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Strengthening Security Sector Governance in West Africa

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COOPERATION**

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Executive Summary

The Center for International Cooperation's Security Sector Reform project, funded by the Royal Government of Norway, undertook a comparative study of legislative oversight of security sector reform (SSR) in West Africa during 2008.

The aim of the study is to help strengthen ongoing SSR processes at the national and regional level by identifying shared obstacles and opportunities from three cases, Ghana, Sierra Leone, and Liberia, commissioned from an expert in each of the countries.

Across West Africa, the absence of effective, democratic governance of the security sector has been a significant causal factor of state fragility or civil war. Consequently, there is increasing public demand for better security sector governance. Meanwhile, there is concern that the SSR discourse promoted by donor governments insufficiently reflects the norms, values, and historical experiences of West African society and its citizens. Many civil society actors engaged in SSR in the region and in their own countries have also expressed frustration that their own considerable achievements, including the promotion of parliamentary oversight, are not sufficiently acknowledged.

By creating opportunities for citizens to have a voice in – and exercise control over – security policy and provision, the package of policy options presented herein should help bridge divisions between society and state institutions, building trust and legitimacy through greater transparency and accountability – essential components of preventing conflict and its reoccurrence.

A tragic irony is that the complete collapse of the security architecture of the state (as in Liberia and Sierra Leone) provides a more permissive and enabling environment for SSR than “non-conflict” contexts (as in Ghana).

Eight proposals to strengthen Security Sector Governance

Professionalization and governance of the security sector – the two pillars of SSR – mutually reinforce each other; they require a simultaneous rather than sequential approach. Yet SSR has tended to focus on restructuring and training militaries and police services, rather than on security sector governance, particularly in post-conflict environments. To promote a more holistic approach from the outset, mediators should ensure that oversight dimensions of SSR are included in political settlements.

Five of the proposals address ways to improve the technical and political skills of legislative committee members to effectively represent their constituents and exercise oversight over security actors. Strengthening legislative capacity democratizes oversight, counterbalancing executive authority, promoting power-sharing and compromise, and protecting minority interests; all of which are essential components of conflict management and peacebuilding.

On the technical side, legislative capacity building programs must account for frequently low levels of educational attainment among MPs, which can inhibit their efficiency and effectiveness. Second, they should train professional security sector committee staffs to provide advice to legislators and continuity when committee members are newly elected or reshuffled. A critical but limited third priority is supporting access to information through well-resourced libraries, the Internet, networks of civil society experts, and citizens. A toolkit of basic oversight skills, with guidance on how to draft security oversight acts, conduct a budget review, as well as question government officials and external experts, would provide a readily usable resource for legislators and research staff.

Parliamentary capacity building frequently is approached as a purely technical exercise, without consideration for the political dynamics motivating committee appointments, governing parliamentary procedures, and defining constituent

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¹ In this respect, the central tenet reducing the size of security forces may run counter to security in cases where there is an absence of alternative employment.

relations. More work is needed to promote procedures and identify incentives for political party leadership to make more qualified and sustained committee appointments. Training initiatives should incorporate skills and structures enabling parliamentarians to improve constituent outreach and engagement. Equally, strategies for strengthening legislative oversight should include initiatives to strengthen demand for accountability by civil society and the public at large.

For the majority of citizens in West Africa, security and justice are overwhelming provided outside of state regulatory frameworks. SSR efforts focus overwhelmingly on state institutions, however. Linking traditional security and justice systems to national security strategies and state regulatory frameworks may be a step towards rectifying weak state legitimacy by explicitly enabling citizens to choose their own forms of security.

The sources of insecurity – and, at times, the remedy – have been regional. Supporting the development of an SSR advisory capacity for the ECOWAS Community Parliament, including the establishment of a technical security assistance team staffed by local security sector experts, would begin to address the need for greater South-South capacity based on regional expertise and familiarity with the local context and its actors.

Strengthening Security Sector Governance in West Africa

I. Introduction

The Center for International Cooperation's Security Sector Reform project, funded by the Royal Government of Norway, undertook a comparative study of legislative oversight of security sector reform (SSR) in West Africa during 2008.

The research examined three cases: Ghana, Sierra Leone, and Liberia.² Each of these countries has had a different historical trajectory, but all share a common past of authoritarian regimes that placed their own security above that of their citizens.³ Ghana – among the more stable countries in West Africa – has followed a path of gradual democratic reform, but contrary to its reputation as an example of successful, nationally-led demilitarization, it has not undertaken SSR systematically in either conceptual or policy terms. Indeed, despite its strides in civilian oversight generally, progress in parliamentary oversight has been limited. In Sierra Leone and Liberia, politicization of the security sector, degradation of professionalism and command and control, predation, rampant impunity, and loss of public trust contributed to – if not exacerbated – armed conflicts. In both cases, the violence was halted through military interventions by the Economic Community of West African States (ECOWAS) and the deployment of large-scale United Nations peace operations. Both countries have experienced highly internationalized processes of security sector reform with the involvement of the UN, as well as the United Kingdom in Sierra Leone and the United States in Liberia.

The absence of effective, democratic governance of the security sector has been a significant causal factor in many cases of state fragility and civil war, as illustrated by the experience of numerous countries across West Africa, not least the recent coups d'état in Mauritania (August 2008) and Guinea (December 2008), and the unsuccessful attempt in Guinea-Bissau (November 2008). Security sector actors – particularly the armed forces and police – have often been an instrument for

² The country case studies were conducted by Kwesi Aning (Ghana), Thomas Jaye (Liberia), and Osman Gbla (Sierra Leone).

