

Recommendations for Improving Democratic Oversight and Guidance of the Security Sector

*United Nations Development Programme/ Geneva Centre
for the Democratic Control of Armed Forces*

Introduction

These recommendations are primarily intended to guide parliamentarians, civil society organisations and the international development community. Together, the recommendations aim to support countries that seek to establish and maintain substantive democratic oversight and guidance of the security sector.

The recommendations are grounded in the established principles of good practices in security sector reform and governance. Moreover, they assert the principle that good governance norms can only take hold in a society and its polity when there is 'local ownership' of secu-

rity sector oversight issues. Establishing understanding of, and mechanisms for, transparency and accountability across the security sector remains a critical issue in many post-authoritarian countries.

To help entrench parliamentary oversight and guidance of the security sector within the context of democratic governance, and to strengthen the effectiveness of the security sector, it is recommended that the following concrete measures be taken to improve both the understanding and capacities of actors involved in ensuring democratic oversight of the security sector.

Recommendations for Parliamentarians

Create a Legal Framework

1 Develop an over-arching legislative framework that will create an optimal environment for democratic civilian oversight of the security sector, which reflects international norms and adjusts the constitution to reflect those norms.

States need to anchor firmly the concept of democratic oversight and guidance in their key constitutional documents. The principle of civilian supremacy over the security services, independently monitored and enforced by democratically elected parliamentarians, can be embedded not only in a state's key legal documents but also in its con-

sciousness. These principles then need to be applied in practice. One method is through the adoption of a law on civilian oversight of the security sector (see Box 7).

Another method is to include provisions that guarantee civilian oversight in each of the laws that regulate the security sector, e.g. the police act, protection of official secrets act, internal security services act, foreign intelligence act, states of emergency act, national defence act, financial accountability act, military (and alternative) service act, conscientious objectors act, defence procurement act, or freedom of information act.

Box 7: Model Law on Civilian Oversight of the Security Sector

Developed in 2002 by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) in partnership with the CIS Parliamentary Assembly, the Model Law on Civilian Oversight of the Security Sector was created to help former Soviet countries create legislation, which embeds the concept of democratic civilian oversight of the security sector in their countries as per the obligations of the OSCE Code of Conduct. The model law can be found at http://www.dcaf.ch/_docs/bm_fluri_nikitin_cis_model.pdf (English) and http://www.dcaf.ch/_docs/bm_fluri_nikitin_cis_model_ru.pdf (Russian)

2 Develop legislation specific to each security sector component and law enforcement agency in accordance with international precedents.

Given their different mandates and competencies, it is important that legislation distinguishes between defence and intelligence services on the one hand, and law enforcement agencies such as the police and border guard services on the other.

3 Develop legislation which guarantees the independence, functioning and availability of suitable instruments for democratic institutions to monitor the security sector.

Parliamentarians must systematically develop and embed in legislation the tools necessary for democratic institutions to effect oversight. Within parliament, MPs need, as a minimum, statutory rights to hold inquiries and regular hearings; to ratify budgets, procurement decisions and international agreements; and to conduct these activities in the public arena.

Additionally, the legislative framework needs to ensure that the dialogue between democratic institutions and actors on security issues is underpinned both

by laws defining the responsibilities and available means for each of these actors and laws ensuring that there is neither intended nor unintended immunity for any security sector actor.

Parliamentarians need to ensure that the ombuds institution has a statutory right to monitor, enquire and report on security actors' activities; that the judiciary can oversee court cases against security actors; that prosecuting lawyers in those trials as well as law-enforcement investigators investigating crimes or accusations can gain access to documents, employees and premises of the security sector actors to fulfil their tasks; and that adequate state funding is made available for all of the actors concerned, not only for procedural activities but also in the event of emergencies.

Overall, although overlaps do occur occasionally, the division of labour is based on the free flow of information between all these institutions, as accelerated by the activities of civil society and the media.

4 Integrate human rights norms into laws relevant to the security sector.

Since the security sector is prone to human rights abuses - both within the sec-

tor as well as by the sector – it is vital to develop legislation on human and civic rights, including instruments for safeguarding such rights (e.g., ombuds institution and the right to access information). Equally important is to ensure that security sector legislation incorporates the same principles.

