal of influence over the policymaking process. Yet again, the legislature is a part of the system and its effectiveness depends on its ability to work with other parts in the system; it must have the capability to shape public policy. It is in this sense that it is considered as a critical body to make the system function well. Defined in this manner, the legislative process constitutes distinctive contribution to the overall development of political system or to the development of the legislature as an independent institution within the system.

The central point of interest here is that the modes of political governance vary among governments, especially the institutional norm associated with the legislative process. A broad-based representative parliament consults the public not only on the issues being addressed by it, but also for the assessment of public performance in terms of impact that contributes to the promotion of public participation in government giving all interests due expression. But a weak legislative body, whether in autocratic or democratic system, cannot serve as a counterweight to the more powerful executive body, if it is not founded on the principles of pluralist theory. We recognize that the process of political development of a country involves many actors and institutions other than the legislature, but it plays a distinctive and sometimes unique role in the political process. On the other hand, in a communist or an overwhelmingly socialist system, information is preselected, edited, and presented in a predetermined manner, which may complicate an interpretation. That said, and as already indicated, a legislature performs multiple functions; the most important of which is its legislative function through exhaustive debates. In a democratic polity, the legislature has to represent virtually all the needs and wishes of the people by identifying community problems, overseeing the implementation of laws, policies and programs, and by monitoring, reviewing and investigating government activities.

Legal and Institutional Framework

To no one's surprise, Korea is now a robust democracy allowing enclaves of Western-style political advocacy such as modern party system and practice of governance supported by sound institutional framework, that preserve a stable social order and where open parliamentary debates are encouraged and dissent exercised freely[1] in contrast to not too long ago when the country was under the perennial influence of Confucian patrimonial

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[1] National Assembly Act (2012). Seoul: Government of Korea Available at:
http://korea.nabo.go.kr/assets/Files/1000000160E1.PDF.

sovereignty, the govern remained authoritarian and hierarchical and people were prisoners under the strict control of the state, the sovereignty of which was exercised through authoritative and dominant force that made it what Gunnar Myrdal called a 'hard state'. The 1987 constitution of Korea had declared it as a democratic republic with more legislative authority to NA and thus it is capable of representing the citizens' concern, which may be taken as a major advancement in the direction of democratization. This was a crucial step for the NA which authorized to terminate the privileged status of the military as a reserved domain of authority and to establish the supremacy of civilian rule. It is the body that represents not only those who voted for it; it remains alert for the interest of the whole nation. It plays an important role in creating policies. (Kim, Barkan, Turan and Jewell, 1984) In practice, this means that it is a venue where varieties of policy discussions may be held on any issue of public importance through learning and sharing of knowledge and experience, which in turn help formulate visionary policies and programs.

Of course, there might have been differences over how to define it, but the transformation from antidemocratic authoritarian rule to democracy was a crucial step in the constitutional history of Korea; for since then the country has changed drastically in all dimensions. To illustrate the point, a government policy formally approved by an elected body would be considered as more acceptable and legitimate than otherwise. On its face, the 1987 Constitution of Korea stipulates that all powers belong to the people, all state authority shall emanate from the people (Art. 2), and all legislative powers shall be vested in the NA (Art.40). Its power has been strengthened to be more purposeful and effective in the new constitution. The people elect their representatives for the NA, who are authorized to legislate laws that may affect the citizens' basic interests distinguishing the two branches of government at the same time, each as an integral part of the regime. That was a crucial moment for the NA which authorized the termination of the privileged status of the military as a reserved domain of authority and established the supremacy of civilian rule.

With the establishment of the Republic of Korea (hereafter Korea) in August 1948, its first constitution adopted liberal democracy as the state ideology. Since the First Republic (1948-1960) under Syngman Rhee's Presidency became increasingly dictatorial, Korea went through several stages of political evolution till it embarked on the journey toward democracy with the June 29th declaration in 1987. The point here is that owing to persistently overwhelming influence of non democratic enclaves before 1987, the legislative body had to face difficulties while being engaged in productive discussions ever since it was designated in the first place. There have been numerous difficulties in adopting constitutionalism and in 1987, it was the first ever

peaceful transfer of power since independence.[2]This was a crucial step for the NA which authorized to terminate the privileged status of the military as a reserved domain of authority and to establish the supremacy of civilian rule. It was a momentous year for Korea and if we take a closer look that it did plant a seed for a new political order that enabled the adoption of a new constitution drafted by NA and ratified in a national referendum. But in actual fact, the political patterns of authoritarian regimes were mainly to create a very powerful state, where all decisions, be they economic or political issues, were taken by the small elite. Therefore, the role of NA as the highest policymaking body was drastically diminished both in theory and in practice.(Saxer, 2002)

We should also point out that there exist institutional constraints and differences such as between unitary and federalist political systems or unicameral and bicameral legislatures or so and at the same time, they are pressurized to adopt transparent structures and effective representation. There is a view that NA in reality is still marginalized from the decision-making process and dissuaded from conducting the scrutinizing activities. But Korea today has a multiparty system supported by sound institutional framework, where open parliamentary debates are encouraged and dissent exercised freely. It is overtly presidential system with democratically structured parliament can be viewed as similar to those in other democratic countries that have such authority as legislative, deliberative, investigative, regulatory, and budgetary functions, for a timely and thorough policymaking process. Korea is a presidential form of government, and it has national legislative body separately elected now emerging in which legislative powers in the hands of legislators. The powers of NA were strengthened to build a modern democratic state based upon different social sectors and proliferated ideologies. In recent years, NA has remained proactive, transparent and cooperative and has moved far ahead from the executive influence to begin its own program leading to effective policies. As far as the internal procedure of the NA is concerned, broadly speaking it has three functions: normal legislation, financial business enactment and deliberations. These functions are exercised by periodically elected representatives holding the ultimate controlling power. The people elect their representatives for the NA, who are authorized to legislate laws that may affect the citizens' basic interests distinguishing the two branches of government at the same time, each as an integral part of the regime. (Kim, Barkan, Turan and Jewell, 1984)

In Korea, there were occasions when the NA was used and even abused on many different contexts through harsh social and political controls; in fact, there were moments when the NA had to function around demons

under purely a top-down political process. (Kim and Pai, 1981) Essentially, when a country moves from one political regime to another, it becomes difficult for the policymakers to ignore the issues or to respond to the queries raised. To be clear, policymaking organizations do play the role of policy reformer by having proper structure and business so that they can receive inputs in the policymaking process. But, the Korean history also tells us that the NA has been a public representative body in politics and has remained the center of governance where representatives have been able to voice their concerns and provide feasible policy alternatives at all times, whether the political regime was democratic or not. There is increasing agreement that NA's debates over a policy process are not held to control the legislative functions; all what the legislative process requires is that a bill must be approved by the NA, which should be largely open to the public.

Internal Structure

If one accepts the modern state as based on constitutional foundation, the essential characteristic is that the power is legally and effectively exercised by duly elected representatives of the people, accountable to them and respectful of the rule of law and separation of powers. (Marks, 2010). This means that the legislative bodies are inevitably connected with the political development of the country. Yet again, democratic governance requires legislatures to serve three purposes: representing citizens' interests, making and shaping laws and policies, and overseeing the executive actions. It is believed that in countries with potentially democratic culture, party labels matter little to influence policymaking, but surely while exploring the kinds of incentives resorted to for key legislations, as we can often find in the British Parliamentary system, American Congressional system, or even what may loosely be termed as hybrid of the two, in France for example. Korea can be explained in a variety of ways. But we do not assume that its policymaking is effectively bottom-up and/or decentralized. (Kim, 2010) Here again, the policymaking process of Korea has some distinct features of its own.

The legislative procedure in Korea is pretty well organized and structured. However, there are no clear-cut divisions of power to fashion and influence the exercise of the legislative power, nor are there formidable obstacles to institutionalize a fair legislative process. There is increasing agreement that NA's debates over a policy process are held accountable for the outcome of their policies in the first place; all what the legislative process requires is that a bill must be approved by the NA, which should be largely open to the public. It ensures where the opposition also gets an opportunity to exert at

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[2] Available at: http://countrystudies.us/south-korea/58.htm.

least some of its influence, even if it is a perpetual minority. The role and influence of Assembly members in policymaking has markedly been increasing in recent years. It also has limitations as in many other parliamentary democracies. Some notable features of the NA are:

Elections: One of the most fundamental sets of rules is election. Such roles may vary considerably from place to place, but will have a major impact on the nature of the policy process.   Korea has a unicameral legislature consisting of 300 members elected for a term of four years. Of them, 246 members are elected from the electoral districts through the plurality of vote known as the First-Past-the-Post (FPTP) and remaining 54 through Proportional Representation (PR) where seats are allocated to the political parties based on the percentage of votes they have received. A separate election is held for the president which occurs once in every five years with no eligibility for re-election. The Korean parliamentary system differs from the Westminster model as the Prime Minister and the Ministers do not sit in the parliament. They are selected by the President at his/her own discretion; so NA has no power in the formation of government. This situation is bound to create frequent conflicts of interests between the President and the NA resulting in legislative deadlock.[3] Since the government is detached from the legislature, although we may accept that it does play some role in the legislative process, the President caries out his/her functions with the assistance of Presidential Staff and the Council of Ministers.

Legislative Session: It is a crucial event in the exercise of legislative functions. All NA deliberations and decisions take place while it is in session. Sessions of NA are very important also because all deliberations and discussions in the house duly get recorded, which serve as a proof for the stand taken by a member for or against a proposition. Usually, two types of legislative sessions are held: regular and special. The regular session is convened once a year starting from the first day of September until December. An extraordinary or a special session may be convened in two ways: either on the request of the President or on the request of one-quarter or more of the Assembly members. Their duration is 100 and 30 days respectively. Usually, the first meeting of a newly elected NA is called an extraordinary session. After decades of authoritarian military rule that had hindered the development of political parties and NA, it seems that legislative freedom has taken the right track, which itself is a symptom of political pluralism.

Quorum: This refers to the attendance records of the legislators present during the proceedings of the sessions and while making policy decisions. One-fifth or more of the total number of members is required to continue a proceeding. Besides the attendance of more than half of all the Assembly members, the concurrent vote of more than half of the Assembly members present is necessary to make a binding decision by the NA. In the case of a tied vote, the matter is simply considered as rejected by the Assembly. Legislative meetings are open to the public, but this rule may be waived with the approval of more than one half of the members present or when the Speaker deems it necessary to do so in the interest of national security.[4]

Impeachment: An impeachment motion against a government official may come to a vote if it is approved in advance by at least a third of the Assembly members. It is deemed as passed if it receives the backing of a majority of the Assembly members. Similarly, a motion of impeachment against the President requires a majority of the Assembly members to vote for to initiate the proceedings. It is deemed passed only when approved by two-thirds or more of the entire assembly members.

How Does Korean National Assembly Work?

In the classical sense, the role of parliament elsewhere is to make laws and change or improve old ones laws. This is the reason why the parliament is also known as legislature. In any case, a democratically elected parliament represents a broad spectrum of public interests; it is the most important venue for the public where they, through their elected representatives, can lodge their demands, forward complaints, requests and aspirations. Parliament is the venue where decisions take place on the basis of public preferences which are converted into the form of policies and programs; so, public interests, preferences, or choices are normally set forth to attain enforceable instruments, called 'legislative products,' that become the national policies. Here again, although all the parliaments passes the legislation, yet democratically elected parliament derives its powers directly from the consent of the people expressed through the periodic elections is to implement the will of the people, is the only voice of the people and accountability to the people, among other functions.[5] In Korean case, the existing political structure president still is a central

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[3] Available at:
http://en.wikipedia.org/wiki/National_Assembly_%28South_Korea%29.