³ Ghana: (1958-1964) restricted democracy, (1964-1966) one party state, (1966-1969, 1972-1979, 1981-1992) military regime. Sierra Leone: (1971-1978) restricted democracy, (1967-1968, 1992-1996, 1997-1998) military regime, (1978-1991) one party state. Liberia: (1878-1980) defacto one party state, (1980-1994) military regime, (2001-2003) restricted democracy. (African Election Database, <http://africanelections.tripod.com/>, accessed October 6, 2008.)

ensuring the preservation of power rather than for guaranteeing human security.⁴

By creating opportunities for citizens to have a voice in – and exercise control over – security policy and legislation, parliamentary participation in the SSR process should help bridge divisions between society and state institutions, building trust and legitimacy through greater transparency and accountability.⁵ A legislature should, ideally, provide a forum for expressing the wishes and needs of citizens through the design and oversight of laws, by shaping executive policies, and through bargaining, compromise, and consensus building – providing accountability in between electoral cycles. As such, parliamentary participation may be a pre-condition for conflict prevention and conflict resolution at a broader level.⁶

The absence of effective, democratic governance of the security sector has been a significant causal factor in many cases of state fragility and civil war.

This study therefore seeks to gauge the contribution to conflict prevention of national and international efforts, to strengthen parliamentary oversight of the security sector and to draw relevant lessons, for multilateral and bilateral actors working to strengthen SSR in the West Africa region. Among these lessons, it seeks to examine existing and potential linkages between the state and traditional or non-statutory security sector actors, as well as the emerging oversight role of the regional security architecture of ECOWAS.

II. Overview of Security Sector Reform

According to the OECD/DAC definition, the security sector comprises four clusters of actors: (i) core security actors, including the armed forces and the police service; (ii) management and oversight bodies, such as executive, legislature, customary and traditional authorities, financial management bodies, and civil society organizations; (iii) justice and the rule of law institutions; and (iv) non-statutory security forces, including liberation armies, guerrilla armies, private security companies, tribal militias, and political party militias.⁷

Security sector reform aims to support the development of “efficient and effective security institutions that serve the security interests of citizens, society, and the state while respecting human rights and operating within the rule of law and under effective democratic control.”⁸ A conceptual underpinning of this goal is the belief that a democratic, accountable, and efficient security sector reduces the risk of conflict, thereby creating an enabling environment for economic development.⁹

In practice, needs, priorities, capacities, resources, and willingness for security sector reform differ substantially across countries depending on their past political, social and economic experience, culture, and legal environment. In the West African context, there is increasing public demand for security sector governance – including the successful advocacy by civil society groups in Liberia following the Comprehensive Peace Agreement (CPA) – for several reasons. The first is the role of the security sector in creating or failing to prevent insecurity. The second is the prioritization by West African governments of professionalization and modernization of their security sectors over governance reform, which together are the pillars of SSR.

The realization that security and development are interconnected has in recent years made SSR a priority of donors and other international actors. The Organization of Economic Cooperation and Development/Development Assistance Committee (OECD/DAC) has led the development of an emerg-

⁴The absence of effective oversight is associated with conflict; however, it is not the sole determining factor, as indicated by Ghana, as well as Senegal and Cape Verde.

⁵Of course, “democracy” does not necessarily yield good oversight. There is growing disillusionment with politicians and, in some countries, with the democratic system where democratic processes have not translated into accountability.

⁶Center on International Cooperation, “From Fragility to Resilience: Concepts and Dilemmas of Statebuilding in Fragile States,” *Draft paper prepared for the OECD, 2007*.

⁷OECD, “Security System Reform and Governance,” DAC Guidelines and Reference Series, (Paris: OECD 2005), pp. 20-21.

⁸M. Caparini, “Security Sector Reform and NATO and EU Enlargement,” *SIPRI Yearbook 2003*, cited in Peake and Scheye 2005, p. 299.

⁹OECD/DAC Handbook, *op cit*, p. 13.

ing policy and implementation framework, with the DAC's *Handbook on Security System Reform* providing a useful tool for both international and national practitioners. Within the UN, requests by members states for support to SSR processes and the growing inclusion of SSR by the Security Council in peacekeeping mandates led, in 2008, to a report of the Secretary-General that identified the organization's principles and approach to SSR.¹⁰ They also contributed to the reorganization of the Department of Peacekeeping Operations and establishment of the Office of Rule of Law and Security Institutions, as well as to the formation of a nascent inter-agency working group on SSR.

The SSR agenda has not been without controversy, particularly from "host" governments and societies for whom "reform" implies inherent inadequacies in the state security sector in need of Northern assistance. The discomfort of many African (not just West African) states with SSR can be traced to their experience with structural adjustment programs during the 1980s – imposed prescriptions that generally failed to deliver the results promised. In fact, a third reason for the shift in emphasis to security sector governance is a "protest" against the impression that SSR is donor driven. At the regional level, security sector governance is a core component the ECOWAS Conflict Prevention Framework.¹¹ Laurie Nathan has argued that security reform must be designed, managed, and implemented by actors from the host society rather than from outside.¹²

"Local ownership" is a core tenet of SSR as elaborated by both the OECD/DAC and the UN. The precise nature of this ownership has sparked considerable discussion and debate; meanwhile within West Africa there is concern that the DAC framework as promoted insufficiently reflects the norms, values, and historical experiences of West African society and its citizens.¹³ Many civil society actors engaged in SSR in the region and in their own countries have expressed frustration that the approach of the OECD does not sufficiently acknowledge their own considerable achievements, including the promotion of parliamentary oversight.

III. Summary of the Cases

Ghana

Since independence in 1957, Ghana has experienced intermittent democratic governance amid long periods of autocratic or military rule. During these periods, the security sector functioned as an extension of the ruling regime. Parliament was either circumscribed or disbanded outright, severely limiting accountability over the executive. In the 1980s, as the political terrain began to change, the ruling Provisional National Defence Council (PNDC) began instituting reforms of the defense sector. However, the primary objective of these early reforms was to prevent a counter military rebellion – not to introduce democratic reforms.