5 Develop strategic documents outlining the specific roles, taskings and means available to security sector components.

To develop a coordinated approach to security sector oversight, demonstrate the inculcation of security sector governance principles, and ensure common awareness of the roles and tasks of the security sector's components, it is crucial that states develop policy documents such as a National Security Policy, Crisis Management Plan, Defence Doctrine and 'White Book' on Defence, as well as codes of conduct for servicemen and law enforcement officials, which specify the mandate, roles, powers and limits to those powers, resource costs, and available budgets for relevant security sector actors. These documents should build upon a broad understanding of security which extends beyond state security and integrates the issues of human and civic rights and specifies instruments for safeguarding such rights.

6 Demand democratic, accountable and effective executive control and well-functioning internal control mechanisms within the military, police, border police and intelligence services.

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Parliamentary oversight can succeed only if the executive is really in charge of and accountable for the armed services and if the military and law enforcement agencies are disciplined and professional. Therefore, in addition to informal control by civil society organisations and media, there are three levels of democratic control, and each one of them is dependent on the next level, i.e., internal control within the agencies, parliamentary control and executive control.

7 Ensure that security services address the real security concerns of the people, and that taxes and other resources are used for their intended purposes, seeing to it that the security services operate in the interests of society and observe the human rights of men and women.

In terms of legislative measures, this can be facilitated by having security services which are:

- governed by statutory laws,
- operate on the basis of clear and transparent rules of procedure,
- staffed with officials who are recruited and selected through transparent and public processes,
- possess whistle blower protections,
- accountable to independent courts and ombuds persons.

Create the Means for Oversight Within Parliament

8 Create specialised committees to deal with each component of the security sector.

Just as each security sector component has a different mandate, committees on defence (armed forces), intelligence (domestic and foreign intelligence services) and law enforcement (police and border police) each face very different issues. Parliament should take responsible ownership of these committees by setting the agenda, planning activities, reporting on them to the plenary and public, and appointing the chair and membership of these committees.

9 Create *ad hoc* inquiry committees to deal with unexpected incidents and issues.

Ad hoc committees and inquiries are sometimes needed to address a particular incident or issue, and provide a way in which opposition parliamentarians can perform their democratic function by holding a government accountable for its policies. The right of opposition parliamentarians to request such inquiries provides a vital means for them to investigate under-performance and illegal activities in the security sector.

10 Establish balanced policies and clear terms of reference for the defence, intelligence and law enforcement committees based on the principles of transparency and accountability.

Clear terms of reference should include the following content and provisions:

- Full ownership over appointments of committee chairpersons, members and staff as well as ownership over the frequency and agendas of committee meetings, including committees' budgets;
- Right to examine and report on any policy initiative announced by the ministry of defence or ministry of interior (or equivalent), including long-term planning, reorganisation and major equipment proposals;
- Right to conduct inquiries and public hearings on any issues raising special concern;
- Procedures for hearing petitions and complaints from citizens and from people working in the security sector;
- Right to consider draft legislation and relevant international agreements;
- Right to examine budget estimates and budget details, supplement any requests and audits, and to report on measures of efficiency and rationalisation;
- Right to have access to classified information;
- The power to summon any government official to committee meetings and to question them under oath.

11 Ensure balanced representation in all committees, including by opposition members and female and minority parliamentarians, facilitating fair representation of the interests of the whole population.

Committees that do not have a representative membership will suffer from a lack of credibility, thus weakening their impact. Opposition parliamentarians tend to have a greater interest in uncovering shortfalls of a government than do representatives of the majority. The participation of opposition parliamentarians thus leads to a more thorough oversight.

In most countries women are strongly underrepresented in security governance bodies. It is important to include them because they can provide important additional, but often overlooked, perspectives on security issues. Of course, the representation of female parliamentarians in security-related committees provides no guarantee that the gender dimension of security will be taken into account in committee deliberations, neither is their absence a reason to disregard women's security needs. Still, the representation of female parliamentarians in relevant committees is an important measure to facilitate attention to women's security needs to help create gender-sensitive decisions on security matters. It is moreover an important goal in itself to achieve a gender balanced representation.

12 Create effective rules and procedures for each committee.

Rules and procedures need to be strong enough to subject any issue to intense public scrutiny. Moreover, there may need to be exceptional procedures incorporating confidentiality issues in certain clearly defined circumstances whilst

still allowing the parliamentarians access to all relevant information.