[4]Source: www.segemconsulting.com/korean-translator-birmingham-legislature-korea.

[5] General and Public Administration Division, United Nations, The Role of Parliament in Promoting Good Governance, Available at: www.uneca.org/.../role-of-parliament-in-promoting-good-governance.p.

figure of national politics, yet thanks to the legal and constitutional reforms in the last few years in legislative process, legislation and policy which offers the assemblymen not only they can debate the legislation through democratic process, but also can interact with the people to get feedback about their policy decisions and to seek views on proposed legislation through various means. This means that there is no monopolies of wisdom by anyone, and by implication, put certain constraints on the use of executive power, and allow NA shaping state policies expressing popular sovereignty one good way to measure.

One should bear in mind the fact that Korea evolved with the help of strict controlled through executive-run monopolies and the President has granted some proactive legislative power, which can be used if there is no single party majority in NA, it will attempt to boost power through manipulation of institutions and instruments for reaching large section of people of the country as the targets of policy. The decree, order, veto and so on are indeed some of radical mechanisms so that President political interests could be preserved what Young-jee (2008) would call 'divesting power concentrated in the executive and balancing it with the legislature'. With respect to Korea, however, the Sixth Republic's Constitution provides greater formal balance than earlier constitutions among the three branches of government, what Seoul University professor have outlined 'that this kind of development and exposure would increase NA's power to the legislative sphere, notably alter and/or reject the President proposals and help keep it accountable who do not share its directives unless getting legislation closer to his or her preferences.' (Chan-Wook, 2013). Similarly, Saxer (2002) acknowledges that the fundamental premise of Korean politics still is, considered a corrupting influence on Confucianism, but ever since the emergence of democracy is to believe that NA has the ultimate authority in legislative affairs. One thing is certain, countries like Japan, UK, India, Canada, where the government likely to die if the government-initiated bills did not approve by the Parliament. Such a risk of crumbling of parliament in presidential regimes hardly expected since the Korean constitution abandoned President from dissolving the parliament. This means that the abrupt breakdown of NA is not arises here. (Chan-Wook, 2008)

The Constitution provides for a three-branch governing system whereby law-making functions are in the preserve of the NA, administrative functions are in the preserve of the executive branch, headed by the President, and judicial functions belong to the courts. Structurally, these three branches are highly independent of each other. The NA not only has the authority to legislate but also has the power of constitutional amendment and in case of misconduct of the President, and other top executive officials, the parliament can impeach. Under the current

dispensation presidents provides no tool that can effectively kill the legislation without a NA override attempt. It may be that the direct involvements of president is not possible influence and/or intervene over legislation to protect vital interests of their own or to intervene in the legislative process get it preferences approved.

Jung-hsiang Tsai who conducted study on experiences of Korea and Taiwan from 1990 to 2000 that shows the legislative patterns of both the countries who also have similar constitutional system, approximate economic scale and similar cultural backgrounds argues that even ' Korea opens the door to a separation of power is exercised, more governments bills were introduced or adopted than members bills and bills were deliberated perfunctorily and the legislature seldom rejected bills of presidential preferences symbolized that the executive is more effective in legislation'.(Tsai, 2009)It would be simple enough to dismiss that NA come up with function like the British House of Representative, which is completely attached with the executive, or American, which is completely divorced from the executive. But this does not mean that NA always accepts the President's proposals, thus need not be perceived as problem. The question here is that whether NA still to find out an adequate strategic serving actively and independently in performing the policy functions. Because of Korea still being the case fusion of the executive and legislative power in the policy process NA still to monopolize the lawmaking process, and, for that matter, separation of powers in presidential regimes is not complete. Undeniably, Korea has undergone a significant transformation in the structures, process of policymaking over the last two decades despite President may have the authority legislative affairs, yet this is highly suggestive that the NA exercises policymaking power more unequally with the President than it is often assumed. It is obvious that the formulation, adoption, and implementation of policy depend on the institutions, especially the internal structure of legislatures such as committees, norms and practices to reach decisions. (Cheibub, 2007)

Yes, President still maters, but no longer can act as barriers to legislative autonomy, from institutional perspective.(Chan-Wook, 2009) It is obvious however that during country's astonishing economic growth in which different forms of authoritarianism benefitted leaving NA more than simply dummy of executive but current's political development is a two-way street. The institutional arrangements of the Korean State following the demise of authoritarian rule that there is no concentration of power and there might be constitutional separation between the legislature, executive and judiciary and NA to play a more vital role in the policy process through difference and diversity. The point here is that there are no hidden faces of political power for the

executive. The key lesson is that 'democratically elected parliament whose members are elected geographically is the only organ of state power, where whatever form discussions it takes, because there is a general perception that functions to produce legislation representing the public interest which are then formulated into policies and programs and exercise oversight over executive power' is a crucial element of state power in a democratic political system.(Prasojo, 2009) Conceptually, however, the risk again the love-hate legislature-executives relationship, whatever the institutional arrangements in place.

National Assembly: A Prime Mover for Policymaking?

Since public policymaking is directly related to the parliament, the expectation is that it should be genuinely independent in policy formulation. Given this fact, it does require the constitution as the document effectively stipulates the way it is formed and survive in power. Yet again, democratic governance requires legislatures to serve three purposes: representing citizens' interests, making and shaping laws and policies, and overseeing the executive actions. Similarly, if a parliament enacts a law, the question—which assumed to explore in this study—is whether the constitution promulgated in 1987 confirms the NA lead the legislative process or providing a rubber-stamping body. This is not a simple question to answer. Bur Korea before 1987 had a disordered rule in which state's unusual strength and pervasive presence has always demonstrated a subversive and combative character. We assume that under the authoritarian rule policy decisions have been made and imposed from the top hampered by limited information and surrounded by uncertainty. Whatever the reasons here may be, but it puts us in the position saying that the 1987 constitution adequately discussed about various dimensions of governmental structures, including NA's roles and responsibilities. It is a popularly elected body, not the lame-duck, but it is the apex of power and authority to formulate policies and programs for the interest of the whole country. Its boundaries are fixed and stable. (Janar, 2008)

Norris (2008) has argued that the first peaceful civilian transfer of power occurred in 1992 when Kim Young-sam elected the president, even though the power of the executive was reduced substantially through October 1987 constitutional revision and the executive further counterbalanced by NA, which plays a major role in political decisions, which was playing anything less than supreme intervening role in the legislative affairs. The most notable difference in the Korean context is that the NA has become a potentially powerful legislature playing a critical role in setting public policy authorized by law, with no effective restriction from other organs of the state

power although there may be a gray overlapping area between institutions cannot be denied.

And, the distribution of power between the legislature and executive is a critical determinant. There are many faces in the presidential and parliamentary type regimes, not necessarily generating uniform societies and political systems. Cheibub (2007) seems to think that 'strong presidents have the institutional means to impose their will on legislature and, for this reason, will have fewer incentives to negotiate with the legislature'. But policymaking is also depending on how effectively the executive and legislature work together, because executive in Korea not progressively isolated from the legislative process. Yet Chung-Ang University political science professor (Sohn) told the author that Korea had a very bad experience with the parliamentary system which was not only ineffective, but also became endemic with internal turmoil and crisis of governability', despite the founder of Korean Constitution in 1948 have tried to bring internal checks and balances, making government more responsive.[6]He viewed that Korea currently is a presidential form of regime with some characteristics of parliamentary system such as the institution of prime minister. He says, here the president sets the national agenda, and thereby, no equal power with the legislature.' This is confirmed by another sets of scholars and according to them 'Korea sporadically ruled by military dictatorship and technocratic elites as well as political oppression, the participatory roles of the NA, political parties, interest groups, mass media puts them no legal rights to hold and their role effectively paralyzed'.(Kim and Pai, 1981; Kim,1991) But today, there is a common assumption that NA is more resilient and its policymaking role cannot be manipulated and it has been greatly liberalized, definite sense, act impressively, even the constitution endows president some legislative powers often hard individual legislators exerting autonomy in the lawmaking process that refers to the institutional capacity to function effectively, to reach decisions and to carry out them, according to one political scientists who study legislative politics. (Seung-ik, 2008)

Every country is not designed the same form of legislative system. On the level of political theory, both presidential and parliamentary regimes are based on the concept of representation. In a sense, Korea's current version of politics neither can be compared with the US where the executive and the legislative branches are clearly separated, or with British where executive branch are chosen from the legislature, or French version semi-presidential system. Yet Korea case serves decreasing use of presidential decree, free criticism of government, and growing interbranch relationship produces a healthy accommodation rather than confrontation under such

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[6] Interview with Professor Sohn, Byoung Kwon, Chung-Ang University Seoul on 28 April 2014.

circumstances policymaking largely routine and is therefore unlikely to result controversy. To clarify the matter, military intervention was once a norm in Korean politics, but that period has ended.

To put this observation in Korean context, it's a presidential regime often characterized by centralized power, but the NA is a unicameral body where 300 members popularly elected constitutionally retains the authority and legitimacy and exercise wide range of legislative activities such as to enact, amend and abolish laws, and law passed which cannot be overruled by any other organ of the state. (Park, 2009) The Korean state is still, for the moment, President is winning the hearts and minds of the people. But it must be said that it has also been undergoing a process of change. But if it is measured by its capacity establishing a firm policymaking posture to influence public policy, nevertheless, some people still worry that this legislative organ of the state as sole institutional actor has not moved more effectively, hence further legislative institutionalization is needed to render effective policy in relation to public at large.

The still unanswered question is whether the current legislative process is enough that dovetail closely with the principles of presidential system, for instance, identified as the most powerful executive completely distancing from legislative arena measuring the power and influence of the legislature. This factor some keen to emphasize put NA in inferior status. As Heemin (2011) points out, 'the 1987 constitution appeared to be a positive signal in resolving balance of power among the three government branches. The process of democratization is consistent from authoritarian rule and is essentially government-driven, witnessing policymaking in the hands of a few groups, and where government initiate democratic measures, and the middle class responses continuing to support the government party in elections. It would not be unfair to attribute that NA commands total control over a policymaking, which are clearly recognized in the constitution with many powers such as checking the power of executive and scrutinize the executive not the humble servant of the executive which has long been criticised for as being superficial. (Rhee, 2009; Sohn, 2008)

The executive branch that seemed actively involved for certain moment of time, is perhaps best illustrated in Jooha Lee's (2007) analysis who believes that the President got policies s/he liked, if so wished but there are no areas of free-play influences over the politics of policymaking at the present time. So, one should not jump the conclusion that NA is just 'yeah' and 'no' typically quoted, since the legislative strength of the NA changed significantly with requisite resources and authority, and has exclusive to initiate legislation in a broad range policymaking activities without fear and intimidation. If viewed its current lawmaking process, it could be that Korea is probably a dramatic change related to policy areas such as legislators

role in specific committees and for that matter all the decisions about the policy. Today's NA is not the presidential rubber stamp, but the role of previous cultural impact in shaping values as well as interests even in its era of democratization.(Kindermann, 2007)It is of course that instability can be the products of some underserve characteristics that have nothing to do with militarism and presidentialism. Again, as is well understood among scholars that the active involvement of political parties and interest groups linking citizens to government is not just a symbolic importance, but to institutionalization of public policymaking. This means that a policymaking process is the combination of different groups that has been connected in one way or other. Here again, this indicates that politics involves a lot more than the formal structure as laid down by the constitutional authority and various enactments.

