

Parliamentary Oversight of the Security Sector: Disseminating Best Practices in ECOWAS Member States

Regional Parliamentary Workshop

Hosted by the National Assembly of Mali and organized by
the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the Inter-Parliamentary Union (IPU)
and the African Security Sector Network (ASSN)

Bamako, 28 - 29 November 2011



Summary Report

I. Introduction

Organized jointly by the National Assembly of Mali, the Inter-Parliamentary Union (IPU), the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the African Security Sector Network (ASSN), the Regional Parliamentary Workshop *Parliamentary Oversight of the Security Sector: Disseminating Best Practices in ECOWAS Member States* was held on 28 and 29 November 2011 at the Grand Hôtel, Bamako.

The workshop brought together some fifty participants, including parliamentarians representing Benin, Burkina Faso, Ghana, Mali, Mauritania, Namibia, Niger, Senegal, Sierra Leone, Togo and the ECOWAS Parliament; official representatives of the Malian Government; representatives of Femmes Africa Solidarité (FAS); and the Ambassador of Switzerland to Mali.

Following in the footsteps of the discussions broached in Dakar in September 2010, the Bamako regional workshop constitutes a continuation of the reflections on the general principles and mechanisms of parliamentary oversight of the security sector in West Africa, notably with a view to carrying out relevant action reflecting the effective application of those principles and mechanisms.

II. Inaugural ceremony

The inaugural ceremony, chaired by the Speaker of the National Assembly of Mali, was punctuated with speeches by Ms. Kombi Aline Koala, Representative of the IPU President, Professor Boubacar N'Diaye, Representative of the ASSN President, Mr. Jean-Jacques Gacond, Representative of the DCAF Director, and Her Excellency Mrs. Muriel Berset-Cohen, Ambassador of Switzerland to Mali.

In her address, Ms. Koumbi Aline Koala exhorted the parliamentarians to maintain a dynamic presence in the security sector through greater oversight of the transparent and responsible implementation of policies in that respect and to take bold initiatives in order to preserve the socio-political and economic structures ensuring social harmony. She then pleaded in favour of responsible recommendations reflecting the real needs of the countries of West Africa and setting forth firm and effective action for better parliamentary oversight of the security sector.

Professor Boubacar N'Diaye introduced the African Security Sector Network. He emphasized that there could be no talk of democracy without an active parliament and that security must be regarded as a public good and not as the preserve of the Executive. He also specified that the workshop offered an opportunity to develop dialogue, beyond the initial stages already covered, between the representatives of the ECOWAS Parliament, the national assemblies of the Member States and the civil society organizations to help strengthen the rule of law, peace and security in the region.

Mr. Jean-Jacques Gacond mentioned the goals of the DCAF, an intergovernmental forum on good governance of the security sector. He cited parliamentary capacity-building as one of the key dimensions of improved democratic oversight of the security sector, which itself represented an essential dimension of the regional strategic framework seeking to promote peace and security in West Africa.

In her address, Her Excellency Mrs. Muriel Berset-Cohen affirmed that the challenges facing the security of persons and property were constantly growing in Mali, as in other ECOWAS Member States; hence the need for the States to work together and take tangible steps to cope with those challenges. She expressed her hope that the workshop would enable participants to familiarize themselves with the ECOWAS Parliament-DCAF Guide for West African Parliamentarians and to work very concretely on some of its dimensions. In conclusion, she thanked the authorities of Mali for their commitment in this area.

Opening the proceedings, the Speaker of the National Assembly, Professor Dioncounda Traoré, said that the holding of the workshop reflected the importance that parliamentarians attached to preventing and resolving the security challenges faced by the ECOWAS countries and their commitment to increasing parliamentary treatment of the aspirations of the African peoples regarding the promotion of peace and security. He further emphasized that the knowledge and other lessons of the workshop should provide parliamentarians with the requisite expertise for strengthened oversight of the security sector.

III. Plenary discussions (1st day)

Several presentations provided background for the discussions.

1. Presentation of the ECOWAS Parliament-DCAF Guide for West African Parliamentarians *Parliamentary Oversight of the Security Sector*

The presentation was given by Mr. Okey Uzochina, DCAF Representative to ECOWAS.

The presentation centred on the following points:

- The process of drawing up the guide: modelled on the IPU-DCAF Handbook for Parliamentarians published in 2003, *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*; need to produce a guide tailored to the West African context and responding to the specific needs of the parliamentarians of the region; taking advantage of West African expertise for preparing the guide, particularly of ASSN experts; consultations and review of the guide by a review committee of the ECOWAS Parliament.
- The content of the guide: abstract of the chapters, use of boxed text for specific examples and case studies; recommendations on “what you can do as a parliamentarian” at the end of each chapter.
- The purposes of the guide: attune parliamentarians and other security sector stakeholders to the importance of efficient and effective parliamentary oversight in West Africa; contribute to capacity-building for parliamentary committees concerned with security matters; help to strengthen ties between parliamentarians and the other security sector stakeholders, with special reference to civil society organizations, both nationally and regionally.
- The practical utility of the guide: a resource for the development of training tools; advocacy tool for strengthening the role of parliaments in oversight of the security sector; reference tool concerning parliamentary best practices in this matter in West Africa.