13 Hold regular committee hearings on security sector oversight issues.

By holding regular hearings on security sector issues and systemically interacting with other committees, each committee can ensure that it is fully briefed on key issues, aware of new and future developments, and reinforce its authority as a key instrument of democratic oversight.

14 Train and use civilian permanent parliamentary staffers within parliamentary committees to work alongside parliamentarians and advise on oversight issues.

Parliamentarians are generally busy on a range of issues, thus by building a team of civilian, professionally trained security sector expert staffers for the committees concerned, the ability of those committees to take informed decisions on oversight matters and keep abreast of contentious issues is greatly increased.

15 Insist on and participate in policy-making and review cycles.

The initial evolution of policies affecting the security sector is often the weakest link in the policy-making process. Parliamentarians can remedy this problem by planning interventions on security sector issues from the outset of a policy-making cycle, while also systematically reviewing the process as it becomes more advanced. Such a proactive oversight strategy enables

parliamentarians to anticipate events instead of reacting to past events only.

16 Broaden the consultation process on policy development by holding public hearings on budget, legal, human rights, law enforcement and defence issues.

The participation of experts from the public and from civil society groups working on security sector oversight issues at hearings on policy development and draft documents can greatly improve the legitimacy and effectiveness of proposed policy instruments by virtue of rendering the process more transparent and accountable. As with parliamentary staffers, by inviting independent civilian security sector, human rights and legal experts from national and international civil society to assess constructively policy and practices, parliaments gain objective advice on security sector oversight issues.

17 Encourage parliamentary unity on security sector oversight issues.

A lack of discipline within and amongst opposition parties is often identified as one of the major obstacles to holding a government accountable. In fact, such differences of opinion often allow

an executive to exploit its position for its own ends. To give a clear voice to democratic oversight issues in parliament, it is important that opposition parties consider their positions on relevant issues not only within their own party but also with other opposition parties.

18 Ratify all international agreements which facilitate democratic oversight and guidance of the security sector, including those which guarantee human rights, incorporate them into national legislation and monitor their effective implementation.

Binding ratification of relevant international treaties by parliaments is a vital way to ensure that the executive and state agencies are bound by international law to meet and uphold certain minimum standards of democratic oversight.

19 When existing capacity is insufficient, seek impartial assistance on meeting your country's obligations under international law and international agreements relevant to democratic security sector oversight.

Many development agencies now recognize the crucial importance of security sector governance and can offer assistance to reform initiatives.

Box 8: Parliamentary Empowerment and Capacity Building in Ukraine

From 2002 onwards DCAF has cooperated with the Defence and Security Committee of the Parliament (Verkhovna Rada) of Ukraine on security sector oversight issues. The emphasis has been on 'help for self-help': the Committee identifies security governance problems and then requests international assistance with the

problem-solving process. In this way not only was understanding of security problems increased, but capacities to understand, solve and develop new instruments were also developed.

As of today, activities have included: Roundtables on the 'Draft Law on Parliamentary Oversight of the Security Sector' (incorporating hearings on money laundering issues) (September and December 2002); Conference on 'Defence Policy of Ukraine: Reality and Perspectives' (September 2003) focusing more closely on defence policy issues in the context of a reformed security sector; Conferences on 'Ukrainian Security Sector Reform' (May 2004), 'Defence Institution Building – Establishing a Strategic Planning MoD Department' (July 2004); Roundtables on 'Parliamentary Oversight of the Security Sector – Defence Budget Transparency and Parliamentary Powers' (April 2004); 'Personnel Policy in the Defence and Security Sector: Oversight of Senior Cadre Appointments' (July 2004); and Security Sector Governance Conference 'Current Problems of Defence and Security Sector Reform in Ukraine' (May 2005). The process of rendering advice on legislative oversight issues has also been underpinned by sponsorship of the collation, translation and printing of all existing Ukrainian security sector laws, which were collected by the Defence Committee of the *Verkhovna Rada*.

For further information see: http://www.dcaf.ch/lpag/_index.cfm?navsub1=4&nav1=3

Monitor Internal Security Sector Expenditures and Appointments

20 Systematically monitor procurement issues across the security sector.

Defence, law-enforcement and other security procurement issues merit careful scrutiny by parliamentary defence committees. Cumulatively, the goods and services involved form one of the most expensive items of a government's annual expenditure. Secondly, the secrecy and high financial and diplomatic stakes often involved in the international arms trade means that decision-makers in the military, executive and parliament can be subject to corrupt approaches from inter-

nal and external actors. Thus, the legislative branch needs to be involved in monitoring defence and security sector procurement not only to monitor the executive branch but also the practices and policies of state agencies.