Here again, the impeachment of President Roh Moo-Hyun in March 2004 and thereby removal him from power (although Roh was reinstated by a Constitutional Court two months after he was impeached) can be treated as NA possesses formal powers to exercise legislative leadership and processes in the way of independent decision making. Moreover, this presidential impeachment was a message that the social taboo such as President dress up of rule in a NA suit of clothes cannot act against the President is broken has been described charting the route to greater legislative role and deep impacts in political and institutional context'.(Kim, 2012) In particular, both NA and Executive do organize separately as political institutions and the liberal element is strong committed to the democratic principles creating a society based on modern constitutionalism that there is little chance that the President bound to clash with the legislature. (Sohn, 2008)In fact, the adoption of a new constitution drafted by NA and ratified in a national referendum was a momentous day for Korea after several stages of authoritarian political exercise entitled to special privilege and power, ultimately resting in a President that the marginalization NA is seen to end.[7](Seung-ham, 2008) This new constitution considerably has enhanced NA's policymaking with limited direct involvement or input of Executive shows

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[7]Politically speaking, Korean democratization since the 1987 is the third experiment; the first was made at the time of state building in 1948 which collapsed due to un favourable social and political conditions for democracy especially President Syngman Rhee autocratic rule. The second wave started following the student revolution in 1960 against the Rhee regime, but this revolution crushed by the military coup of Park Chung-hee in which any dissent attempts to exercise political and civil rights supressed with brutality. The third and present phase of democratization was started in 1987 with a mass uprising by students and workers and unlike previous movements middle class of white collar workers stood with blue-collar workers.

that the political landscape of Korea is changing with matching to global standards.

Let us now turn to policymaking process, which refers to series of procedures ranging from drafting of Bills to their promulgations.   At its most basic, politics of policymaking in democracies that is affected by a variety of groups and institutions, but the main brokers are the legislator's only legal authority to take action on some issues. We believe that government agencies at all levels of government, including civil society have some impact for shaping policy outcomes and the implementation of policy. Moreover, it is an interaction between government and the individual legislators, via their parties, and it is through participation obtain access to the policy influence. (Cheibub, 2007) Since 1987, the power and function of the legislative and judicial branches vis-à-vis the executive has been strengthen and civil society also now fulfil civil duties. There are 16 Standing Committees established within NA with maximum 30 Assembly Members which set the boundaries for policymaking process. All submitted bills are first sent to the relevant Standing Committee for the detailed discussion and clearance, where all members of the committee may speak on the same bill. During the committee process, the relevancy and content, including the suitability of bill is examined and then to the General Assembly. This is to say, after a committee completes examination on a bill and submits a report thereof to the Speaker, who prepared the list in order and fixed the date of deliberation, in which allow NA member to express their views. In this way, committee stage represents the first and most important pillars of the legislative process. If the bills are approved by the NA then it moves to the next stage, that is, Speaker sent to the President for the consent who within stipulated time (20 days?) from the date of the receipt obligated to give consent. In case, President refuses the assent or returns it to the NA or does not return it within stipulated time, the NA must re-deliberate that bill and NA reaffirm the bill with the votes of no less than half of its members attended and if the President still does not sign that bill will be promulgated as an Act.[8]

Analysis

We believe that challenge in legislature modernization process depends not simply on how the parliamentarians are elected but also how effectively the mechanisms of transparency and accountability are linked to 'deliberative politics' which refers to the role of conversation and arguments in politics, or 'governmental effectiveness', to

borrow the phrase from Scott Mainwaring (2003). With respect to democratization in Korea, it may be said that the military or authoritarian regimes or the civil society each played their role, but it is also a fact that Korean state would never have come into existence in 1948 without their intervention, as Brazinsky (2007) has noted. Going a step further, some have claimed that between 1948 and 1960 even Syngman Rhee had ruled as an 'anti-communist bulwark' in an increasingly arbitrary manner, which actually facilitated the consolidation of presidential power. However, it has to be explained why Syngman Rhee, the first President, who was not only educated in the US but had spent almost forty years there in exile, penetrated the state through authoritarian interventions in lawmaking and government, worked intensively to consolidate his rule, but had to flee the country one day because of severe economic conditions and growing public pressure, eventually only to live in exile in Hawaii. (Baker 2004)

Pointing to the authoritarian rule, there have been various shades of authoritarian regime with different dogmas and concerns, but they may all be put under one banner, the right-wing authoritarianism, which has unrestricted powers to maintain firm control over politics, economy, and society, the end-result of which is invariably far-reaching. (Lee and Glasure, 1995) As Yoon has described, even if there was no complete seizure of legislative power by the rulers, the NA had no practical utility to facilitate policy reforms due to the excessive domination and manipulation by the ambitious president what scholars like to call 'executive supremacy' in order to imply a weak legislature. The political project may be seen here meant for the penetrated, subordinated and oppressed citizenry. It was a well-intentioned assumption that a majority of the bills are drafted and proposed by the executive alone; NA only had to approve them. This marginalized the legislature's authority and therein laid all the problems.

The decade of 1950s had witnessed tense events when, for example, the Constitution initially stipulated that the NA would elect the president every five years. It focused on the parliamentary character of decision-making in filtering and shaping policy outcomes. But, President Rhee proposed a constitutional amendment whereby the president was to be elected directly by the people, not indirectly by the NA. In effect, he wanted the power to flow from the president to national and supranational centers of power, not along with a system of multilevel governance in which the decision-making gets dispersed across various levels. When the NA refused to support his proposal, President Rhee declared Martial Law and ordered both the police and the military to take the legislators hostage until the time when they agreed on his proposal. Rhee's triumph over the legislature during this crisis set the precedent for extending his tenure in office until 1956; many argue that

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[8]National Assembly Act of Korea.Source:http://korea.nabo.go.kr/assets/Files/1000000160 E1.PDF.

he had in fact made up his mind to remain president throughout his life and in order to stay in power, he devised ways to control NA by all means.

The NA's disengagement in policymaking, in many instances, substantiates that lawmaking is not only the function of the executive but also perpetuated by it. Even in the regime established after 1987 that was committed to constitutionally guaranteed pluralist development, executive influence over the legislative process is found in Korean democracy. There is a new political order, but the executive in many instances sets the policy agenda for any forthcoming legislation, and therefore, NA is not entirely free from the clutches of the President.(Yoon, 1991) It must not be let out that the road to democracy and prosperity of Korea was harsh and painful, as reminded byIm Hyug Baeg (1995), the noted Korean political science commentator, when he tells about what happened in Korea. Of course, the elections under authoritarian regimes were manipulated and controlled by the government machinery to legitimize and stabilize their rule. It is quite clear that until democracy was finally reinstated in 1987, different military and/or authoritarian governments successfully manipulated the political environment and achieved legitimacy, mainly through miraculous economic performance, which was the preferred link between the society and the state instead of elections. (Helgesen, 1998) Here again, as Macdonald puts it, there was no political activity with a stable foundation, since politically-oriented assemblies and rallies were banned altogether, a huge number of political activists were prohibited from taking part in politics, political rivals were purged, and political parties were manoeuvred as instruments of support for the supreme leadership; people lived without a democratic system but were governed effectively and with reasonable concern for public welfare in modern Korean political history.(Macdonald, 1988) True also is that since World War II, countries like Korea have established stable democratic institutions only because they did not become democratic right away. Instead, they underwent an evolution from autocracy to liberalized autocracy to democracy.

However, by the late 1980s, a full-fledged party system was in operation that offered participatory democracy and American version of presidentialism which seems to be the people's preference at present. In particular, Koreans are now better educated and more politically aware, even in Confucius tradition. However, a Western style government for political democracy along with civil and political rights is yet to be realized. (Helgesen, 1998)One effect of the 1987 political change has been that the constitution has limited the presidential term and ushered in a new era with a liberal type of political society in which people could freely express their feelings and views with little fear of retaliation, where both the political parties and non-political formations became operational to channelize

the popular demands surveyed from among a large number of individuals as is done anywhere in a system we call democracy(Kim, 2008), although the model of separation of powers and policymaking which includes parliamentary inspection, investigation and interpellation exercising formidable influence over the politics of policymaking remains much slower in institutionalizing legislative process.

The 1987 constitution of Korea had declared it as a democratic republic with more legislative authority to NA, and thus it was capable of representing the citizens' concern, which may be taken as a major advancement in the direction of democratization. (Seung-ham, 2008) By 1992, there was a general election which allowed the NA members to control the government; it may be considered as the turning point in Korean political history. Even if parties were unable to offer clear-cut ideological choices to the people in terms of policies, and by implication prevent the legislative move of the government, it was easier for the voters to make their electoral choices. (Lee and Glasure, 1995) The degree to which they were organized, it was not possible to decisively dismantle the legislative mechanism of the preceding society and to establish an entirely new political order. However, it was increasingly becoming clear that the policymaking power of the NA was rapidly expanding, which also increased its productivity.

In fact, a political system is constituted with sets of activities and their interwoven relationships are keenly concerned with power and its exercise. In Korea, what is remarkable, however, is the fact that elected President is not a customary or passive but a political leader, and hence NA has few significant checks on the powers of the presidency in Korean constitution, after recent revision. This perhaps the reason that many people chose a sort President's involvement in legislative process. To say that, should not be entirely incorrect, for example, even most of key areas of legislative process are controlled directly by the NA, the president is also a part in initiating the legislative projects that may veto a bill passed by the NA. This means that the law cannot exist without a seal from the President. Yet again, Article 71 of the constitution mandated the President to ratify agreement between the countries, conclude the treaty, appoint and accept diplomats, and declare a war, etc. The case of Korea plausibly fits with Lipset (1958) theory, who emphasized the 'overwhelming influence of economic development for democratic consolidation.' Korea, from early 1960s experienced rapid industrialization accompanied by military-backed unstable autocracy through the monopolistic favours from the state known as 'patron-state' and the society organized around Confucian-style harmony. (Chang-hee 1993)

Korea presents the case where transformations came from a particular model of development that was adopted throughout in all phases. But, when the transition

happens from the authoritarian past, it would be inevitable that the institutional arrangements and adjustments formerly supported by the old regime must be dismantled or redefined to maintain legitimacy. Talking of transition, one would argue that a democratic transition must involve the replacement of one set of authoritarian institutions by another set of democratic ones. And if the transition has to succeed, then all major political actors must agree to reject old political institutions and accept the new rules of the game.(Friedman and Hochstetler, 2002)Although there was no adequate government during the authoritarian era, there was no lack of governance either, as there was a sort of centralized governing body which had unlimited authority of the President. Undoubtedly, for many years it was believed that legislators were more or less doing what they were told to do by the bureaucrats that implied having a top-down view toward policymaking. And it was a time when the President seemed solely responsible for the entire process of political response and policymaking. It is well accepted that an executive-dominated legislature cannot effectively oversee and influence policies proposed by the executive branch. (Schaulz, 2004:55) While speaking about political parties and their democratic development, the lingering paradox is that most parties were often created by purely charismatic personalities that had nothing to do with ideological rationale required for the institutionalization of the party system as is generally understood. (Lee, 2008) As Chung (2008) has made it clear, the central problem is that the party system, both in the past and at present, as represented by the term 'electoral machine to fulfill the leader's ambitions' indicates an oligarchic structure having a more transparent and efficient management and a legislature devolving into policy-oriented responsiveness.' This means that in one form or another, old politics, organizations and actors have not only survived but have also achieved some degree of continuity along with the new ones.

