

# Regional Dialogue on Security Sector Oversight

*Report on CIS Parliamentary Roundtable,  
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## Introduction

On 24-26 October 2005, the UNDP Regional Centre for Eastern Europe and the Commonwealth of Independent States organized, in collaboration with DCAF (Geneva Centre for the Democratic Control of Armed Forces), a Parliamentary Roundtable on Security Sector Oversight. Forty-five participants from Armenia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Russia, Ukraine, and Uzbekistan, as well as international experts, attended. The event was held in Prague and co-sponsored by the Czech Government. It represents UNDP's first initiative on parliamentary oversight of the security sector and constitutes a starting point for regional and national-level programming in the CIS region.

In preparation for the roundtable, DCAF conducted baseline research on the current state of security sector governance in the region (see research report by Eden Cole, pages 16-37). In addition, all parliamentary delegations made presentations on the situation in their respective country.

Unlike the dynamics during previous roundtables, and due to the sensitivity of the topic, participants initially restricted their interventions to diplomatic statements. A frank and informal dialogue only emerged slowly. This experience reconfirms that dialogues on security require careful facilitation and an overall setup that promotes a candid exchange. On the other hand, it is also emblematic of the relative weakness of legislatures in the CIS region, where debate takes place, but where sensitive issues, especially those challenging the power ministries, are not typically discussed in the open. The political culture is defined by majoritarianism rather than consensus-building, and it is still influenced by a tendency to praise the leadership rather than to criticize it. As one participant put it: *We have the rights, but the rights are not exercised.*

### Box 1: Roundtable Evaluation

- 67% of the parliamentarians stated that they had increased their knowledge on parliamentary security sector oversight “to a great extent”; 33% stated that they had increased their knowledge “to a reasonable extent”.
- 78% of the participants recommended that workshops on security sector oversight should also be organized for other parliamentarians and for parliamentary staff. There were no participants who advised against further events of this type.

Note: The views expressed in this article are those of the author and do not necessarily represent those of the United Nations or UNDP.

- 82% of the participants felt that the roundtable was "fully" useful in light of their professional tasks, while 18% felt it was "partially" useful.
- 64% of the participants judged the length of the Roundtable as "adequate", while 36% judged it as "too short".

Some parliamentarians suggested that in order to strengthen democratic oversight in their countries, civil society and the media also needed guidance and support to improve their understanding of a) democratic governance and b) the mechanisms available to them to affect positive change on security issues.

## Security and Democratization

The recognition that oversight rights are not fully exercised sparked an exchange of views on basic concepts of democratic rule and democratic transformation. Some parliamentarians argued passionately that change depended on personality and could be brought about by charismatic leaders. Others countered that a country should not be built around persons but that the focus must be placed on strengthening institutions, reforming legislation, promoting adherence to the rule of law, and ensuring respect for the opposition. It was possible to observe a correlation between the views expressed by individual parliamentarians and the different stages of democratization in their countries of origin.

Dr. Daniel Smilov from the Centre for Liberal Studies in Sofia offered an academic analysis highlighting, amongst other issues, the different institutional factors in presidential and parliamentary regimes. He also suggested that effective parliamentary oversight of the security sector were likely hindered in countries that are engaged in nation-building, rather than state-building. This appears to be an important distinction when looking at countries that emerged from one block but which are now struggling for self-expression. However, Dr. Smilov's point was, not surprisingly, refuted by those parliamentarians that had previously explained why their young states should focus on building a strong national identity. Some also argued that countries have different histories, making it inappropriate to apply rules from elsewhere.

Dr. Philipp Fluri and Dr. Hans Born from DCAF emphasized that the intention of the roundtable was not to preach one model, but to share views and experiences on approaches that have worked. Although different points of departure exist, it was emphasized that democratic security sector governance always required emancipation from history. What the roundtable discussions brought to the forefront is that some countries in the region are undergoing quite significant democratic transformation and that their parliamentarians have taken steps to strengthen oversight of the security sector and enhance human security. Participants from other countries, however, questioned basic concepts of democracy and were evidently less willing to promote structural reforms that would make security decisions more transparent to citizens.