This began to change in 1992, when Ghana reinstated democratic governance and moved to strengthen civilian control over the security sector. The National Democratic Congress¹⁴ introduced new laws regulating the security and intelligence agencies, while introducing regional and district structures to bring security to the people. Following the 2001 elections, the New Patriotic Party – formerly the opposition – continued reforms. Yet despite the emergence of greater civilian oversight under perhaps the strongest democracy in the region,

Within West Africa there is concern that the SSR agenda promoted by donors insufficiently reflects local norms, values, and historical experiences.

parliamentary oversight has "not contributed to increased democratization and development as much as might be expected," as Aning's case study found. Democratic oversight of the security sector in Ghana has progressed, but the legacy of military control remains. Parliamentary authority remains weak relative to the executive.

¹⁰United Nations, "Securing Peace and Development: the role of the United Nations in supporting security sector reform." Report of the Secretary General.(A/62/659-S/2008/39), January 23, 2008.

¹¹ECOWAS *Conflict Prevention Framework*, January 2008, para. 72-26.

¹²Laurie Nathan, "No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform (revised 2nd ed)," (University of Birmingham, 2007), p. 4.

¹³In this respect, the central tenet reducing the size of security forces may run counter to security in cases where there is an absence of alternative employment.

¹⁴The NDC was formed by PNDC Chairman Jerry Rawlings to contest the 1992 elections in Ghana.

Liberia

Americo-Liberian elites governed Liberia, Africa's oldest republic, as a single-party state for more than 130 years. Despite a constitution steeped in democratic principles and a system of checks and balances, successive "imperial" presidents curtailed legislative and judicial checks on executive power and severely restricted the rights of indigenous ethnic groups. After the 1980 coup d'état led by Samuel Doe, state-perpetrated political violence in Liberia dramatically increased. This violence gave way to outright civil war, when Charles Taylor's rebels invaded in 1989. The conflict polarized Liberian ethnic identity and members of the Liberian security agencies aligned with one or another of the factions involved in the conflict. The result was "an amorphous array of warlords and renegade combatants [that] succeeded in holding the Liberian population hostage, whilst perpetrating horrendous atrocities."¹⁵

The complete collapse of the security architecture of the state provides a more permissive and enabling environment for SSR than "non-conflict" contexts.

Military intervention by the Economic Community of West African States eventually created the conditions for a ceasefire and elections. But the electoral victory and subsequent misrule by Taylor plunged the country back to further civil war. The Comprehensive Peace Agreement of August 18, 2003 included provisions for disbanding irregular forces and restructuring security forces. These led to a highly internationalized and technical process of reform, but one criticized by civil society groups for inadequate attention to security sector governance. Nonetheless, external control of the reform process has steadily given way to greater, if still insufficient, national ownership.

The central lesson of Liberia is that the use of private security companies by external actors to conduct SSR in post-conflict environments risks creating an additional layer of security governance deficit. DynCorp and PAE have begun to demonstrate success in training and barracking the Armed Forces of Liberia. The contractual relationship between these companies and the US Government significantly decreased transparency and the ability of the host government and society to exercise oversight and ensure accountability. Mistrust among key national stakeholders that the military was being trained to suit a foreign agenda could have been allayed by giving them a greater stake earlier in the reform process.

Sierra Leone

Sierra Leone was among the most stable and democratic countries in the West African sub-region until 1967, when it became embroiled in a series of military coups. Successive regimes oversaw the deinstitutionalization of the state. Politicization of security forces, dismantling of democratic controls, and establishment of shadow institutions led to unprofessional, undisciplined, fragmented, and corrupt forces. When Revolutionary United Front rebellion engulfed the country in war from 1991-2002, the security services were unable to offer resistance; rather, many of their members joined the rebels.

The SSR program in Sierra Leone, which began in 1999 under the auspices of the United Kingdom, has been undertaken with considerable international involvement and national participation. Successes have included the reconceptualization of national security as "people-centered," the inclusion of SSR as a pillar of the country's Poverty Reduction Strategy Paper, and decentralization of security architecture to focus on peacebuilding. At the same time, SSR in Sierra Leone has been criticized as being under "donor tutelage" and of being too donor dependent. Emblematic of this, foreign nationals initially served in executive positions, rather than serving as advisors. International involvement compensated for an extremely low revenue base that necessitated significant external financing, but has raised questions about the long-term

¹⁵ Festus B Aboagye and Martin Rupiya, "Enhancing post-Conflict Democratic Governance through effective Security Sector Reform in Liberia," in F. Aboagye and Alhaji M.S. Bah, eds., *A Tortuous Road to Peace: The Dynamics of Regional, UN, and International Humanitarian Interventions in Liberia*, (Pretoria: Institute for Security Studies, 2005), p. 253.

sustainability of the security sector resulting from the reform process.

IV. Conclusions from the Cases

According to the Parliamentary Powers Index, states with the weakest parliaments also have the greatest indicators of fragility.¹⁶ This appears to be borne out by the experience of many countries in West Africa. How to strengthen legislative oversight of the security sector, however, remains a core challenge for international donors, civil society actors, and parliamentarians alike.

Clearly, a first priority is to ensure that security sector governance is a central component of reform. In all three cases examined by this study, promotion of a reform agenda that includes security sector governance has been achieved through the perseverance of civil society actors, both within and outside the countries. Indeed, in Liberia and Sierra Leone, such efforts were critical to securing inclusion of parliamentary oversight among the priorities of international donors and their government partners. Nonetheless, in Ghana – where the contribution of parliament to a democratic and accountable security sector that is reflective of the needs of society at large has been sporadic – less progress has been made in increasing parliament's oversight role than might have been expected. Thus early inclusion of parliamentary oversight is important, but immediate benefits may be less apparent. Indeed, a tragic irony is that the complete collapse of the security architecture of the state (as in Liberia and Sierra Leone) provides a more permissive and enabling environment for SSR than “non-conflict” contexts (as in Ghana).