As there is always a need for every country to have a responsible legislature to account for its governance and management of public affairs, there must be some ways to improvise its working method with time to ensure progress and development. The general picture of the post-war Korean political process is that the radical politics is almost wanting; yet the country is moving toward a mature democracy managing fundamental and elaborate changes in the socio-political order. From a legislative perspective, it is still a tough balancing act in the sense that the president may not be entirely dominating the legislative process despite Korea having presidential form of government. But, one key issue however is the presidential decree and the President still has legislative powers constitutionally vested in it is possible that oversee legislative branch. A danger particularly in a newly democratized country comes from

the risk of populism and/or political paralysis when the conflicts of interests become serious and as a result, policymaking process gets deeply divided between the parties in power and the opposition. Similarly, in the absence of a robust political party system, such as the Korean case shows legislative agenda is controlled and/or monopolized by the governing party or a coalition of parties with a majority rather than contending factions. And Hixand Noury (2010) agrees that the crucial element in formulating a policy is the battle between the parties and politicians who are in government and those who are in opposition in order to protect their entrenched interests, rather than strive for linear policy-based agenda. It is obvious that NA is a venue where elected representatives of the Korean public hold detailed discussions on various issues on the basis of their party manifestoes to form the policies they want to pursue. It is the body that represents not only those who voted for it and plays an important role in creating policies. It is a venue where varieties of policy discussions may be held on any issue of public importance through learning and sharing of knowledge and experience, which in turn help formulate public policies and programs. With such authority and functions, NA is a crucial means of state power in a democratic set up.

Whereas it is the constitution of an individual state that declares and establishes the norms and the procedures by which a public policy can be made. In a democratic polity, the legislature has to represent virtually all the needs and wishes of the people by identifying community problems, overseeing the implementation of laws, policies and programs, and by monitoring, reviewing and investigating government activities. Gexston (2002) argues that because of the vast growth and complexities of powers that have to be exercised by the elected representatives, the non-elective officials who constitute the bureaucracy which is central to the life of a modern state that is said to have some form of policymaking authority. But it is the obligation of the legislature as the people's representative body to play an observable and transparent public policy activity to ensure that the necessary benefits would reach all citizens. Even if these conditions are satisfied, a common concern naturally expressed here is that the civil society, as one of the leading citizens' organizations that assure that their voices would be heard, could genuinely represent their interests in the formulation of policy. (Torjman and Reid, 2003) That being said, famous sociologist Max Weber reveals that bureaucracy, the 'spirit de corps is a rational legal authority in which legitimacy seems to be coming from the legal order and the laws enacted within it and whose role is to implement the sitting government policies with full commitment and devotion even at the

cost of public interest'.[9]

One criterion of legislative institutionalization is to develop its capability to control over the formulation of policies during the process and to exercise some degree of independence from the executive. While probing the role of NA, we have hinted that due to the lack of clear-cut separation of constitutional powers, its capacity to serve as the chief watchdog on behalf of the people has been undermined. The point here is that owing to persistently overwhelming influence of non democratic enclaves before 1987, the legislative body had to face difficulties while being engaged in productive discussions ever since it was designated in the first place. Yoon (2008) puts it very succinctly: the dominant ideology is no longer predominantly militarist, but how the power is exercised over people through the capture of their thought processes. More importantly, the emphasis is upon 'cultural sentiment rather than policy.' (Lee and Lee, 2008) The role of the president was twofold: to seek influence upon the government policy and to shape it; throughout previous history his role was to arbiter among differing interests. The recent expansion of democracy in Korea has put more value on NA which is moving toward maturity, although the political parties generally are woven around the few leaders of not-quite-popular parties.

No policies are made in vacuum. The crucial question is how much real leverage the legislature has to conduct its business. While looking at the regime change one always finds that the legislative activities are linear, democratic and transparent and Korea has much to do in this direction. Again, for all practical purposes, it must be acknowledged that the society appearing as changed a good deal does not mean that there is purely a new composition because political process generally consists of organizing the existing popular and social base and also discovering new ways, which is a long, complex and gradual process. While describing the NA, there can be no doubt that the legislative power is vested in it, foremost of which is to enact laws. The key question is not whether the political change is compatible with the Western standards nor whether the changes would allow it to continue to have greater legislative role and to broaden the popular base to satisfy domestic demands and needs, nor whether it would be able to confront the executive for their demands. While classifying Korea's legislative activities in light of the concept of legislative autonomy, it is clear that its policymaking power still suffers from some deficiencies. With this line of argument, some commentators claim that the NA has seemingly performed an important role in the history of

Korean politics not so much of what it has achieved in action, but because of the symbolic capacity to keep the ideals of representative government alive. (Helgesen, 1998)

In the legislative study, much of the comparative literature focuses on the role of standing committees and NA now as mentioned elsewhere has a total of 16 such committees that are increasingly becoming the key players in a new, more politically balanced polity in the post-authoritarian Korea.[10] In some sense, committees are a group of political authorities in order to make decisions. The committee system has become the lifeline of legislative process in Korea. More appropriately, signs are visible that the committees are becoming powerful mechanisms; they have emerged as the first and foremost important pillars in the legislative process. It is adequately resourced where members sit as a team in various committees representing departmental interests and influencing policy formulation and where bills are introduced, discussed and debated. Indisputably, they provide a venue where the members have unconstrained opportunity to express eloquently and interpret their ideas effectively than in plenary sessions.

Actually, all NA's bills and petitions are first examined in the relevant committee to contribute to the development of an accepted and approved set of rules and values. This allows the policymakers to feel more comfortable and help them determine what appropriate actions must be considered for any given situation. It would not be an exaggeration to say that only after the committee's approval the bills and petitions may be forwarded to the plenary session for the final decision.[11] It may also be argued that committees are supported by experts/advisers that have specific knowledge, not NA members appointed by the Speaker, and the administrative staff and other meetings are conducted in

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[9] Derived from https://www.boundless.com/sociology/understanding-social-groups-and-organization/bureaucracy/weber-s-model-for-bureaucracy/.

[10] Committees are units of organization within a legislative chamber that allow groups of legislatures to review policy matters or proposed bills more closely than would be possible by the entire chamber. In many countries, referral to committee is a formal step in the process of adopting a bill. The possible roles of the committees vary from country to country, depending upon the governing system, strength and organization of political parties, available resources, and other political factors. Roles may include initiating and amending bills, administrative reviews, investigations and budgetary reviews. Committees may also be the locale where inter-party negotiations occur. Few countries, even those that have a presidential system, have a committee system that approaches the power of the US congressional committees to initiate, amend or bury legislation. Source: http://mirror.undp.org/magnet/docs/parliaments/ legislative%20committee%20system.htm.

[11] National Assembly Act of Korea, pdf.

technically proficient environment and well-equipped committee rooms. Committees are headed by a chairperson who as committee leader is authorized to conduct proceedings; also, s/he can maintain order, restore harmony and represent the committee. Additionally, committees may accept or reject a bill and seek further clarification from the presenters when and if a situation so requires. While discussing about the committee system, another paradox is that a committee may form a negotiating group to reconcile the differences caused by a bill, which is called as 'interparty assembly negotiation.' NA members with no party affiliation may also form a committee together for such purposes. Actually, what constitutes the core values of legislative process is widely considered as heralding the triumph of democratic ideals both in the plenary session and in a committee by which people may measure not only the performance of the NA but also that of the government. There always are some people who would like to argue that Korea's policymaking process does not always reflect truth and accuracy.

Here again, the NA is supported by its extraordinary library endowed with a huge number of academic materials. NA has also set up the NA Research Service and the NA Legislation Investigation Office, etc. to avail their services under its regulations. On top of that, the latest legislative structure law creates no obstacle for the members to take their decision independently both in the committee and in plenary session. The way a parliamentary committee takes a decision and formulates a policy is what makes it to be called as 'little legislature.' Besides, the NA has its own website where all information is supposed to be posted and updated continually by the support staff of the NA members, who are ultimately responsible for this function. The entire proceedings of the plenary session is recorded and uploaded on the website. In addition, the members may vote on a bill which is put up for discussion in the plenary session. In fact, the NA has its own self-governing charter to conduct its legislative functions which are more real than formal. It may be suggested that the NA in fact sets the agenda for all what is politically feasible. Ideally, as an ordinary procedure of legislation, a bill may be introduced in the NA and then the concerned speaker would send it to the appropriate standing committee. Parliamentary supremacy becomes evident when NA members actively submit their bills without executive or party involvement; it must not be uncommon that private members' bills are also deliberated at length, put to vote and get enacted.

In fact, the legislative autonomy, which was a battle-cry until the 'Third Wave', not only provided the opportunity to common people for political participation but also an opportunity to political scientists for floating theories and/or terminologies to describe the foundational dimensions of a particular regime such as 'developmental dictatorship', 'bureaucratic authoritarianism', 'repressive-responsive regime', 'developmentalist state', 'right authoritarianism' and so on. In one respect, Korea had to introduce and implement some harsh and aggressive measures to change the Korean society for which 'modernity' had become the primary objective of the regime constructed by the colonial or the 'developmentalist' state, which according to Chatterjee (2001) was 'an attempt to find new democratic forms of the modern state.' One can hardly overlook the fact that drafting of the first constitution and election for the first NA were based on a decision of the US Military Government in 1948 to establish a separate state in the southern-half of Korea. There is no need here to posit that the political nature of the First Republic was a ditto copy of the American Presidential System. The NA also had the authority to conduct the policymaking process and annual inspection of all government agencies, though it had to lose much of its power under succeeding regimes and there developed serious void on the representation side too. It is obvious that Korea's political transformation in the 80s provided pluralist democratic commitment and the executive had lifted the state of siege in a new political order and NA free from the clutches of the president to fashion itself to a more meaningful political participation and it now has the power to effect changes that have strengthened its credibility. The direction of change, according to Kim(1991), notwithstanding whoever introduced the development model or whichever was the path for economic development or whoever controlled the state power, was sufficient for socioeconomic transformation and subsequent democratization as a consequence of the internal dynamics of the state formation and as a source of continuity and discontinuity?

The developments in Korean politics over the past few decades are in conformity with the virtues of civil and social institutions in relation to the public at large. As has Park (1983) noted, the 'usurpation of powers by the executive branch, the corresponding weakening of the legislative branch and the ongoing ineffectiveness of the judiciary have precluded democratic consolidation for now and in future.' It is a crucial matter that the development of legislative autonomy is experiencing difficulties even after the democratic transition in 1987. Under the new constitution, all political institutions have gained meaningful power and have begun to function both as independent institutions and in collaboration with other components of the government at par with the development of democracy. In fact, what is significant is that in formulating its policies and laws that must reach the greater part of the population. In the Korean context, the three phases of transition and non-transition are: an aborted transition in 1979-1980, a prolonged and inclusive standoff between the regime and the opposition in 1985-1987, and a successful transition to democracy

since June 1987. Since then, the political situation has changed completely.(Im, 1995) In practice, the subsequent changes in the rules and procedures and the ways in which they have been changed have paved the way for the NA to be empowered enough to take over the legislative function in entirety. To be clear, because of the increasing role of political parties, the domination of the president over the legislature could only be achieved through the intermediary political parties.