Parliamentarians need to make sure that they oversee the whole procurement agenda, including needs assessment, budget availability, equipment selection, selection of suppliers, approval of contract, as well as any 'offset' contracts which involve the provision of a particular asset or service as part of a procurement deal with a foreign firm.

In countries with a strong state defence sector there is a firm need to prevent the armament industry from gaining a disproportionate share of the state bud-

get and that government members, civil servants, departments, agencies, or corporate interests do not seek illicit profits from unregulated arms exports.

Parliaments should also enact laws for defence procurement processes, and the export of new and used defence equipment should be subject to parliamentary approval, in accordance with international treaties and law.

21 Ensure cadre appointments are transparent through parliamentary ratification.

The appointments of top generals and commanders in the various security and intelligence services should be subject to the approval of the relevant parliamentary committee. Such committees should have the right to give and withhold consent for appointees, not least through convening public confirmation hearings to review the qualifications of candidates. At the very least, parliament should be consulted by leaders in the executive on senior security sector appointments.

Legislation regulating security sector agencies should include a clear framework outlining the process for appointing the most senior officials. It is vital to independently verify the relevant qualities of leadership, integrity and independence in potential appointees. The appointment process should be transparent and consultative, commensurate the status of the position.

As a minimum, it is necessary that appointments should be open to scrutiny outside the executive and the agencies concerned. For this reason, in many states

the top appointments in the security sector are subject to consent by parliament. The appointment verification role may prevent unsuitable candidates being proposed in the first place and may lead to the government discussing, and in some instances, negotiating with other political actors in order to avoid political controversy and to ensure a bi-partisan approach.

22 To attract top quality personnel, check whether the government/executive is a 'good employer' for security sector personnel.

For example, check whether the working, safety and health conditions of servicemen and women in the barracks are sufficient, whether salaries are paid on time, and whether pensions are paid according to plan.

Create Adequate Means for Oversight Beyond Parliament

For constructive cooperation on security sector oversight by parliament, the executive, democratic institutions and civil society, it is vital that parliamentarians ensure the adequate functioning of other oversight mechanisms.

23 Ensure that an executive oversight body, e.g., a national security council, is established.

As a body through which the executive can perform its role in security sector oversight, a national security council is also accountable for the executive's actions in security sector policy-making and practice.

24 Ensure that an independent human rights ombuds person and a military ombuds person (sometimes called inspector-general) are established.

Independent institutions ensure the protection of civilians from human rights abuses and also monitor the rights of those working inside the security sector.

25 Encourage the establishment of inter-ministerial regulatory and oversight bodies comprised of senior representatives from relevant security sector ministries.

In transition democracies, the establishment of inter-ministerial regulatory bodies intended to focus on oversight issues can assist with promoting accountability within ministries.

26 Establish formal and informal coordination bodies at the national, district and local levels, including government officials and local NGO representatives.

The creation of coordination bodies provides a platform for constructive criticism of the policies and procedures of security sector actors and also allows civilians to increasingly gain local 'ownership' of security problems.

27 Participate in inter-parliamentary dialogues and cooperation aimed at increasing awareness and understanding of security sector governance.

Within a given group of states in a region, parliaments can cooperate to ensure that they all have at their disposal the same access to information, for example, by pro-

ducing joint annual reports and by having regular conferences of the chairs of the national parliamentary defence committees. Such inter-parliamentary dialogues can promote the exchange of experiences and best practices and serve as a step towards greater standardisation of oversight practices, including those on human rights, democratic institution building and civil society participation. They can also facilitate cooperation on trans-border security issues such as trafficking and crime, or support dialogue on conflict issues.

Through dialogue on these issues, parliamentarians not only keep themselves well briefed and oriented on international legal issues, but it can also improve their understanding of issues and legal instruments available to help assert democratic oversight.

Democratic & Human Rights-Based Institution Building

28 Ensure that legally mandated institutions exist to coordinate monitoring, oversight and enforcement activities throughout the country, that they function effectively and cooperate with all relevant ministries and civil society partners.