## Security and Oversight

There were conflicting views on who is to take decisions on security issues. In this regard, the executive, and most importantly the president, was identified as key actor. While none of the participants opposed some form of parliamentary oversight, views on the appropriate scope differed. One participant remarked: *Don't overestimate the role of parliaments*. Some parliamentarians even argued that strong parliamentary oversight would weaken the security sector, and expressed the view that most security related decisions should be made by security experts – i.e. representatives of the uniformed forces. This view became most evident when the participants tried to prioritize different oversight tools (see Box 2).

### Box 2: Parliamentary Tools for Security Sector Oversight

1. General powers of parliament
2. Budget control of defence issues
3. Parliamentary powers concerning peace-support operations
4. Powers concerning defence procurement
5. Powers concerning security policy and planning documents

A number of parliamentarians remarked that they did not need powers concerning defence procurement as they did not have the necessary technical expertise. Indeed, this is an area where parliaments frequently only have very limited powers. Although opinions on the importance of different mechanisms varied, it can be concluded that all participants were familiar with general oversight powers at their disposal (such as holding hearings, mounting inquiries, holding a question hour, summoning the defence minister to appear at committee meetings, gaining access to classified information, and so on).

A key objective of the presentations made by invited experts during the roundtable was to demonstrate that civilians can and must understand security matters if security is to be guaranteed as a public good, and that democratic oversight makes the security sector not only more accountable, but also more effective in protecting citizens. The experts also addressed knowledge gaps on more technical issues. For example, Dr. Yuriy Kryvonos from the OSCE Conflict Prevention Centre lectured on regional commitments specific to democratic security sector oversight as agreed upon in the OSCE Code of Conduct on Politico-Military Aspects of Security.

The discussion of concrete case studies allowed participants to review their opinions. In the context of a case study on military reform/ downsizing, one working group looked at a procurement case and concluded that the executive must provide in-

formation on defence procurement to parliament, including on tender processes to prevent corruption, together with longer-term strategic plans that justify expenditure at requested levels. With an atmosphere of trust slowly emerging, participants admitted that important decisions on security issues were out of view of the parliament and that they needed to learn more about how parliamentary control could be strengthened.

## Security and Human Rights

At the opening of the roundtable, Marcia V.J. Kran from the UNDP Regional Centre introduced a notion of human security interrelated to human rights, and highlighted that the security sector can be responsible for human rights abuses. Jaromir Stetina, Member of the Foreign Affairs Defence and Security Committee in the Czech Senate, remarked that transition from communism to post-communism to democracy implied risks, especially in the security sector. Several parliamentarians stated that an undemocratic regime and a lack of democratic oversight over the security sector represented a threat to citizens. These statements were either related to reflections on the communist past or to new restrictions placed on citizens' freedoms in response to terrorist threats. One parliamentarian warned: *If all security institutions are fighting terrorism, then they can turn into state terrorists.*

During the course of the roundtable, it became clear that most parliamentarians equated security with national defence: the concept of human security was not well understood. In addition, discussions on security were predominantly gender-blind. Participants' understanding of security seemed largely rooted in the idea of secrecy rather than in that of common good. Continued efforts should be devoted to furthering understanding of the human dimension of security, including the linkage between human security and human rights.