Nonetheless, a policy process often brings complex situations. In the mass literature, instructions for modernity are abound and continue to inspire and energize to embrace a full spectrum of views about the direction of change. Korea may be taken as a suitable example to study the process of steady transformation and the concept of development for an autonomous and formidable state. Korea's NA cannot be termed as a rubberstamp organization when it comes to policymaking power, but in practice it is plagued by deterministic power and is controlled to mark the Western modernity, observed Brazinsky (2007).A primary argument used in the West is the dichotomy: 'the lower the level of institutionalization, minimal would be the level of regime legitimacy as a whole'. The political arena in which the NA operates is a pointer to confirm that there is a lot to do and a long way to go where it is differentiated in order to make it the central place for policymaking together with autonomy and saliency of an institution.

With regard to the legislative autonomy, it may be explained in terms of a combination of several domestic factors. A major weakness as repeatedly argued is that the Korean politics in most of its history has been influenced or guided by economy oriented development policy, national security, traditional concept of legislature, and a strong party discipline.(Park, 1983) Today Korea stands out as one of the most successful case of nationa0building that clearly is the result of political acumen and vision of Korea's Strongman Park Chung-he had indeed ruled the nation with an iron fist. Nevertheless, when it comes to its spectacular economic development called "the miracle on the Han River," Koreans owe him a lot.(Hahm, 2009)Had it not been for his singular determination to build a highly industrialized nation, Korea could not have become the affluent society that it is today. Additionally, the constitution granted the President the powers to issue decree, ordinances and formation of cabinet at his will. In fact, from 1960 through 1987, Korea was more locked in a development trajectory where the solution to every problem seemed to be economy, when there was input-led growth strategy under the leadership of the President with all the possible features of authoritarianism intact. (Mortuza, 2007) In a way, this also implies that Korean policy process is not clearly associated with the concept of political bargain among competing interests, but polarized in accordance with the legislator's membership of the political party.

Compared to the executive and judicial branches, the legislature is closer to the people and so it reflects their mood at any given time. In fact, after the promulgation of the 1988 constitution, the situation became very different with momentous changes. Some of the presidential powers in legislative affairs quickly disappeared so that the NA became the highest lawmaking body and fountainhead of all political powers. It is not clear whether we can call it unique. Although the president holds an immensely superior position to those of the two other branches, the NA seems to guide the policy as it develops, but at the same time, it has the authority to reject presidential appointments for public office including that of prime minister, and it may impeach the president who gets separately elected and is not even accountable to it. On the other hand, the President may not dissolve NA as is the norm in the Westminster system. Yet again, another reason to envision a different path for Korea, no matter how it is defined, is that both the NA and the executive share some form of legislative powers, and often, devoid of warm relationship, respond positively to one another. With that, it becomes distinctly clear that Korea's presidential ways are somewhat different.

Yet, the two main features of the Korean NA are: the institutional discontinuity followed by subsequent low level of institutionalization and the lack of autonomy vis-a-vis the executive. Other authoritarian characteristics began to wear off due to the adoption of democratic reforms in the constitution that had followed, thus making things difficult for the President, leaving aside exhaustive debating in the legislature, forthright lobbying outside, interactions with the people, and overall transparency while formulating a public policy. The regimes in Korea between 1960 and 1987 had bred an instinctive belief that social forces would never be permitted to assert themselves at will, which included the rights of individuals; otherwise, chaos would ensue. Due to too much concern on economic development than to sustain political institutions in which competitive party system was virtually non-existent and policymaking process power rested with the President alone, it seems that the NA soon became shy and got away from legislative politics. Obviously, the post-democratization Korea adopted a stable legislature, and to a great extent, with distinct separation of powers. Put slightly differently, any political move is likely to have a significant impact on the process of political change with little chance of popular unease but confrontational dissent with dissonant political power relationships, should political change be introduced too quickly often having been connected with social, cultural and economic fabric of society, would continue to dominate the political system although not as seismically significant one in some cases to which one would say as a case of 'political transition to be seen as a period of great political uncertainty.'(Huntington, 1991; Linz and Stepan, 1996)

With respect to the agenda power, the power to determine which bills to be taken up on the floor of the legislature, we assume that NA generally exercises it. For example, when a bill is presented in the NA, the presiding officer of the NA refers it to the Committee under whose jurisdiction it falls. The Committee then holds hearings and deliberations on the measure. At the close of the debate, the bill is presented in the plenary session and votes are taken, whether it is a government bill or a member bill. It is not that the NA merely acts as a rubberstamp; it has the capability to make the law. In fact, the agenda setting power of the legislature undertakes the processing within the broad context of the political and social systems that mark its institutionalization.(Cox, Masuyama and McCubbins, 2000) Moreover, it is always problematic to properly distinguish various political systems and thereby their legislative practices, and in the case of Korea even if its constitutional provision claims the system as presidential instead of semi-presidential, where the executive and the legislature share some functions and their joint power is required to approve amnesty and pardon, both of which remain under the sole jurisdiction of presidential system such as in the US.

It is normal in the US that an individual member of the Congress may draft and submit legislative proposals and in a parliamentary system, almost all the legislative efforts are dominated by the executive. For many, this may not be an issue, but it is vital to modern public policy. Such concepts, for example, the impact of individual legislators on the policy process and the actions that the members may take inside the legislature serve to increase its legitimacy. Significantly in Korea, individual legislators may introduce legislation if they have a certain threshold number of cosponsors, such as 10 signatures are required to table a member's bill. It is to this reference that Hudson and Lowe(2004) consider public policy as 'the product of a diversity of organizations, individuals, and procedures, and in a democracy, it is only natural that legislatures are one as an institution to draft, discuss and approve the legislation.'

Similarly, there are different types of accountability with varying degrees of effectiveness and performance within the sets of presidential and parliamentary systems. It is our belief that the process of institutionalization involves many organizational complexities and the legislature in a democracy must reflect the fact that it possesses virtual monopoly over the entire legislative process. Our purpose has not been to demonstrate that the NA should so function what may be termed somewhat as counterpart to the fusion of the executive and legislative powers in other parliamentary democracies, which can 'do everything that is not naturally impossible', as observed by Blackstone in the British context (Lieberman, 1988) or it can 'do everything but make a woman a man, and a man a woman' in the words of the French observer

De Lolme. (Dicey, 1915) [12]However, while going through the relevant literature on Korean politics, it seems that the authoritarian leaders had created such an environment that the bills were hardly presented in the NA; rather the president set the public goals and was the sole real beneficiary. It was marked by incoherent, top-down nature of the policymaking process and the capacity to create and deliver the policy that put the whole policy process in a bad light. The main point is that although the presidential system of democracy has well defined and strict division of power, the role of NA in Korea was neglected for decades; it was far from being autonomous and productive in showing the institutional base of social change.

The constitution of Korea, for instance, empowers the legislature with the power to block an executive proposal. Similarly, while the President may issue a decree, the constitutional court may review the division of powers among the various branches of the government. In this sense, even NA may not be as powerful a political body as the parliament in Canada, India, Britain, Italy, Belgium, New Zealand, or Czech, or as in the US where Congress adopts various tactics such as prolonging the legislative process and refusing to deliberate. Yet, it reflects the fact that it is a modern legislature where the legislative powers are vested in and final passages are made. Even scholars agree that parliamentary system is generally better equipped than the legislature in a presidential or semi-presidential system to oversee the executive branch of the government. (Pelizzo and Stapenhurst, 2004) But, the Korean NA takes a different approach from both the patterns; it has the ability to decide on a policy within the framework of accountability, a feature that was not there some 30 years ago.

Chan-Wook (2014) has assembled a comprehensive set of data, including the nature of political regimes since the First Republic which began in July 1952 and the institutional context of social representation, etc. Very modern features have been embedded in contemporary NA, the most prominent political institution of Korea. Even the mass media do not play a large role for policymaking in Korea, as they do in Britain and the US. But, people do get the facts as reported by the press; its coverage is brief, sober and objective, even if not full of details. An intriguing question toward legislative transparency, which

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[12]Jean-Louis De Lolme 1784. Ejan Mackay, "Economic analysis of law for civilian legal
Systems", Cheltenham, UK, Edward Elgar. Available at: http://www.tilburguniversity.edu/upload/347bb237-d470-4ed9-8d2d-01d7d9d7f26a_paper-Mackaay.pdf and A V Dicey.
Introduction to the Study of the Law of the Constitution (1915), The McMillian Company Limited of Canada Toronto. This book is available at:
http://socserv2.socsci.mcmaster.ca/econ/ugcm/3ll3/dicey/lawConstitution.pdf.

is not the main concern of this study, is that the NA debates are not directly broadcast in Korea, as is done in Australia, New Zealand, and some other countries, although NA has its own TV which broadcast its other activities, including news about important deliberations. Besides, the procedure for public consultation on government policy and legislation as per the statutory directives are open and systematic.

Based upon much of what we have described above and upon a number of policymaking dimensions, Korea's system is found different when compared to many other presidential systems. Yet, in order to establish transparent legislative procedures that demand accountability of the executive, significant structural reforms have been initiated in the NA. More importantly, the notion of parliamentary sovereignty may not be available here, but the legislative authority bestowed to the NA is responsible to explain to the people about the policy that has been formulated. The participation of bureaucracy in both input and output sectors of the legislative process has been excluded from making important decisions that are critical to the concept of modern legislature that can play an active and influential role through the members. Furthermore, the Korean political system does not allow any single branch of the government to hold excessive power without the involvement of the other branches. Yet in a contemporary Korean polity, the NA exercises exclusive jurisdiction, for instance, a bill must be passed by it to become a law. Of all the special characteristics of Korean legislative process, the foremost that should be noted is that the President may submit a bill in the NA through a minister who is not even an elected NA member.

As noted above, the presidential decree has the power to block a legislative effort, that is to say, it is another route to enactment. But, such decision must be followed by NA approval in due course. In fact, the annual budget, a treaty with another nation, and appointment of all presidential nominees such as the prime minister and ministers require the approval by the NA and the president may not influence it to change its decisions at least constitutionally. In this context, the NA is not a passive house. But in the normal practice, once a bill is rejected by the president, it would then require two-thirds of the votes to be passed by the NA. So in nutshell, if two-thirds of the NA members want to see a particular bill become law, it will. But it is indeed difficult for any one party or a coalition of parties to achieve two-thirds of the votes.   Under most circumstances, however, the president has a lot of space to block legislation. In this sense, a bill becoming law after its passage by the NA is the only route to enactment.

To illustrate this, it is not hard to see that the President in Korea exercises some special legislative powers such as the Veto Power (Article 53-2 and 52-3) at any time which is a reactive power and the Decree Power (Article 75), which is a proactive power that allow the President create order, and therefore, to shape legislation and if the president holds both these powers, then, it makes the president preeminent or *de facto* policy makers in the legislative process. As Baker(2007), further illustrates this and argues that things were different from Mansei Revolution of 1919 what is considered beginning of Korea's road to democracy to 'rough road to democracy between 1960 and 1992' in which even the state was as despotic as it generally thought, largely because of practice of various forms of despotism, such as executive high-handedness and bureaucratic domination with varying degrees of power in country's politics, in which the other branches of government such as the judiciary and the legislature were likely to prove adequate to the task and served only a segment of the population, though time and again their role claimed to acquire new significance. If the structures of political power are a focal concern in analysing the policymaking functions of the legislature, Korea is not a monarchy where power and authority is derived, and depended as much on the strength power and virtue of his/her personality allowed him/her to intervene at his and her disposal.