Whilst paying attention to the security sector's specific needs, it is important for parliamentarians to ensure equally that democratic institutions which monitor and enforce security sector oversight function adequately. The independence of the judiciary and the ombuds institution, and the availability of enforcement mechanisms, legal instruments and ad-

equate funding are vital to ensure the transparency, stability and accountability of the security sector.

29 Ratify international agreements which facilitate democratic oversight and guidance of the security sector, including those which guarantee human rights for men and women.

Again, binding ratification by parliaments is a vital way to ensure that executives and state agencies are bound by international law to maintain certain standards.

30 Work to create mutual confidence and understanding between civilians and the security sector.

It is important to see the relation between civilians and the military as an issue of shared responsibility, which should be characterised by trust and dialogue. Trust and dialogue are not natural phenomena – they both have to be earned. For example, if parliamentarians at the defence and security committee leak classified information to the press, the military and other security officials would be very hesitant to share such information with the parliamentarians at a later time. On the other hand, if the military covers up scandals, the trust of civilians in the military will be seriously damaged. A democratic parliament can act as a constructive intermediary between the various stakeholders.

Managing Change in the Security Sector

To ensure the emergence, inculcation and proliferation of best practices, a programmatic assessment of the status of

security sector governance in a country can allow parliament to gain objective insight and benchmarks into both status and needs of democratic oversight. Donors are anxious to help new democracies make substantive steps in security sector reform and identifying areas for international assistance helps a country to create ownership of its security needs. The relevant committees can undertake and coordinate such assessments.

31 Identify needs for security sector reform programme implementation.

Undertake comprehensive assessments to determine the full impact of security sector reform needs by individual actor/agency, including police, border police, intelligence, defence, general staff etc., and ensure adequate follow-up.

32 Develop draft multi-year action plans with predictable funding commitments in order to facilitate oversight of planning and implementation and to guarantee feasible budgeting.

Such steps will also facilitate any approaches to the international development community for advice on technical issues. To ensure parliamentary involvement in the reform process, it is particularly important to insist that parliament be consulted and regularly briefed on assistance agreements entered into by the ministries of defence and interior.

33 Identify a list of the most urgent needs.

To help bring democratic security sector capacity development forward as a prior-

ity during consultations within the country but also with the international community, identify the most critical issues affecting security sector governance.

34 **Seek expert assistance to foster consensus on the benefits of transparency and accountability in the security sector, including the interrelation of and differentiation between human rights, human security, defence needs, policing, intelligence and law enforcement.**

One of the greatest sources of resistance to democratic oversight of the security sector is the misperception that creating transparent and accountable institutions weakens defence and law enforcement agencies. Instead, countries with corrupt security agencies are usually less developed as excessive secrecy allows security agencies to conceal inefficiency and waste which, in turn, deters foreign investment due to their corruptibility.

Recommendations for Civil Society: Participating in Democratic Oversight of the Security Sector

Civil society organisations (CSOs) have a crucial role to play in democratic oversight of the security sector from the national to local level. Depending on their precise mandate, CSOs can provide vital testimony, information and analysis to parliament and other democratic institutions about the ways in which national security policies and activities affect their members and society as a whole. They often represent interests of marginalized groups and thus have the potential to bring a wider range of interests to the fore. In many post-conflict societies, CSOs have played a vital role in supporting the development and protection of the security sector through various functions, ranging from facilitating aid to facilitating trust between the general populace and the authorities.

Moreover, CSOs perform the same function by interacting with the media whom are often the first to either bring to light problems identified by CSOs or to ask CSOs for their opinion about controver-

sial issues. CSOs can then also interact with the institutions concerned to develop solutions to problems in the security sector. In general, CSOs concerned with freedom of speech, human rights, policing, access to justice and defence issues tend to be in the forefront of discussions on security sector issues, but it is important to note that those concerned with minorities, women, gender relations and children also have a valuable contribution to make.

1 **Develop monitoring and analytical capacities with which to document and report on the ways in which security sector actors affect not only CSO members but society as a whole.**

CSOs are often best placed to perform these functions by virtue of their mandate as non-governmental organisations, which are not intrinsically concerned with the preservation of a government's mandate. Data from a diversity of CSOs often allows common themes as well

as marginalised issues to be identified more quickly and for appropriate solutions to be rapidly developed.

2 Develop monitoring and analytical capacities with which to document and report on the effectiveness with which democratic institutions regulate security sector actors.