The cases underscore the now-accepted wisdom that security sector reform – and, indeed, governance – is deeply political in nature. Yet, they suggest that the manner in which much capacity building is conducted remains technical, without fully addressing the complexity of informal norms and practices that influence the ability and attitude of legislators to fulfilling their oversight duties – from patronage influenc-

ing committee appointments and limiting party criticism, to weak chains of accountability between constituents and their elected representatives. The cases also suggest that turnover may be so high – or human capital so low – that technical programs focused on building legislators' capacity may be better spent developing stronger institutional capacities.

Programs focused on building legislators' capacity may be better spent developing stronger institutional capacities

The widespread reliance on private security providers by those who can afford them, and on customary institutions by those for whom access to state systems is difficult, raises two issues. First, that the majority of the population may be served by a security sector without adequate – if any – oversight by the state, executive or legislative. The cases suggest ways in which the state and non-state systems do, in fact, intersect, however; more research is needed to better understand the nature of this relationship and opportunities that it may pose for better integrating the multiple layers of providers from which citizens can choose. Second, in states affected by fragility, especially post-conflict environments, international support to non-state security and justice systems may have a greater – and more immediate – impact on the daily lives of citizens than support to reforming or rebuilding state institutions. But, the cases also demonstrate that the legitimacy of traditional actors can also be undermined by state cooptation and participation in conflict. In such cases, the question may be whether to promote replacing state institutions by non-state actors, or whether to reform them – and, if so, how this should be undertaken.

The principle of “local ownership” suggests the need for more security sector expertise among local actors. Civil society is an important part of this equation, both for monitoring and holding security actors – including parliamentary committee members – accountable for their actions (or lack thereof), as well as for providing parliamentarians with a source of exter-

¹⁶The Failed States Index, via http://www.foreignpolicy.com/story/cms.php?story_id=4350&page=3, accessed 2 November 2008.

nal information, if not – as potential legislative researchers, internal knowledge. Local ownership is also important with respect to non-state security actors. Finding an appropriate balance between security provision by statutory and non-statutory actors must be an outcome of negotiation between the state and society, where what is effective and appropriate is determined by the end user. SSR programs must enable citizens to decide which institutions meet their security needs in a manner of their own choosing.

The failure to find ways to adequately integrate parliament's role in the SSR process early on may undermine its role later.

Finally, parliamentarians experienced in security sector reform and oversight are valuable sources of practical knowledge for their peers in other national legislatures. The ECOWAS Community Parliament may be limited to an advisory role, but its engagement with members of national parliaments on security sector reform would be an important long-term contribution to the development of a regional approach and towards its broader goals of conflict prevention.

V. Policy Recommendations

The following eight policy proposals on how to strengthen security sector governance in West Africa are based on challenges faced in all three cases:

1. Include oversight dimensions of SSR in political settlements.

Countries emerging from conflict pose one of the greatest challenges for security sector reform due to weak state capacity and institutions, a diffusion of coercive power across competing groups, and the resulting political bargains struck between powerful elites at the expense of society at large. In such a hostile environment, reform tends to focus on the practical or proximate, including restructuring and training military and police forces, rather than on aspects of security sector governance. Thus, despite the growing inclusion of security sector reform as a core component of UN Security Council-mandated peace operations and bilateral engagement, and as Nicole Ball has observed, “peace agreements rarely ensure that civil management and oversight bodies are reformed or function appropriately or that civil society plays an oversight role.”¹⁷

The Lomé Accord for Sierra Leone and the Comprehensive Peace Agreement for Liberia contained provisions for the restructuring and retraining of the armed forces. Both emphasized the technical aspects of military and police reform – disbanding irregular units, restructuring force composition and command, achieving ethnic balance, and instilling professionalism. The latter also included a section specifically on SSR, including the police and other security services.¹⁸

Governance of the security sector, however, was given short shrift; in Liberia, civil society organizations based in the region and in Europe introduced security sector governance, including parliamentary oversight, into the debate.¹⁹ Liberia also underscores that the failure to find ways to adequately integrate parliament's role in the SSR process early on may

¹⁷ Nicole Ball, “Strengthening Democratic Governance of the Security Sector in Conflict-Affected Countries,” *Public Administration and Development*, (25) 25-38, 2005. However, this is beginning to change; the UN Secretary-General's report on SSR explicitly references the importance of including security sector governance in peace agreements. “Securing Peace and Development,” *op. cit.*, paras 21-22.

¹⁸ Respectively, Article XVII of the Lomé Accord, “Restructuring and Training of the Sierra Leone Armed Forces,” and Part 4 of the CPA.

¹⁹ The involvement of civil society organizations in debates on security matters is a still recent development due to the nature of regimes in power, the lingering culture of “securitization” of information in order to keep it from public view, as well as the dearth of national and regional civilian expertise, particularly on security sector governance. Kwesi Aning and Ernest Lartey, CIC case study, pp. 20-21. (Hereafter, “Aning.”)

undermine its oversight role later, as with the outsourcing of military development – contrary to the constitution – to a foreign contractor answering to a foreign government.

Professionalization and governance mutually reinforce each other, suggesting a gradualist rather than sequential approach. However, the scope of reform does suggest prioritization. The physical security of citizens—not just of the state—is a prerequisite of sustainable economic and social development. Nevertheless, after years of conflict or military rule in which command and control of state security forces has broken down, in which they have acted with impunity, or with total authority, the first priority of security sector reform must be to resubject security actors to civilian control – to first make it “governable.” Only then can civil authorities ensure that the needs of citizens are driving national security, as emphasized by the OECD discourse.