The presentation was not discussed.

2. Communication from the Chairman of the ECOWAS Parliament's Committee on Political Affairs, Peace and Security

The Hon. Simon Osei-Mensah, Chairman of the Committee on Political Affairs, Peace and Security of the ECOWAS Parliament, drew the attention of participants to two important observations:

- Security questions do not feature among those matters in respect of which the opinion of the ECOWAS Parliament is required as a matter of obligation;
- The main ECOWAS instruments relating to peace and security matters do not stipulate any precise role for the ECOWAS Parliament.

The Hon. Mensah nevertheless stated that, for all those limitations, the ECOWAS Parliament had always played an important part in managing the crises that had affected the West African region. Much experience had thereby been accumulated. With a view to specifying the rightful role of the ECOWAS Parliament in achieving the ideals of peace and democracy in the region, consideration was being given to the possibility of modifying particular basic texts of the Community relating to security and democracy matters.

The Hon. Mensah further mentioned the significant progress made at the level of ECOWAS in the integration process. In conclusion, he said that the ECOWAS Parliament remained convinced of the need to establish a regular framework of exchanges and concerted action between the committees responsible for defence and security matters of the Member States around the equivalent committees of the ECOWAS Parliament and of the IPC-WAEMU.

3. Making alliances: the political challenges of parliamentary oversight of the security sector

This topic was introduced by Professor Boubacar N'Diaye, senior lecturer and member of the ASSN Executive Committee.

The presentation sought to answer the following questions:

- What are the obstacles to parliamentary oversight of the security sector?
- What players are involved in the oversight process?
- What are the strategies to be applied in order to turn opponents into allies?

Professor N'Diaye stressed the urgent need to institute and to institutionalize parliamentary oversight of the security sector, which was not yet in place in all ECOWAS Member States. To move forward in that respect, there was in particular a need to keep the aims of parliamentary oversight well apart from "petty politics" and to separate the institutional role of parliament from its political role.

The discussions on the topic related to:

- The role of the opposition in oversight of the security sector: the opposition must be associated with the process of parliamentary oversight and scope for collaboration must be established. Over and above political convictions and interests, parliamentarians must agree on minima for the purpose of associating the stakeholders in order to achieve the aims of parliamentary oversight.
- Relations between the Executive and the Legislature: a strong Executive often results in undue deference on the part of parliament. Parliament must be enabled to play its part to the full. For that, parliamentarians must in particular acquire the necessary knowledge and information to be able to hold the Executive to account.
- Confidentiality as an obstacle to parliamentary oversight of the security sector: parliamentarians must be able to discuss the question of confidentiality openly; for which purpose work must be undertaken on establishing mutual trust between civilians and the military. Confidentiality must not amount to a blank cheque for the Executive.
- The role of civil society organizations: parliamentarians, and particularly those on committees responsible for security matters, must strengthen their ties with civil society organizations.

4. Parliament and budgetary decision-making power: best practices regarding the security budget

This topic was introduced by Ms. Lena Andersson, independent consultant, and Colonel Nouhoum Sangare, ASSN member.

Ms. Andersson's introduction hinged on the following points:

- The nature of the budget: the budget is not a technical product but a political product, lending substance to security policies and meting out responsibilities.
- The role of parliaments: ensuring that the interests of citizens are taken into consideration in the course of budget preparation; holding the Executive to account in the utilization of funds.
- The budget cycle: after describing the four phases of the budget cycle (budget formulation, budget execution, accounting and reports, and verification and external audit), Ms. Andersson clarified the role of parliamentarians at each stage of the cycle.
- The basic functions of parliament: legislative functions (establishing the legal framework for financial responsibility; adopting the annual budget; adopting laws on governance of the security sector) and oversight functions (examining the budget of security sector institutions; discussing any amendments; and asking questions about expenditure policies at public hearings).
- Purchase and acquisition of arms: Ms. Andersson reviewed the various stages of arms procurement processes.
- The challenges: obstacles to transparency, tradition of secrecy, complexity of the domain (particularly for arms purchases), specific nature of the sector, the relationship between power and policy (differences between the rules adopted and informal practices).
- The conditions of effective parliamentary oversight: authority (legal powers), capacity (knowledge, resources) and attitude (resolve to hold the Executive to account).

Colonel Sangare for his part hinged his introduction on the specific example of budget oversight in Mali. He notably gave an account of the reforms implemented in Mali in this sphere, in particular the reforms relating to the institutions and procedures of preparation, implementation and oversight of the security sector.

He explained how security sector reform had evolved in Mali since 1991, the year of the revolution which had overthrown the military regime. The progress recorded calls for a permanent watch and action to ensure greater budgetary oversight of the security sector.