Assessments of the competence of democratic institutions with responsibility for security sector governance should cover the following principal institutions: parliament, the judiciary, the ombuds institution and local police boards.

3 Ensure that the governance mechanisms of your organisation are transparent and accountable.

CSOs must be as accountable as any other actor involved in debates on security sector governance. CSOs can be open to the accusation that they are neither accountable to anyone nor that their competences are measurable. CSOs should thus have, as a minimum: clear and easily accessible terms of reference, statutes and duty guidelines; prohibitions on conflicts of interest; an elected governing board; annual and other financial audits; and annual and other reports issued to outline the CSO's performance of its mandate.

4 Enhance expert capacities to maximise the utility of CSOs' input into discussions on and investigations into security sector policy and practices.

CSOs can enhance their skill-sets and knowledge bases by training their staff responsible for security issues. Subjects for training include awareness of interna-

tional norms, precedents and best practices on security sector reform issues.

5 Interact with local and national media in discussions on security sector issues.

By monitoring and reporting on security issues, CSOs are often requested to comment on important security issues, while also having the capacity to bring to light such issues in the first place.

6 Develop awareness raising capacities.

At local and national levels, CSOs' awareness raising capacities are dependent on their resources, skill-sets and budgets. CSOs need not only to be able to tailor their capacities to promoting solutions to problems at hand, but also to develop those capacities in direct proportion to their profile and available resources.

7 Develop training capacities.

At local and national levels, the capacity of CSOs to train civilians on substantive issues remains one of their most important functions alongside awareness raising. The ability to substantively inform and train civilians on relevant issues enables CSOs to simultaneously spread understanding alongside awareness.

8 Develop the capacity to mount sustained campaigns on critical oversight issues.

On the basis of monitoring, analysis, reporting and media interaction activities, when CSOs identify problems which remain unaddressed or unsatis-

factorily resolved they can lobby local and national representatives, institutions and the media to focus attention on these issues. Platforms can also be built with which to engage the same actors at the international level. Campaigns can have an informational nature but can also vividly draw attention to a particular problem and advocate a solution.

9 Seek to pursue a dynamic role in security sector oversight issues at local and national levels.

By virtue of their specialised focus, agendas and memberships, CSOs can provide a vital role by contributing their relevant input to discussions at national and local levels. At the national level CSOs can interact with parliament, national media, government departments and democratic institutions; at the local level with their parliamentarian, local media, and the local representatives of government departments and democratic institutions.

10 Build networks with other CSOs working on related security sector oversight issues.

For reasons of mandate, funding and human resources, CSOs often focus on a narrowly defined set of issues. Since each CSO has different skill-sets and resources, a dynamic interaction between CSOs on a particular issue helps to improve their capacities to campaign on that issue. Furthermore, the improved cooperation not only enhances advocacy, but also prevents the duplication of efforts by organisations with often limited means.

11 Use established networks to create and share campaign platforms with other CSOs working on security sector oversight issues.

Sharing a platform with local, national or international CSOs not only improves the availability and diversity of skill-sets to perform a particular task: the act also creates a mandated forum through which the collective consensus of CSOs can be expressed to others, including government authorities, the media and donors. Through the process of such networking, CSOs enhance their support-base, thus increasing their leverage to influence decisions.

12 Seek to actively participate in legislative consultation and the formation of regulatory networks.

On the basis of their expertise, CSOs have a crucial role to play in contributing to debates on legislative reforms in their countries, particularly those that support freedom of association, the establishment of regulatory frameworks, freedom of speech and the media.

13 Undertake a gender analysis and ensure that the security interests of men, women and children are factored into CSO agendas.

It is important to analyze the different security issues affecting men, women and children and to integrate these issues into CSO agendas and activities. Women and children are often affected by a range of issues – for example, human rights, access to justice, discrimination, law enforcement, minority rights and social welfare needs – which, whilst cumulatively form-

ing a large corpus of interests and needs, are often overlooked.

Activities can take several forms, based on prevention, protection and empowerment, whereby CSOs can seek to act as advocates on the following issues.