2. Promote procedures and identify incentives for longer, more qualified appointments by party leadership.

The primacy of political party loyalty and discipline compounds the weakness of the legislature to balance the executive: in Ghana, “parliamentarians are more tied to their parties than to their constituents.”²⁰ Jaye, similarly, describes this phenomenon during the one-party rule of Liberia that ended in 2005. In Sierra Leone, constitutional limits on political party alliances constrains their “liberty to critically examine issues from their own individual perspectives.”²¹

The political process by which MPs are appointed to committees is an under-examined dimension of developing oversight capacity. The function of a security sector (and other) committee is for legislators to review existing laws and proposed bills, question members of the executive, and solicit outside expertise on relevant issues to ensure that policies and how they are executed are in the public interest. Ideally, committee members have – or will develop – specific technical expertise; given the breadth and complexity required, developing such expertise requires substantial time and support. Party leaders

determine who is appointed to committees and are able to remove them effectively at will. In fact, “Political patronage is often a key determinant of who serves in a committee and in what capacity.”²² Committee members, particularly ranking members, are subject to frequent shuffling in a system of reward and punishment by party chiefs. Parliamentary rules of procedure governing the process of joining and transferring committees can be revised to include requirements and penalties aimed at limiting transfers.

High turnover among legislative committee members pose a challenge for accumulating security sector expertise.

Capacity-building of members of parliament is often approached as a purely technical exercise, without consideration of the political dynamics underlying the motivation for and duration of committee appointments. The case studies suggest that more attention is needed to working with political party leaders to encourage greater understanding of the expertise required for security sector oversight, and to develop incentives for more considered appointment of qualified individuals, as well as for minimizing the transfer of committee members so that they can accumulate and utilize their experience.

3. Increase legislative political capacity to engage with and represent constituents alongside technical capacity to perform oversight functions.

The research suggests that, while loyalty of parliamentarians to their party leadership is strong, they do not feel a strong sense of accountability to their constituents, nor do their constituents actively demand it. Yet, according to Mainwaring, “the linkage between voters and elected representatives sets the tone for all other accountability relationships.”²³ In transitions from authoritarian to democratic systems of governance, adherence to preexisting norms and values usually lags behind changes in the formal institutions of governance.

²⁰ Jaye, CIC case study, p. 20.

²¹ Osman Gbla, CIC case study, p. 28.

²² UN Economic Commission for Africa (UNECA), *2005 African Governance Report*, (Addis Ababa: UNECA, 2005), p. 203.

²³ Scott Mainwaring, “Introduction: Democratic Accountability in Latin America,” in Scott Mainwaring and Christopher Welna, eds., *Democratic Accountability in Latin America*, (Oxford: Oxford University Press, 2003), p. 21, cited in Michael Bratton and Carolyn Logan, “Voters but not yet Citizens: the weak demand for political accountability in Africa’s unclaimed democracies,” *Afrobarometer Working Paper No. 63*, September 2006, p. 11.

The longer the period under authoritarian rule, the less likely citizens are to demand accountability from their elected representatives. Voters often do not immediately recognize or understand that democratic governance provides them the authority, if not the right, to hold their representatives responsible between elections.²⁴ Constituents also may have different conceptions of these “responsibilities”; even in established democracies, success may be measured by financial or other benefits delivered, rather than proposing legislation or exercising effective oversight.

Developing parliamentary technical capacity to perform oversight functions should be intrinsically linked to political capacity to engage with their constituents.

Constituent relations are often a component of legislative capacity building efforts, focusing on the ability of MPs to communicate with voters. But a lack of transparency in legislative proceedings and of means to transmit these discussions to the public poses a hurdle for citizens seeking to shape security policy and to hold their elected representatives accountable. Describing the Liberian legislature, the World Bank states:

“With no system in place to create either a verbatim record of proceedings or a voting-record, there is no way to track legislative accountability of parliamentarians and senators. As the electoral period is long, many disconnect from their electorate, particularly if they come from remote areas. Structures are not developed to facilitate representative-constituency communications; there is no system for constituencies to inform representatives of their needs and views, and there is no reporting on legislation progress. The absence of channels for citizen-state communication impedes opinion formation and educated public debate, hindering public influence on policy making.”²⁵

Developing parliamentary technical capacity to perform oversight functions should be intrinsically linked to political capacity to engage with and represent constituents.²⁶ Efforts to strengthen accountability should focus not just on legis-

lators, but on the role of civil society and the public at large. Changing prevailing public attitudes about participation and accountability may require more than civic education. Participatory action research has been successfully used for this purpose,²⁷ though such initiatives should be entered into without expectations of rapid change in either legislators or the public: “Case studies of civic organizations refer to programs that train, mobilize, or educate the public. Yet immense metamorphoses are required for individuals to transit from ‘subjects’ under authoritarian rule, to ‘voters’ in electoral democracies, and thereafter to rights- and accountability-demanding citizens.”²⁸ Moreover, while international support to civil society runs the risk of creating organizations that exist primarily as a source of income, neither have donors adequately focused on civil society engagement in SSR. This has resulted in the development of little new capacity in post-conflict environments – according to Loden, just one organization has emerged in Sierra Leone.²⁹

4. Address educational attainment in legislative capacity-building programs.

If the willingness of MPs to assert their oversight proactively is determined by formal and informal rules of the game, their ability to do so is largely a function of aptitude. Legislative capacity building programs often include education about parliamentarians’ privileges and constitutional mandates, which can help to redress this gap. It must also account for frequently low levels of educational attainment among many MPs. There are, of course, many qualified, well-educated candidates, including from civil society.³⁰ But low levels of education make it more difficult for legislators to understand adequately the role of the legislature, its procedures, rules, regulations, and norms and thus to be efficient and effective.³¹ In Liberia, for example, few legislators “have previous legislative experience and some have educational deficits that prevent full comprehension of print material. The quality of parliamentary debate is low and ill-informed.”³² The low educational attainment of many legislators further affects the efficacy of the committees on which they serve as oversight and investigate bodies.