The discussions around this topic covered inter alia:

- Transparency of the security sector: in order to permit effective oversight, the budget document of the security sector must be designed as a comprehensible and transparent document.
- The strengthening of management procedures: rather than increasing the number of oversight structures, the budget management system must make for transparent and effective management up the line.
- The training of parliamentarians for their tasks: given the complexity and technical nature of the documents to do with the security budget, training workshops need to be put in place that give parliamentarians a better understanding of these documents and enable them to acquire the necessary knowledge to be able, as appropriate, to propose amendments.

5. Systematic gender mainstreaming in parliamentary oversight of the security sector

This topic was introduced by Ms. Awino Okech, researcher at the African Gender Institute, University of Cape Town, and ASSN member, and Ms. Oulie Keita, gender and security adviser to the African Union and ASSN member.

Both speakers formulated the various reasons why it is essential to bring gender mainstreaming into the various aspects of parliamentary oversight of the security sector in order to ensure the latter's effectiveness.

The discussions concerned:

- The present situation concerning the representation of women within the parliament and the security structures in the various ECOWAS Member States, and in particular the need to go further than the introduction of quotas to ensure better representation of women.
- The role that women have to play to make their voices heard within the decision-making structures, whether in parliament or in the other policymaking entities.
- The need for parliamentarians to cooperate with the civil society organizations and specifically women's organizations/ associations.

IV. Group deliberations (2nd day)

On the second day of the workshop, the participants split into three working groups to continue the discussions opened in plenary on the following topics:

- Making alliances: the political challenges of parliamentary oversight of the security sector
- Parliament and budgetary decision-making power: best practices regarding the security budget
- Systematic gender mainstreaming in parliamentary oversight of the security sector

Upon completion of the group proceedings and following the statements, testimonies and discussions, the participants recommend:

Concerning the political challenges of parliamentary oversight of the security sector

- **Encouraging the sharing of experience between security sector stakeholders**, particularly through:
 - The establishment of dialogue platforms between security sector stakeholders;
 - The organization of events, at regional and national level, fostering a relationship of trust between armed forces and security services and the other security sector stakeholders (open-house days, lectures, etc.);
 - More on-site visits by parliamentarians to gain a better understanding of the difficulties facing the armed forces and security services.
- **Ensuring better access of citizens to information on the security sector**, particularly through:
 - An effective utilization of the media and existing means of communication (tracts, posters, etc.);
 - Greater cooperation between parliamentarians, local elected officials and civil society organizations.
- **Engaging in active promotion of human rights**, particularly through:
 - The wide dissemination of information on human rights and on the rights and duties of citizens;
 - The organization of training courses on human rights for security personnel;
 - The adoption and application of sanctions against armed forces and security service members committing violations of human rights.

Concerning best practices with respect to parliamentary oversight of the security sector

- **Ensuring the standardization and general introduction of systems for the management and oversight of public finances.**
- **Ensuring greater involvement of parliamentarians in drawing up the security budget**, particularly through:
 - Furtherance of the knowledge of parliamentarians and parliamentary assistants about organization and legislation relating to the security sector;
 - Amplification of the work of committees concerned with budgetary matters;
 - The organization of training workshops on budget oversight before each budget session.

- **Developing specific partnerships** between:
 - At the national level:
 - The parliamentary committees responsible for defence and security matters and the funding entities.
 - The parliamentary committees on Finance and Budget, Defence and Security, and Foreign Affairs.
 - At the regional level: the parliamentary committees in charge of matters relating to public finance/ accounts of the French-speaking parliaments and those of the English-speaking parliaments.

Concerning systematic gender mainstreaming in parliamentary oversight of the security sector

- **Making the schooling of girls and the training of working women in ECOWAS States a priority: Devising major policy guidelines.**
- **Working to transform existing social structures to enhance the training of working women**, particularly through:
 - Making the public more aware of the cultural and social practices impeding the advancement of women in the world of work;
 - Promoting the involvement of women in politics, and notably in senior posts.
- **Promoting gender mainstreaming in all aspects of parliamentary oversight of the security sector**, particularly through:
 - Monitoring of the effective and adequate application of legislation already enacted;
 - Draft legislation seeking to increase the number of women and their retention in national assemblies, the armed forces and the security services;
 - Promotion of improved representation of women in parliamentary committees dealing with security matters;
 - More visits by parliamentarians to security and defence structures to inquire about the working conditions of women.

The participants insisted on the need to ensure monitoring of the implementation of the above recommendations.

For this purpose, the DCAF, the ASSN and the IPU, as organizers of the workshop and partners of the ECOWAS Member States in their efforts to strengthen good governance of the security sector at national level and in the region, recommend:

At the national level

- The establishment of a steering committee to identify the priorities and practical steps to be taken to ensure implementation of the recommendations of the present workshop and of that of Dakar;

At the regional level

- The establishment of a mechanism for monitoring the implementation of the recommendations contained in the ECOWAS Parliament-DCAF Guide *Parliamentary Oversight of the Security Sector*;
- The setting up of an informal contact and concerted action mechanism liaising between the committees dealing with defence and security, the various national parliaments and the ECOWAS Parliament;
- The incorporation of these national and regional processes in the action plan relating to the *ECOWAS Framework for Democratic Governance and Reform of the Security Sector*, at present under preparation.