The prevention of violence against women through:

- Increased awareness raising on the rights of women and gender-based crimes
- Increased awareness raising on the punishment of perpetrators
- Effective training for the police
- Effective collection of gender-disaggregated data
- Furthering research on causes, consequences and solutions
- Effective monitoring and assessment
- Attention by relevant oversight bodies to cultures of violence, and gender relations that perpetuate violence against women

The protection of women against violence through:

- Universal ratification of international instruments on international human rights and humanitarian issues

- Effective implementation of legal reform and improvement of access to justice
- Ensuring adequate punishment of perpetrators in law and in practice
- Strengthening institutional mechanisms for protection, including through training on gender relations and women's security needs
- Allocation of proper budgets
- Establishment of shelters and support mechanisms
- Protection of women in armed conflicts

The empowerment of women against discrimination through:

- Education and training
- Participation in decision making.

14 Ensure the needs of minorities and other vulnerable groups are addressed.

In the aftermath of conflicts, there are often displaced minorities, ex-combatants, and ex-prisoners who are particularly vulnerable when a security sector is weak. These groups can benefit from the application of the agenda for advocacy outlined above.

Recommendations for Donors: Addressing the Governance Dimension of Security Sector Reform

Donor countries and internationally mandated organisations can support post-authoritarian security sector reform. The relevance of security sector reform for democratic governance and human development is now broadly recognized, and a commitment to this issue has been made, for example in the OECD/ DAC process. Given that the national willingness for far-reaching reform is often identified as a stumbling block, assistance should not only focus on the functioning of security providers but also involve policy-oriented activities, such as briefing, advising and helping to embed oversight bodies.

Security sector reform assistance still tends to focus on the executive and the security providers, with parliaments and the public at large only marginally involved. This approach leads to increased competence of the security instruments at the disposal of the executive while not addressing the governance dimension, i.e. the accountability of those instruments to the elected parliament.

1 Document and explain the differences between concepts of defence, human security, transparency and accountability.

It is often not clear that transparency and accountability in the security sector, and in particular in the defence sector, can improve a state's defensive capacities rather than weaken them. Conscripts and professionals alike who suffer repeated human rights violations are less effective

than those whose rights are protected. These violations might also lead to the perpetration of a violence culture that contradicts and undermines the sector's purpose. Similarly, corruption can lead to the loss of small arms ammunition, fuel and other high-value items. Parliamentarians must be encouraged to help create and maintain transparency mechanisms preventing such resource losses.

2 Explain the roles of specific security sector institutions in democratic governance and under the rule of law.

Elaborate the specific roles of the judiciary, ombuds person, inspector-general and civil society in security sector governance and the interrelation of each of these various institutions and actors, including limitations on absolute executive privileges. Moreover, it is important to elaborate the role of human rights in the security sector context and explain the ways in which security sector governance is a dynamic process.

3 Stress the role of civil society and the importance of consultation processes to create local and national ownership of security problems and seek ways to affect it.

Only by developing civilian interest and expertise in these issues can truly democratic oversight be effected. Civil society can serve the dual function of empowering parliamentarians through information on the one hand, and on the other by holding parliament, institutions and the executive accountable through monitor-

ing and media activities, as well as bringing to the fore interests of marginalised groups such as women and minorities.

4 Promote the notion of human security as an alternative vision to a state-centric security agenda.

The human security concept is still poorly understood in many transition and developing countries. Where the national security strategy and parliamentary debates are dominated by a state-centric vision of security, democratic oversight will remain weak, with a negative impact on human rights and human development for both men and women.

5 Offer financial and technical assistance to relevant parliamentary committees.

Relevant assistance for committees includes, but is not limited to:

- Advising on the composition of committees and rules of procedure
- Developing understanding of budgetary matters, audit, review and procurement
- Strengthening of investigative capacities
- Linking committees and MPs to defense experts, civil society and think tanks
- Providing expert advice on technical and legislative issues and facilitating access to specialized independent research on security matters
- Promoting exchange of experience with other committees, including through study tours

- Raising awareness of the human security concept, including specifically on issues affecting women's security (e.g. rape, trafficking, etc)
- Explaining and tackling cultures of violence within the sector through training and dialogue

6 Support training of parliamentary staffers and civil society experts.

In many transition countries, there is a lack of civilian expertise on security issues, both within and outside parliament. Training programmes can help to address this capacity gap. While dedicated training programmes are important, it is more sustainable, where possible, to help revise existing national training schemes and integrate security-related content into them.