CONCLUDING COMMENTS

Generally speaking, government and parliamentary structures and different branches of government all play very important roles in making laws and policies.Our assumption is that the legislature has so many different roles, representative of citizens' view, scrutinizer of government, educator of the public and that it is always deficient in one respect or another. It has been observed above that any genuine and enduring political transformation would require the consideration of organizational autonomy and self-management. We may assume that democracy arrived in Korea in the late1980s, after 30 years of controlled political process under the military or soldier-turned politicians. The new democratic constitution did not prevent the president pursuing legislative process which in turn dominated the politics. Yet, the NA became an impressive body and gained acceptance among the people. We have noted at the outset that important variations are invariably found in legislative establishments. But, perhaps in the Korean case, we find that competitive elections and political pluralism have created such conditions that the NA could deftly steer its legislative politics and be seen actively exercising legislative powers through constitutional and institutional framework and has acquired the capability to bring policy issues to a fruitful conclusion. Even more important is the fact that in spite of severe criticisms by the aggressive media and well organized civil society, what is needed to solidify the institutional structure and to draw public attention is evidently the policymaking

process that has attained the vortex of legislative institutionalization. It's key effectiveness is that the people now know how representatives are chosen, who they are, how they may be reached, and how indeed the policies are formulated in the first place.

It is our understanding that though the current political policymaking of Korea in general could be understood as a combination of factors, yet Korea's approach of public policymaking until recently was a top-down process where decisions are made at the top, passed down to the people who are affected by the policy, with President capable on most of legislative agenda what can be called executive-centered oligarchic policymaking discussed previously. So, despite stimulated institutional modernization and socioeconomic restructuring, the Korean policymaking prior to democratization could not viewed that relied upon regular citizen's concern and their interests articulated in the liberal democratic, let alone NA as the sole power to legislate.

It should be remarked that NA is legislatively effective if viewed as an independent variable over the years with increased the institutional capacity on the institutional reforms and to increase direct participation of citizens in policy and decision-making process and changes to the parliament 'is always unending', what Axworthy (2008) asserts. 'We consider that decisions and policies are the product of give and take and mutual consent among numerous participants in the decision process, but the formal authority rests with legislature so any reforms that are undertaken, the legislative power of the executive should be weakened so much that NA increases its guiding hand. As we noted previously, when democracy was restored, under the constitutional arrangements, Korea's form of legislature can be described as certain important consequences, with state powers separated between the three principal organ of the state has also facilitated a remarkable capacity for innovation to NA which now is more concerned with political process or with elements of the political system such as interests groups and public opinion, and therefore, expansion in representatives to influence public policy has been found.

In Korea, the extensive literature has conformed President is still a switchboard, and that is far closer to the reality than claims that it is powerful, but we believe much of the policymaking decisions are made in the line mutual incomprehension between the two branches and there can be no doubt that each helps to shape decisions, which is not as consensual as commonly thought, but are framed in the light changing circumstances which may be the foundation of what drives policymaking in Korea. The British parliament is known as 'mother of parliaments', it provides a model for a system of government that could not be classified as something separate, which Korea is not the case. But when examining a NA legislative policymaking we saw that it taking on a prominent role in the policymaking

process. It could be further argued that the Standing Committees are functional not the ritual who like in the US scrutinize and approve the Presidential nominee, and most importantly failure of committee endorse the bill cannot be moved to the plenary session.

To summarize the debate, the NA is a democratically-elected representative institution as well as a crucial element of state power represents the broad spectrum of public interests. It is a place where discussions take place on the public preferences which are then formulated into policies and programs. It differs from the other branches of state power because it is the main instrument for formulating and adopting laws and other public policies. The NA of Korea is not flawless and beyond criticism, still faces a number of constraints and obstacles in terms of its efficiency and effectiveness. Many factors involved that are adequately discussed previously in this study, yet executive involvement in setting the legislative agenda and the fact that some claimed that the regular can only play a limited role in the policymaking. Let us be clear here. If President of Korea can strengthen the public sphere by mediating between citizens and state, facilitating debate about the major issues of the day, and informing the public about public issues and government actions, and moreover, if great bulk of people in Korea tempting to place their hope in the Presidency, yet NA is a legislative institutions to provide a level of playing field for prospective policies for all contenders.

While recognizing that presidential systems that provide for institutionally strong presidents, that is, president who controls who controls the legislative agenda is seen a source of increased conflicts with legislature. Under the new rule, the distribution of powers between President and the NA is be evaluated fairly toward separation of powers model, but Korea requires balance of powers between executive and legislature to avoid usurpation and abuse of power—each body prevents the other from abusing power. Most importantly, the bills now can freely amended and rejected with an agenda that is set by NA is thus empowered to directly affect the order of business of the legislative body. Equally vital, Korea has laid the foundation for a forward looking liberal democratic political system that is optimistically can be considered doing business in way that will propel NA's policymaking process forward toward, responsible and accountable institution, which will ensure legislative stability and identity and long term consequences in the foreseeable future.

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Full Length Research

INDIA-NIGERIA RELATIONS (FROM HISTORICAL FRIENDS TO STRATEGIC PARTNERS)

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The relationship between India and Nigeria is deep-rooted, characterized by inner warmth and generosity. The colonial backdrop of Nigeria and India makes both of them historical friends and thus natural allies. The independent India, having itself gone through the travails of colonialism, stood in solidarity with Nigeria during its colonial struggles and championed the course of decolonization process. This is validated by the fact that India established its diplomatic Mission in 1958, two years before Nigeria's independence. The diplomatic relations over these years has transformed itself into Strategic Partnership. They stand united on international forums and other critical global issues and are strong advocates of South-South cooperation. The friendship is manifested through fruitful political, cultural, economic and defence exchanges. Despite blossoming bonhomie, several constraints need to be addressed to take the bilateral relations to the next higher pedestal. The immense potential in both the countries along various sectors of the economy should be harnessed. Similarly, Indian overtures towards Nigeria must not be interpreted as the scramble for African resource. Rather, it must be defined as the re-branding of a relationship in the context of old historical ties. As India seeks to solidify her relations with Africa, stronger ties with Nigeria as global partner become an imperative. The strategic relations, it is anticipated, will get the needed attention under the stewardship of PM Modi and General Buhari.

Keywords: Shared values of equality, mutual respect, mutual benefit, common understanding of south -south cooperation, closely working together in regional and international organization, strategic partnership Agreement, mutual legal assistance treaty, Bilateral trade agreement, cooperation against trafficking in arms, cultural exchange

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INTRODUCTION

"Of one thing there can be no doubt, and that is the vitality of the people of Africa. Therefore, with the vitality of her people and the great resources available in this great continent, there can be no doubt that the future holds a great promise for the people of Africa." -   Pandit Jawaharlal Nehru, while addressing Nigerian Assembly in 1962.

The relation between Republic of India and Federal Republic of Nigeria has traditionally been friendly and warm. The relations had been based on their shared values of equality, mutual respect, mutual benefit and the

common understanding that South-South cooperation is essential for the economic well-being of developing countries. India and Nigeria are linked by common historical experiences and in the contemporary context, are united in the desire to work towards democratic pluralism, tolerance, economic development and social justice. The relation in recent times has blossomed into a full-fledged strategic partnership.

India and Nigeria are the largest democracies and the largest economies in their respective regions. Both are multi-religious, multi-lingual, multi-ethnic and plural societies. Nigeria became independent on 1st October 1960 and a Republic in 1963. It is the largest democracy in Africa having Presidential system of Government, with an Executive President at the apex. Since her independence, Nigeria has continued to maintain warm and excellent ties with India. Their demography and economy provides immense market opportunities and huge pool of human resources. Nigeria is a leading member of the African Union and exercises immense influence not only in West Africa but in the entire African continent.

Nigeria is both a regional as well as a continental power. Nigeria has the largest population in Africa and its people are industrious and highly educated. It is the largest market in the continent with a growing economy which has become the preferred destination for foreign direct investment. The country is at the forefront in the efforts of maintaining peace and security in the West African region and Africa. Nigeria is one of India's largest suppliers of crude oil. Nigeria is India's largest trading partner in Africa.

India, an emerging developing economy, is also a regional power. India is ranked the second fastest growing economy after China. The *World Economic Outlook* released by IMF on *14th April, 2015*predicts India will hit 7.5% both in 2015 and 2016 thereby eclipsing China whose growth is projected to slow down to 6.8%. IMF *Chief Economist Olivier Blanchard* points that higher growth rate is the result of India's shift from consumption to investment led growth. Also, the World Bank in its *South Asia Economic Focus Report* argued that on the back of significant acceleration of investment, growth could even reach 8% in 2017-2018 (The Hindu: April 15, 2015). India's rapidly modernising industries and a burgeoning middle class with rising incomes and ever-expanding purchasing power results in a growing demand for investment and resources especially energy (Wapmuk: 2012).

HISTORICAL RELATIONS

Diplomatic relations between the two countries predate Nigeria's own independence in 1960. India established its diplomatic Mission on the 20th November, 1958, in Lagos,

which was the then headquarters of the Federal Republic of Nigeria, two years prior to Nigeria's independence. To further cement what was to become a substantive relationship, the India Mission was eventually upgraded to the status of a High Commission after Nigeria became a politically Sovereign State. Nigeria reciprocated the gesture two years after independence in 1962 (Okpara: 2013).

Relations between Nigeria and India have their roots in colonialism. Both had shared colonial experiences having been former colonies of Britain. During the period of British rule, some five million Indians migrated to the different colonies of the British Empire, including Nigeria, mostly under the system of indentured labour. This marked the beginning of an informal interaction between India and Nigeria (Anirudha:1979). Nigeria and India were at the forefront of the anti-colonial struggles. It was on the grounds of having suffered colonial onslaught that India championed the course of decolonisation and eradication of racial discrimination. Prime Minister Nehru demonstrated the commitment of India in support of the decolonisation process when he stressed that we are particularly interested in the emancipation of colonial and dependent countries in the recognition of the theory and practice of equal opportunities of all races. Coincidently, this was and has been one of the central aspects of Nigeria's foreign policy objectives in which the restoration of human dignity to black men and women all over the world and the eradication of colonialism and white minority rule (or apartheid) from the face of Africa was emphasized. India has indeed served as a great inspiration not only to Nigeria, but also to all developing countries located in the same geopolitical axis (Kura: 2009).

India and Nigeria have a history and tradition of working closely together in regional and international organizations. The two countries are members of the Commonwealth, World Trade Organization (WTO), Non-Aligned Movement, G-15, Group of 77, the United Nations (UN) and also believe in South-South co-operation. Cooperation between our two countries at the United Nations has always been close. Both provide the bulk of their troops for UN Peace Keeping Operations all over the world (Okpara: 2013).They share similar views on reform of the UN Security Council and international financial institutions namely IMF and the World Bank. Equally, they stand united on other critical issues of the global agenda such as climate change, the fight against international terrorism, reform the Doha Development Round and issues pertaining to development and international peace and security.