A working group that discussed a case study on the abuse of conscripts during initiation rituals in the military, recommended firm action by parliament to ensure that those responsible be punished and that future human rights abuse in the military be prevented through structural reform. Ombuds institutions were identified as useful redress mechanisms for human rights abuses. The group also suggested initiating a public debate to raise awareness of the human rights obligations of security forces; televising parliamentary debates was considered a good practice to raise issues for public discussion. The group agreed that human rights violations in the military had implications going far beyond the individual cases. One participant summarized this by remarking: *The military is a reflection of the society.*

Another working group looked at a case study on the proportionality of law-enforcement measures in response to a demonstration. The group unanimously concluded that the police may only use force when strictly necessary and to the extent required

for the performance of its duty. In case law-enforcement officials use excessive force, commanding officials should be reprimanded and the police reformed. The discussion of the working group benefited from a presentation by Martin Linhart, Deputy Director of the Department for Security Policy in the Czech Ministry of Interior. He reported on the steps that his government had taken to reform the Czech police force. Community policing was presented as an effective mechanism to reduce tensions between law-enforcement agencies and communities and address the risk for conflict inherent in adversarial relations.

## Security and Conflict

The discussions on security sector oversight also raised broader questions on the role of parliaments in crisis prevention and conflict resolution. Several parliamentarians expressed the wish to become more proactive in solving border and territorial conflicts through dialogue, and expressed an interest to learn about models of regional parliamentary cooperation on conflict resolution. Parliaments are not only oversight bodies. At the national level, they provide society with an important platform to promote dialogue on contentious issues. This potential should be used to resolve conflicts; parliamentarians from different countries can cooperate to approach effectively regional / cross-border conflicts, including frozen ones. The roundtable confirmed yet again that a regional parliamentary network is a useful platform for discussions on such sensitive issues.

## Conclusion

During the course of the three days, the following agreement crystallized:

1. Democratic governance and reform of the security sector must be applied contextually to each country.
2. Conditions for effective parliamentary oversight include:
  - Authority (legal powers)
  - Ability (resources, expertise, staff)
  - Attitude (broad understanding of security and willingness to hold government to account).
3. Competency of parliamentarians and parliamentary staff in security sector oversight is insufficient in the region and should be enhanced. Knowledge and skills of the political elite are underdeveloped, due in part to its high turnover since the breakdown of the Soviet Union.
4. All relevant oversight bodies should work congruently, draw on experiences of established democracies, and apply international best practices.

5. One of the main problems of managing democracy in a transition state is the lack of cooperation between civil society and parliament. Open parliamentary hearings and the engagement of civil society institutions/ the public are important tools for making the security sector more democratic.
6. Increasing democratic oversight is a difficult challenge because the various security agencies tend to be closed institutions.
7. A better understanding of technical issues is not enough to increase oversight. The key is to foster political will, respect for the opposition, and the rule of law.

Some suggestions put forward by participants of ways UNDP and its partner institutions could pursue the work on security sector oversight include:

1. Organize sub-regional follow-ups to allow for a more in depth discussion on various political and institutional realities.
2. Provide technical advice on how to strengthen the role of the opposition in parliamentary oversight and, in contrast, on democratic options for effectively countering parties which promote extremist views.
3. Present best practices on:
  - a) Effective parliamentary investigation
  - b) Confidentiality procedures
  - c) Interaction and coordination of all structures involved in security sector oversight (including various parliamentary committees, executive organs, the judicial sector, ombudsman institutions, and civil society organizations).
4. Help develop civilian expertise on security issues and train parliamentary staff.
5. Share experiences on the role of parliaments in the resolution of conflicts.

All participants agreed that any work on parliamentary security sector oversight should be linked to broader assistance programmes for parliamentary development, aiming at the professionalization of parliamentary staff and greater institutional effectiveness of parliaments.

### Box 3: Czech Trust Fund

UNDP would like to thank and recognize the Czech Trust Fund for providing financial support for this roundtable initiative. The close cooperation between UNDP and the Czech Trust Fund was established in 2000 as the first example of “emerging donor” cooperation in Central Europe. Since then, the partnership between UNDP and the Czech Trust Fund has not only contributed expert knowledge in the areas of focus, but has also helped to build a network of contacts between Czech experts, national representatives from various countries in the region, and members of international organizations.