²⁴ Bratton and Logan, *op. cit.*, p. 11. Even in Ghana, where the transition to democracy is has been marked by the second (largely) peaceful multi-party election, only 28 percent of those polled by Afrobarometer believed that voters were responsible for ensuring that their representatives fulfill their responsibilities, even though 74 percent believed that the president should defer to parliament and 68 percent that he should be subject to the law. *Ibid.*

²⁵ World Bank, pp. 77-78.

²⁶ This is not to suggest that representation is purely political; it also requires technical skills, *inter alia*, how to organize townhall meetings and public hearings, as well as how to organize, staff, and manage a constituent office outside the capital.

²⁷ Participatory action research methodology has been successfully used by Action Aid’s REFLECT literacy and community action program. Similarly, in the context of decentralization, Oxfam GB has utilized PAR methodology to promote public demand for accountability alongside capacity building for local government officials.

²⁸ Bratton and Logan, *op. cit.*, p. 4.

²⁹ Alexander Loden, “Civil Society and Security Sector Reform in Post-Conflict Liberia: Painting a Moving Train without Brushes,” *The International Journal of Transitional Justice*, Vol. 1 (2007), 297-307, p. 304.

³⁰ A.A. Alemna and K.E. Skouby, in their survey of Ghanaian members of Parliament, found that “all MPs have qualifications beyond elementary school. The lowest qualification was secondary school/teacher-training, but a very large number had attained some level of university education.” *An Investigation into the Information Needs and Information-Seeking Behavior of Members of Ghana’s Legislature* (2000), pp. 236- 237.

Providing effective oversight functions requires mastery of complex, technical issues; subjects that are often difficult to comprehend for members of standing or select committees without prior military, police, or judicial experience, or specialized training. As Aning notes, “security services have peculiar organizational cultures, rules, and practices and are governed by a number of secrecy laws, which can potentially pose problems if an oversight committee is not conversant with these institutional norms.”³³ There are several options for addressing low education levels. Minimum educational requirements for holding office, though used elsewhere, are impractical in environments where they may in effect limit prospective legislators to elites. More practical is to encourage political parties to be more selective in whom they put on the ballot. The inclusion of literacy programs or instruction in a national working language could also be included in training packages – though such activities will not achieve immediate results and thus more at risk from electoral turnover.

5. Professionalize and institutionalize parliamentary security sector expertise.

The high turnover among members of the legislature poses a challenge for capacity development, both by outside organizations and by those acquiring on-the-job experience. The 2007 elections in Sierra Leone, for example, ushered in a parliament in which 80 percent of its members were new, lacking experience about their work, let alone the technical expertise required to execute security oversight functions. Aning observes that high turnover in Ghanaian parliamentarians from electoral defeat – 63 and 44 percent, respectively, after the 1996 and 2000 elections – necessitates a revision of the UK-supported capacity development program away from an individually-driven approach to one focused on institutional capacity-building. The transitional period in Liberia also posed challenges for initiating capacity building, as there is no guarantee that interim parliamentarians will be reelected. Moreover, the failure of civil society actors appointed to the National Transitional Legislative Assembly to promote public, rather than private interests suggests that their inclusion in

the process is not a panacea.

Likewise in Ghana, the Select Committee on Defense and Interior does not have any permanent or specialized staff to support it with research and administrative duties. Parliamentary committees in Sierra Leone, by contrast, do have a research service, but it lacks the resources and staffing to function effectively. The absence of such staff make committees less able to question the expertise of the executive branch, or requires them to borrow expertise from the executive. Restricting staff limits the ability of parliament to review and challenge policy

Legislative access to publicly available security sector information is critical for oversight, but limited.

proposals and thus exercise oversight functions – which may be in the interest of the executive branch.

Professional committee staff provide expertise which legislators – especially new MPs and committee members – can draw upon and learn. It also provides continuity of expertise, remaining available to the committee even when committee members are shuffled or are not reelected. They develop contacts with executive agency staff, which can facilitate legislative-executive relations.³⁴ In order to ensure that institutional knowledge is sustained – especially given high turnover among parliamentarians – staffing, training, equipping, and financing a professional research staff is necessary. Certain legislative assistance programs, such as those of National Democratic Institute (NDI), provide support to specialized staff.

6. Support access to – and accessibility of – basic security sector information and guidance for legislators and civil society.

Training and policy seminars for new and recent legislators on the security sector and their oversight functions are important, but they are not sufficient. Access to information

³¹ UNECA, op. cit., p. 202.

³² Henriette von Kaltenborn-Stachau, “The Missing Link: Fostering Positive Citizen-State Relations in Post-Conflict Environments,” The World Bank Communication for Governance and Accountability Program, 2008, pp. 77-78.

³³ Aning, CIC case study, p.12.

³⁴ National Democratic Institute, “Legislative-Executive Relations,” p. 18

through well-resourced libraries, the internet, networks of civil society experts, and citizens themselves is critical, but limited. Yet, as the UNECA report noted, “Lack of adequately stocked libraries, electronic equipment, documentation facilities and professional staff are common capacity gaps in many legislatures in Africa.”³⁵ Basic computer literacy training may be required for legislators and research staff to access publicly available resources. Less than 10 percent of Sierra Leone’s Defense committee members are computer literate or able to use email.³⁶

Security sector reform efforts focus overwhelmingly on state institutions...But most citizens rely on non-statutory security institutions.