The visit to Nigeria by Indian Prime Minister Jawaharlal Nehru in 1962 opened an important chapter in a long-lasting friendship between Nigeria and India. Today, the political and diplomatic relations have fruitfully blossomed (Kura: 2009). There had been frequent visits by high

government officials of both countries.

Nigeria-India relations entered a new era with the return to democracy in Nigeria in 1999.Nigeria has had its democratic experiment truncated several times by military regimes, only returning to democratic rule in 1999. In 2000, President Olusegun Obasanjo undertook a State Visit to India as Chief Guest of India's 50ᵗʰRepublic Day celebrations. In March 2000, the External Affairs Minister of India Jaswant Singh visited Nigeria to co-chair the Third Session of India-Nigeria Joint Commission (INJC) (Wapmuk: 2012). In May 2003, the Minister of State for Commerce and Industry visited Nigeria to chair the Conference of Commercial Representatives of Western Sub-Saharan Africa. And in October 2003, the Nigerian Minister of External Affairs visited India to co-chair the Fourth Session of the two countries' Joint Commission. In December 2003, Prime Minister Atal Behari Vajpayee attended the Commonwealth Heads of Government meeting (CHOGM) in Abuja (Okpara: 2013).

In 2007, Indian Prime Minister Dr. Manmohan Singh became the first Indian leader to visit Nigeria in 45 years and addressed a joint session of the Parliament of Nigeria. It culminated in the signing of *Abuja Declaration on Strategic Partnership Agreement* to further enhance bilateral cooperation and collaboration between Nigeria and India. The Abuja Declaration enunciates an all-embracing vision of India-Nigeria *Strategic Partnership* with an emphasis on closer energy co-operation, taking into account the commonalities and complementarities between the two countries. The follow-up agreements scheduled for 2008 included those on Double Taxation Avoidance, Bilateral Investment Promotion and Protection, Science and Technology, Air Services, the renewal of the 1976 Mutual Legal Assistance Treaty, an Extradition Treaty, a Bilateral Trade Agreement, Co-operation against Trafficking in Arms, and finally, a Cultural Exchange Programme for the period 2008–2010 (Wapmuk: 2012).

There has also been a series of visits at various governmental and commercial levels between the two countries. Former Nigerian President Olusegun Obasanjo visited India in March 2012mainly for encouraging economic ties. A delegation led by Minister of State of Defence of Nigeria Hon'ble Mrs. Erelu Olusola Obada visited Delhi on a 4 day official visit in April 2012 to participate in the Def-Expo India 2012.Governor of Lagos attended India-Africa Conclave in New Delhi in March 2013.A 6member delegation led by Nigerian Chief of Naval Staff Vice Admiral Dele Joseph Ezeoba visited India from December 9-13, 2013 on an official visit.

A 20 member delegation from Nigeria came to attend the 10ᵗʰ CII-Exim Bank conclave on India-Africa Project Partnership held in New Delhi from March 9-11, 2014. Mrs Sarah Reng Ochekpe, Minister of Water Resources visited India from March 20-22, 2014 to participate at the Re-invent the Toilet Fair in New Delhi. A 14member

Senate Committee of Senators & Members of House of Representatives of Parliament, at the invitation of Chief Election Commissioner, visited India from June 21-26, 2014. The Minister of Industry, Trade & Investment Hon'ble Mr. Olusegun Aganga accompanied by a high-level business delegation visited on September 10-13, 2014(Ministry of External Affairs: 2014).

These visits have re-invigorated and redefined relations within the context of the contemporary developmental and political challenges facing the two countries. The relations were further consolidated through the quick implementations of the agreements and recommendations that resulted from those visit. These visits are indications of the extent of friendliness, mutual understanding, substantive ties and interactions between Nigeria and India (Kura: 2009).

INTERNATIONAL FORA

At the international level, both of them supported the rights of nations to self-determination and freedom from colonial and foreign subjugation, supported all liberation movements in the legitimate struggle for national independence, and offered unrelenting support for all efforts to dismantle the system of apartheid in South Africa in the 1980s and indeed all forms of racial bigotry and prejudice. The Indian government has regularly held diplomatic consultations with Nigeria on strategies for international conferences and forums aimed at providing moral, political and material support to all African states. The two nations have come together on pertinent issues that not only affect them individually but that also affect several Third World countries(Kura: 2009).

Nigeria and India play critical and influential roles in the international for a such as the UN, Commonwealth and others on common issues such as development, security, terrorism, climate change, drug and human trafficking. Both the nations were keen participants in various conferences and summits in which international agreements have been reached regarding political, social and economic issues, including the Millennium Development Goals (MDG), Bale convention, Johannesburg Plan of Action, and Doha Development Agenda etc (Kura: 2009). Nigeria stands to champion the cause of African countries at the international level. India stands with Nigeria as a partner in progress towards issues that generally affect the Third World.

CULTURAL EXCHANGES

Nigeria and India have various cultural and social similarities. The people to people ties between Nigeria and India are vibrant and growing. Indians are the largest non-African expatriate community in Nigeria (The Hindu:

April 04, 2015). Many Indian nationals are now naturalized Nigerians and most of them are actively involved in trading, service sector, education, agriculture, health, manufacturing, construction and aviation, telecommunications, small-scale industries and, more importantly, in the development of railways and the steel industry, for which India has earned the praise and salute of the international community (Kura: 2009).

Similarly, nearly 40,000 Nigerians obtained Indian visas during 2013. The main reasons for visiting India are medical tourism and business. Number of Nigerian students going to Indian tertiary institutions is also on the rise. In general, Indians in Nigeria are well off and enjoy largely non-controversial existence. The High Commission of both the countries actively monitors the pressing needs of the diaspora community. The latest advisory from the High Commission was on the dos and don'ts of *Ebola virus* (Ministry of External Affairs: 2014).

The start of a scholarship scheme for African students by the Indian government way back in 1955 is suggestive of the Indian commitment to helping Africa in general and Nigeria in particular. Under the Special Commonwealth African Assistance Plan (SCAAP), India provides eight to ten scholarships to Nigerians for various training programmes. Moreover, since 1984, under an Indo-Nigerian cultural programme sponsored by the Indian government, five Nigerian students visit India for undergraduate or postgraduate research. And, since 1984, two junior and senior research fellowships are granted annually to Nigerians by the Indian Government (Kura: 2009). Initially the problem of distance impelled Nigerians to prefer western countries rather than India. Today, however despite distance, there are approximately more than 5,000 Nigerians studying in India.

The first ever Indian Film Festival held in Abuja from March 31 to April 06, 2014was inaugurated by the first lady, H.E. Mrs. Dame Patience Jonathan on March 31, 2014.There exist informal contact between Nigerian film makers and their Indian counterpart with a view to partnering in film production, marketing as well as in capacity building. Indian films are quite popular in Kano, Kaduna and other Northern States and local channels regularly telecast Indian films. Progress is underway to work towards facilitating a Nigerian Film Festival in New Delhi and to partner with the government of Kano state to establish a film city. For two years in succession, namely, 2010 and 2011, India participated in Abuja Carnival. The yam Group from Kerala mesmerised the audience at the Abuja Carnival in 2011(Ministry of External Affairs: 2014). Indian Council of World Affairs (ICWA) and Nigerian Institute of International Affairs (NIIA) jointly organised 2[nd]India-Africa Academic Conference at Lagos from 14-15 March 2012.The Indian Technical and Economic Cooperation (ITEC) quota for Nigeria for the years 2010 to 2013 was fully utilised. Similarly all 209 slots for the

year 2013-14were utilised (Ministry of External Affairs: 2014).

The Nigeria-India Friendship Association (NIFA)was formed and inaugurated on November 11, 1978, in Lagos to promote mutually beneficial co-operation between Nigeria and India in the areas of culture, sports, science, technology, exchange of information and tourism. The premise behind the formation of the association reasoned that it was only when developing countries lessen their dependence on global superpowers that they are able to meaningfully talk about a New International Economic Order (NIEO) (Kura: 2009).

In related developments, other organisations were formed in Nigeria by the Indian community, including the Indian Professionals Forum (IPF), the Indian Women's Association (IWA), and the All Indian Cultural Association (AICA). These associations not only work to unite the Indians in Nigeria but also serve as forums through which cordial friendships and mutual understandings can be achieved and enhanced between Nigerians and Indians. These associations have also organised symposia, seminars and social gatherings during which Indian cultural heritage is on display. Moreover, an Indian language school was also established in Lagos. These associations have helped to bridge the cultural disparity between the two countries and have promoted mutual understanding, cordiality and appreciation. As such, it may be worthwhile for the Nigerian community in India to establish similar kinds of associations in India as a way of strengthening mutual cultural understanding (Kura: 2009).

DEFENCE RELATIONSHIP

Militarily, India is a power to be reckoned with, as it is a nuclear power state. India has had a long-standing defence relationship with Nigeria and have been involved in training of Nigerian defence personnel and setting up of military training institutions in that country. India helped Nigeria build various military institutions, including the Nigerian Defence Academy (NDA) and the Command and Staff College (CSC) in Kaduna. Indian officers have visited to the above military institutions to train Nigerian officers. Similarly, India has provided scholarships for officers in Nigerian Armed Forces to be trained in Indian military institutions. A number of high-ranking military officers have received their training in India, including the late General Murtala Mohammed, General Olusegun Obasanjo, General Ibrahim Babangida, Brigadier General Mohammed Daku, Real-Admiral Augustus Aikomu, and Air Vice Marshal Ibrahim Alfa (Kura: 2009). And most importantly, the current *President Gen. Buhari* has been trained in India at the *Defence Staff College, Wellington* in 1973 (The Hindu: April 04, 2015).

India and Nigeria have engaged in collaborations

regarding military technologies. However, there has only been little co-operation in the procurement of weapons (Kura: 2009). The Armed forces of both the nations have attended military training together, exchange programmes and served in UN Peace Keeping Operations. These bilateral exchanges have assisted in strengthening co-operation not only within the armed forces but between these countries.

ECONOMIC EXCHANGES

Economic co-operation between the two countries also has its genesis during colonialism. Amongst the early arrivals, were the Sindhi traders who reached Lagos in 1919 (Wapmuk: 2012). The 1923 establishment of Indian trading company *K. Chellaram* marked the formal beginning of economic relations between Nigeria and India. Since 1923, economic co-operation between the two countries has continued to flourish. Accordingly, Nigeria is now India's largest trading partner in Africa. The relations between India and Nigeria have continued to be reinvigorated by series of visits at the governmental and commercial levels which have redesigned, refocused and redefined the economic relations between the two countries (Kura: 2009). There exists great potential for the development of economic relations between the two countries.

Trade and investment can be said to be the fulcrum of economic relations between Nigeria and India (Wapmuk: 2012).Nigeria and India as emerging global powers and reliable partners have recognized the need to make trade and economic opportunities the central focus and hence take full advantage of the existing potentials in both countries. Economic, trade and investment relations between Nigeria and India have improved considerably over the years.