7 Adapt assistance programmes to promote democratic oversight of the security sector.

Most development agencies have separate management and implementation processes for their work on democratic governance, rule of law and human rights on the one hand, and conflict prevention and security sector reform on the other. Important synergies often remain unexplored. New entry points for reform can be found when conflict, security and democratic governance issues are approached hand in hand.

A first step would be to include security-related components into relevant governance programmes, for example on parliamentary development, and to include human rights and governance components into security/ conflict pro-

grammes, for example on policing. In all cases, special attention should be paid to ensure that the elected democratic bodies at national, district and local level are duly included in consultation, planning and monitoring processes.

8 In some countries, it may be difficult to address security oversight issues through direct support to the defense or internal security committees. This can be the case when there is no willingness for reform or because the powers of parliament or the capacities of the judiciary are severely limited. Rather than abandoning the objective of enhanced security sector oversight, it can be possible to use an indirect approach by:

- Strengthening parliamentary independence (civil service statutes, professional staffing, parliamentary immunity, revised rules of procedure for parliament)

- Addressing political corruption (revised political party laws; money laundering legislation)
- Focusing on the powers and competencies of the budget committee
- Promoting parliamentary interaction with civil society and other sources of non-partisan information
- Revising legislative frameworks for free media, access to information and journalist protection
- Developing whistle-blower legislation
- Supporting an independent judiciary as well as ombuds institutions
- Supporting parliamentary human rights committees and their investigations

This is where it is most crucial to integrate a security perspective into democratic governance programming.

Box 9: Laying the Foundation for Parliamentary Oversight - UNDP Support to the Kyrgyz Parliament

Parliamentary oversight is a core mandate of any parliament's work. However, in most CIS countries, the capacity of legislators to conduct independent parliamentary oversight is still poor because of lack of knowledge and experience, and because of procedural and political factors that hinder parliamentary oversight. Any effort to enhance parliamentary oversight over specific sectors such as the security sector must therefore be informed by a critical assessment of parliament's oversight capacity and underpinned by a long-term strategy to institutionalize and professionalize the oversight function of parliament. It sometimes takes a long time before it is clearly understood that the legislative function does not end with the adoption of a law, and that monitoring the implementation process is just as essential for the rule of law and human security.

In response to the challenge of effectively implementing parliamentary oversight responsibilities, UNDP Kyrgyzstan embarked on a long-term project in 2001, which aims to support the Kyrgyz Parliament (*Jogorku Kenesh*) improve its oversight, legislative, and representative roles. Designed as a consecutive process, the first steps

focused on raising awareness among Members of Parliament (MPs) and parliamentary staff on their specific responsibilities concerning oversight, and the practical mechanisms to enhance it. The Kyrgyz Parliament received practical, non-partisan technical advice on oversight procedures and instruments by UNDP international advisors, as well as best-practice studies and experiences from other parliaments. This information promoted debates among MPs on the institutionalization of parliamentary oversight and encouraged reform-minded MPs to be proactive in supporting a process of change.

The creation of a legal base was a special priority at this first stage, and resulted in the establishment of a normative framework for parliamentary oversight. A special provision on the oversight mandate of the Kyrgyz Parliament was introduced in the national constitution as a counterbalancing measure against the concentration of power in the hands of the president. In 2004-2005 a chapter on parliamentary oversight was inserted into the 'Rules of Procedure', and a law on parliamentary oversight was adopted. The creation of a legal framework promoted the institutionalization of parliamentary oversight procedures such as budget hearings, parliamentary investigations, debates, and government reporting.

UNDP also assisted the budget committee to conduct hearings in line with a standardized procedure – including public announcements, the identification of participants, advance distribution of the budget, and receiving public feedback. In 2005 the draft Kyrgyz budget was placed on the parliament's official website for the first time and became available for those wishing to view it.

Additionally, one of the most important outcomes of subsequent stages of the project was the increased involvement of civil society organizations and non-partisan experts in the budget hearings. Not only parliamentarians attended these hearings, but also representatives of regional administrations and local community activists. In this way, civil society in Kyrgyzstan has an opportunity to interact directly with representatives of the central government concerning questions over government expenditures.

With the new situation in the country after the 'March Revolution' in 2005, and the new role of the Parliament in the national political arena, it remains important to continue this capacity development for parliamentary oversight and expand it into the monitoring of the implementation of laws and government reform projects in all public sectors, especially in vital social sectors.

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