Although access to information is important, so too is understanding what information is needed and how to use it: “Information seeking behavior is dependent on both awareness and availability. Added to this is the MPs’ ability to articulate their needs; they may not know how to elucidate in such a way that librarians or information providers can understand them.”³⁷

The *Handbook on Parliamentary Oversight of the Security Sector*³⁸ is the authoritative guide on the subject. It is, however, a dense tome. Its utility would be complemented by a toolkit of basic oversight skills that could be more readily accessed by legislators and research staff. The toolkit could include, inter alia, how to draft a defense, police, or intelligence oversight act, with a template of, and options on, provisions it should contain, or how to conduct a budget review, as well as guidance, e.g., on questioning government officials and external experts. The Gender and SSR toolkit³⁹ developed by DCAF and INSTRAW provides a potential model.

7. Incorporate security and justice provision by non-state actors into national security strategies and state regulatory frameworks where appropriate.

Security sector reform efforts focus overwhelmingly on state institutions. This is due, in part, to conflicting perceptions of what ‘local ownership’ means conceptually and practically. An estimated eighty percent of security and justice provision in developing countries occurs through non-state actors and traditional institutions.⁴⁰ These actors, which contribute both positively and negatively to security, span from private security companies, subject to legal and regulatory frameworks – albeit with often limited capacity for monitoring and enforcement—to ethnically-based security institutions and community vigilante groups operating largely outside of formal state institutions and regulatory control. Most citizens have better access to, greater understanding of, and more direct lines of accountability over non-statutory security institutions than they do over state agencies.

Inadequate, ineffective, or untrustworthy national police services have created a high demand for private security companies among elites and businesses that can afford their services. Private security can serve a positive role, but only if effectively regulated. Yet, common to the cases, the ability of Ministries of Interior and police services to supervise the sector remains fragile. Strengthening oversight over private security actors will require a review of legislative instruments that govern their operations and the establishment of a regulatory authority mandated to oversee the administration of the sector. Appropriate codes of conduct and ethics are also required, as are coherent syllabi to provide training for personnel.⁴¹ The Draft Code of Conduct for Armed and Security Forces in West Africa, adopted by Chiefs of Defence in 2006, provides a common framework for promoting standards of transparency, accountability, and professionalism within the West African region, provided commitment at the political level.⁴²

As a legacy of colonial rule, the cases have “dual administration systems”: one for the urban areas and one for the hinterland. This has resulted in the emergence of both state-sponsored and non-state sponsored customary institutions. In rural Liberia, security is provided by traditional authorities,

³⁵ UNECA, op cit., pp. 201 - 202

³⁶ Gbla, CIC Case Study, p. 14

³⁷ A.P.N Thapisa, “Legislative Information Needs of Indigenous Parliamentarians in Botswana and Impact on Effective Decision Making,” *The International Information and Library Review*, Vol. 28, No. 3 (1996), p. 215.

³⁸ Hans Born, Philipp H. Fluri, and Anders Johnsson, eds., “Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices,” *Handbook for Parliamentarians* No. 5, (Geneva: IPU/DCAF, 2003).

³⁹ DCAF and INSTRAW, “Gender and Security Sector Reform Toolkit,” 2008.

⁴⁰ OECD, “Enhancing the Delivery of Justice and Security: Governance, Peace, and Security,” (Paris: OECD, 2007).

⁴¹ Aning, CIC case study, p. 20. For further discussion on the integration of private security companies into SSR, see Anna Richards and Henry Smith, “Addressing the role of private security companies within security sector reform programmes,” *Journal of Security Sector Management*, Vol. 5, No.1 (May 2007)

⁴² Draft Code of Conduct for Armed and Security Forces in Africa (2006).

who “exercise control over their areas based on cultural norms and practices.”⁴³ Similarly, “traditional authorities in Ghana exercise customary roles of authority, power, mediation and leadership that impact significantly on the security sector at the local level.”⁴⁴

There is no absolute division between the state and non-state institutions, however.⁴⁵ For example, community watch groups, commonly established at the neighborhood level to deter or punish criminality and promote community safety, have been recruited and/or supervised by the police, as well as by local chiefs and other community leaders. Other institutions – like youth groups – lack state approval, but fill the security void where traditional structures have failed to reemerge after conflict and where state structures remain absent. A few may operate as protection rackets, but more are approved by elders or community leaders and provide a form of “employment” for young men who might otherwise provide a recruitment pool for criminality or rebellion.⁴⁶

More research is required to understand existing oversight functions between state and non-state institutions, under what circumstances and manner reform – and extending state regulation – of the latter should be pursued, and opportunities and challenges for doing so. The constitutions of Ghana, Liberia, and Sierra Leone all guarantee the institution of chieftaincy, albeit with different limits on their involvement in formal state politics. In Sierra Leone, paramount chiefs are among the 124 members of parliament.⁴⁷ In contrast, the Constitution of Ghana forbids chiefs from participating in party politics or seeking election to Parliament.⁴⁸ In the Liberian context, Crisis Group International (ICG) recommended that “A working relationship should be nurtured between the statutory and state-sponsored customary law systems,” while recognizing that the “[t]he Liberian state...has tried to co-opt traditional systems in order to strengthen its own power, resulting in skepticism regarding the state and its institutions.”⁴⁹

Ghana’s National House of Chiefs and the elected paramount chiefs in Sierra Leone provide a platform for potentially great-

er linkages between parliamentary and judicial oversight of customary security and justice institutions. Ghana’s system of provincial and district security councils, since adopted by Sierra Leone, likewise provides a model for integrating customary authorities into national security architecture. Reforms such as rural community education and training for custom-

Incorporating customary security and justice systems into national security strategies would go a long way towards enabling citizens to decide which institutions meet their security needs.

ary officials would further strengthen state sponsorship of customary law.⁵⁰ Incorporation of traditional security and justice systems under state regulation must be approached with caution, as doing so may cause the former to lose authority if they are viewed as instrument of the state.⁵¹ But it may also be a step towards rectifying weak state legitimacy by explicitly enabling citizens to choose their own forms of security. Incorporating them into national security strategies would go a long way towards enabling citizens to decide which institutions meet their security needs in a manner of their own choosing. This is not a matter of giving a greater role to non-state actors, but of recognizing the legitimacy and role that they already have.