Nigeria is India's largest trading partner in Africa and India is the largest trading partner of Nigeria globally. Nigeria is also the largest market in Africa for Indian exports. The bilateral trade between India and Nigeria in 2013-14 increased by 2.5% to US$ 16.98 billion mainly due to large crude oil import by India. India's exports to Nigeria have grown gradually during the last few years from US$ 1.08 billion in 2007-08 to US$ 2.66 billion in 2013-14. During 2013-14, our imports, mainly consisting of petroleum and crude products, stood at US$ 14.31 billion as against US$ 13.82 billion registered in 2012-13(Ministry of External Affairs: 2014).

Nigeria is the largest *oil* producer in Africa. Nigeria is highly important for India's energy security as we import around 8% to 12% of our crude requirements from Nigeria(Ministry of External Affairs: 2014). India has overtaken the U.S. as the top buyer of Nigerian crude oil. Initially, India imported only palm oil from Nigeria. However in recent decades, Indian investments in Nigeria have branched out into other areas, creating employment opportunities and adding value to the Nigerian economy (Wapmuk: 2012). Besides oil, Nigeria exports cashew nuts, wood, cotton, pearls, rubber and gum Arabic to India. India's exports to Nigeria comprise paper and wood products, textiles, plastics, chemicals, machinery, transport equipment, drugs and pharmaceuticals.

A large number of *Indian companies* have footprints in Nigeria with an investment of over $11 billion (The Hindu: April 04, 2015).They have made substantial contribution in the field of investments and employment creation in Nigeria. Indian companies have invested heavily in Nigeria in manufacturing, pharmaceuticals, plastics, engineering, information technology and communications. Some of the popular brand names in Nigeria are Ranbaxy, Unique, and Dana in *pharmaceuticals*; Simba, Wandel, and Bhojraj in *technology*; Reliance Textile Nigeria Ltd, and Globe Spinning Mills Nigeria in *textiles*; Multi-links Telecommunications and Reltel Communications in *telecommunications*; Infosys, Satyam, NIIT, and Aptech in *Information and Communications Technology* (ICT). Several Nigerian banks are using ICT software developed by Indian companies. Thus, Indian investments are recognised as making significant contributions to the Nigerian economy (Wapmuk: 2012).

Primus Super-Specialist Hospital is the premier India health care provider to operate hospitals in Nigeria with a view to easing the outflow of patients outside Nigeria in search of medical treatment. Other major Indian companies are Bajaj Auto, Birla Group, Kirlosker, Mahindra, Ashok Leyland, New India Assurance, Bhushon Steel and Skipper Electronics etc. Furthermore, a number of Indian companies are participating in Nigeria's upstream sectors of oil and gas namely ONGC Mittal, Sterling and Essor.

India has executed a number of *technical assistance and consultancy* projects in Nigeria. For instance, the Metallurgical Consultancy (MECON), which is an Indian joint venture in Nigeria, has been involved in developing the Nigerian steel industry. As a consultant to the Delta Steel Complex, MECON has supervised the completion of the design bureau and operation of the complex. Indian experts have also been sent to Nigeria under the Indian Technical and Economic Co-operation (ITEC) agreement since 1971. India is providing technical assistance to Nigeria to cover installation, upgrading and rehabilitation of small and medium-sized enterprises in the areas of engineering, tool manufacturing, leather technology, weaving and textiles, medicine, woodwork, bio-gas and metal work. This is a clear indication that the technical co-operation between the two countries is another strong aspect of their bilateral economic interactions (Kura: 2009).

CHALLENGES FOR NIGERIA– INDIA RELATIONS

Although Nigeria–India trade and investment relations have come a long way, there are certain challenges that need to be addressed in order to further strengthen bilateral relations. The trade and investment opportunities between India and African countries still go largely untapped, because trade with Africa is confined to some ten countries and limited to only a few commodities. This is compounded by the one-sidedness in trade and investment relations which is heavily skewed in favour of Nigeria. Imports by Nigeria are mostly manufactured goods whereas imports by India are largely primary commodities. While Nigeria continues to import a wide range of goods from India, the latter's trade is overwhelmingly concentrated on the importation of Nigerian crude oil, which accounts for some 96 per cent of total imports, the remaining 4 percent consisting of non-oil products such as metal scrap, wood, cashew nuts, and iron and steel (Mathews: 2008).

While Indian businesses are firmly established in Nigeria and more are gaining root, foreign direct investment in India by Nigerian firms, in relative terms, is marginal. This is a huge challenge for Nigerian entrepreneurs, to take advantage of the investment opportunities that do exist in India, and for the Nigerian government to provide the necessary support for those desiring to enter the Indian market. The government of India should also reciprocate the Nigerian gesture by creating a similar conducive economic environment for Nigerian entrepreneurs who want to do business in India (Wapmuk: 2012).

The issue of under-employment by some Indian companies is also of grave concern to the Nigerian government. Contrary to the stance of Nigerian trade unions on casual labour, some Indian-owned companies still engage staff as casual labourers and hide behind agreements on contract-staffing in order to evade the law. With this kind of arrangement, technological know-how is not being transferred to Nigerians (Wapmuk: 2012).

The establishment of Indian businesses in Nigeria has created employment for nationals from both countries. But, it has been observed, too, that generally, there are no comparable job opportunities for Nigerians in India. At the same time, the rise of internationally competitive Indian businesses has affected domestic sales and exports by Nigerian producers in various sectors of the economy. This competition necessitates Nigerian firms to become more efficient and competitive (Wapmuk: 2012).

Indian investments in Nigeria face serious challenges of inadequate infrastructure, like poor power supply, thereby increasing the cost of doing business. The relationship is further hampered by the lack of taxation avoidance treaty and investment protection agreement, and also by the lack of direct flight between the two countries (Vanguard: September 12, 2014). Correspondingly, the unsavoury practices of some unscrupulous elements that circumvent national laws to smuggle in sub-standard and fake goods into each other's economy has adversely affected the pharmaceutical industry and other sectors of the Nigerian and Indian economy. And importantly, the increased activities of terrorist group like *Boko Haram* further acts as a deterrent to the up-and-coming economic avenues in Nigeria.

Nonetheless, trade has not achieved its true potentials. Putting adequate trade instruments in place will facilitate increased trade ties between the two countries. It is important and necessary to address market access c-onstraints as well as non-tariff barriers that hinder the free movement of goods and services across the region's frontiers. Need is to encourage greater bilateral economic synergy. As emerging economies, the two countries need to work together to advance their economies.

OPPORTUNITIES FOR STRENTHENING THE TIES

Nigeria has witnessed impressive growth in the past few years. In fact, it continues to be one of the fastest growing economies for the foreseeable future. Nigeria is amongst the largest consumer markets in Africa, with a fast-growing economy and an emerging middle class. The Government of Nigeria has created a favourable climate for business and industrial ventures. Administrative and bureaucratic procedures have been greatly streamlined. Considerable progress has been made in introducing market-oriented reforms in Nigeria especially since 2008. These include modernizing the banking system, removing subsidies, developing stronger public-private partnerships (www.ficci.com).

There exists immense potential along various sectors of the economy. The likely areas under the *agriculture* sector include processing of agricultural produce, supply and distribution, storage facilities, agricultural mechanization, research and development, and development of small scale technologies for on-farm as well as secondary processing. Agricultural products with great potential include groundnuts, palm oil, cocoa, coconut, citrus fruits, maize, millet, cassava, yams and sugarcane. In the *oil and gas sector*, downstream activities such as domestic production and marketing of LPG offer growth avenues. Upstream activities such as petroleum exploration and exploitation hold significant potential. In the field of *banking and financial service*, opportunity exists in microfinance, agricultural credit, and financing of small and medium enterprises (www.ficci.com).

The Government of Nigeria has identified certain priority areas under *manufacturing* which will lay down a broad base of industrialization in Nigeria. Key sectors in

manufacturing that hold prospects are iron and steel, non-ferrous metals, consumer durables, textiles, leather products, paper products, and fabricated metal products. With rising disposable incomes and construction boom, opportunities also exists in non-metallic building materials like bricks, ceramics and glass. *Pharmaceuticals* and *Computer peripherals* and power-support systems hold great potential for investments. Much of the rich endowments of *minerals* in Nigeria like coal and tin are yet to be fully exploited. Nigeria has one of the best quality coal deposits in the world with the lowest sulphur content. Opportunities exist for the exploitation and export of natural gas, bitumen, limestone, coal, tin, gold, silver, lead-zinc, gypsum, glass sands, clays, asbestos, graphite, and iron ore, among others (www.ficci.com).

There are no direct *air services* between India and Nigeria. Air travel between India and Nigeria involve transfer at a hub, with Dubai, Addis Ababa, Nairobi, Cairo, Doha, Frankfurt and London being popular(Ministry of External Affairs: 2014). Commencing a direct flight between Nigeria and India would boost trade relations between the two countries. Equally, Nigeria could benefit from Indian experience and her successes in *Small and Medium Enterprises (SMEs)* development which form the cornerstone of the Indian economy.

Likewise Nigeria has potential to become one of the hubs of *medical tourism*. The fragile state of the nation's health care delivery system, lack of requisite equipment, manpower and expertise are reasons for large exodus of Nigerian visiting India as medical tourist. India can collaborate to establish health care facilities, build hospitals and share its medical expertise to make healthcare easily accessible and affordable to Nigerians and stop the high cost of travelling and medical expenses paid by Nigerians in India(The Sun: July 09, 2014).

The recent headlines about *declining crude prices* across the globe should be a stern reminder for oil rich countries to not put all their eggs in one basket. Nigeria should, therefore, not be carried away by the financial gains to be made from the sale of crude oil, but should rather pay special attention to technological co-operation and skills acquisition which it needs for development (Wapmuk: 2012).

In recent times, India has made several overtures towards not only Nigeria, but also towards other African countries. The phenomenon should not be interpreted as a *'new scramble'* for Africa's resources and markets. It must be seen as a re-branding of a relationship in the context of old ties, such as in the heyday of NAM and the anti-colonial struggle, and within the spirit of South–South co-operation. The first Africa Summit held in New Delhi in April 2008 witnessed a serious strategic push by the Indian government to strengthen its ties with leading African nations, with Nigeria being one of the 14 African countries represented at the summit. Both countries, as

members of the Global South, should continue to work towards strengthening bilateral relations to their mutual benefit (Wapmuk: 2012).

CONCLUSION

The concept of Non Alignment acquires more teeth in the 21st Century given the constant struggle for dominance in today's multi-polar world order defined by new and brutal modes of warfare. It is in this light that the friendship between India and Nigeria forged during Non-Alignment decades needs ever more nourishing given the diverse challenges of the new millennium. It furthers underscores the pertinent need for rejuvenating the agenda of South-South cooperation. The historical relationship between Nigeria and India is based on mutual respect and perennial friendship. As India seeks to solidify her relations with Africa, stronger ties with Nigeria as global partner become an imperative. India acknowledges the importance of Nigeria and in particular, her leadership role in the West African region and in the entire African continent.

There is a need to significantly enhance mutually beneficial trade and investment exchanges between the two nations. The mutual bilateral visits will strengthen the commonalities and complementarities existing between the two friends. India's booming technological economy and its increasing demand for oil combined with Nigeria's untapped oil reserves and need for technology, logically implies that their relations will continue to be mutually beneficial. Nigeria and India would continue to work to strengthen this partnership to the mutual benefit of the two countries, their respective regions and the world as a whole.

The new political dispensation in India and Nigeria, under the aegis of Prime Minister Modi and President General Buhari respectively, is expected to give the required fillip to the traditional strategic bonhomie.

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