8. Support the development of an SSR advisory capacity for the ECOWAS Community Parliament.

Shared security threats among West African countries has encouraged collective approaches to the challenges posed by small arms and increasingly, illegal narcotics. There is also growing recognition that regional insecurity negatively affects national level security sector reform and that national SSR deficits have implications for regional security. As yet, there is no common, regional framework for security sector reform, though the peace and security goals of the New Partnership for Africa’s Development provide a basis for such a

⁴³ Jaye, CIC case study, p. 4

⁴⁴ Aning, CIC case study, p. 17

⁴⁵ See Bruce Baker, *Multi-choice Policing in Africa*, (Uppsala: The Nordic Africa Institute, 2008).

⁴⁶ Albeit not without problems, the “Community Protection Unit” in Ghana – a form of community policing established as part of the National Youth Employment Program – represents a potential model for integrating community watch functions with state institutions, while at the same time providing constructive employment for youth, particularly young men. Aning, CIC case study, p. 30.

⁴⁷ The chieftaincy, however, is also associated with alienation of youth and the outbreak of the war and its restitution has been accompanied by calls of caution. Paul Jackson, “Chiefs, Money and Politicians: Rebuilding Local Government in Post-War Sierra Leone,” *Public Administration and Development* (25), 49-58 (2005). A series of dialogues between the chiefs, MPs, and members of the police and army was initiated in October 2008 with the aim of strengthening peacebuilding and reconciliation.

⁴⁸ Constitution of Ghana, Articles 94(3)c and 276(1).

⁴⁹ ICG, *Resurrecting Liberia’s Justice System*, pp. i.6. The Liberian Constitution does not mention the election of chiefs to either the Senate or House of Representatives.

common reform agenda. ECOWAS has indicated that security sector oversight by the Community Parliament should be strengthened, acknowledging the importance to governance and human rights in the region.⁵²

The ECOWAS Community Parliament holds great potential for serving a role in regional security sector transformation.⁵³ Uncertainties remain as to how the parliament will function, including the delegation of responsibilities to committees. Although security and conflict prevention is not one of the Parliament's defined areas of competence, the body has established a Committee on Defence, Security, and Integration (CDSI). At present the committee lacks legislative powers, restricting it to an advisory role. The committee chair has been involved in initiating dialogue to resolve regional crises, and has vowed to regularly consult with civil society groups for input into regional security policies. Support from civil society organizations, including think tanks and journalists with expertise in security sector analysis, would reinforce even this modest role of the Committee. By utilizing regional pressure on national governments, such consultations could provide another avenue for citizens to influence security policies at the national level.

A technical security assistance team based in West Africa and staffed by local security sector experts would begin to address the need for greater South-South capacity.

In the interim, the Community Parliament should serve as a forum for experience sharing and guidance between parliamentarians from West African countries undergoing security sector reform, particularly on (but not limited to) parliamentary oversight. A relationship has already emerged between Ghana's Parliamentary Select Committee on Defense and Intelligence (PSCDI) and its ECOWAS counterpart for exchanging ideas and experiences.⁵⁴ This relationship has been facilitated through the appointment of two members of the PSCDI to the CDSI. Parallel committee appointments between the

national and regional level would reinforce their mutual roles, while placing them in a position to provide expertise beyond their own borders.

Nonetheless, tensions do exist between the Community Parliament and national-level executive and legislative authorities. Despite the advisory role of the former, regional heads of state remain wary of any attempt by the ECOWAS Parliament to usurp power. The CDSI has attempted to navigate this terrain by vowing to work "hand in hand" with Heads of State; if it bends to executive will, it faces the same risk as its national counterparts – of becoming a rubber stamp. Just as national level legislatures in the region have been unable to exert effective oversight over the executive, such weakness have been transferred to the ECOWAS parliament. Efforts to develop a regional approach to security sector reform should involve Community parliamentarians.

Supporting the advisory capacity of the Community Parliament could take another form as well: the establishment of an ECOWAS-based technical security assistance team. DCAF has recently established an International Security Sector Advisory Team "to help bilateral and multilateral actors develop, design and implement SSR strategies, practices and programs in line with international good practice."⁵⁵ The ISSAT helps to address the critical gap in international capacity for supporting SSR, particularly in countries in the early stages of recovery from war. The ISSAT is perceived by some as a Northern institution providing assistance to the South. A technical security assistance team based in the West African region and staffed by local security sector experts would begin to address the need for greater South-South capacity based on regional expertise and familiarity with the local context and its actors. Given the work by KAIPTC, the African Security Sector Network, and others on SSR, donors should consider funding regional and local institutes to develop rather than undertaking themselves.

⁵⁰ *Ibid.*, p. 9.

⁵¹ Volker Boege, Anne Brown, Kevin Clements and Anna Nolan, *On Hybrid Political Orders and Emerging States: State Formation in the Context of Fragility*, October 2008.

⁵² See Jens Hettman and Fatima Kyari Mohammed, "ECOWAS," in Adedeji Ebo and Boubacar N'Diaye, eds., *Parliamentary Oversight of the Security Sector in West Africa: Opportunities and Challenges*, (Geneva: DCAF, 2008), pp. 59-77.

⁵³ Although the Community Parliament was established in 1993 – with an intended role akin to the European Parliament – it was not inaugurated until 2000, following the Protocol Relating to the Establishment of an ECOWAS Parliament, which specified the composition, functions, powers, and organization of the body. Pending direct elections to the 120-member regional legislature, national assemblies have elected regional representatives from among their own membership.

⁵⁴ Aning, CIC case study, p. 38.

⁵⁵ "About ISSAT," via <http://www.dcaf.ch/issat/index.htm>, accessed 12 November 2008.

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