

# GOVERNANCE

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## CIVILIAN CONTROL AND THE SECURITY SECTOR

*by*

*Dr. Emmanuel Kwesi Aning "*

### Introduction

Ghana has gone through a democratic transition and consolidation, which in several ways reflects the struggles for democratic accountability, transparency and sustainability, with broad support from different sections of the community. These conform to the general developments in the 1980s and 1990s which seem to indicate that the role of the military in politics is becoming less prominent. Yet, even with the change in regimes, it cannot be taken for granted that the military will automatically obey civilian leaders. As a result, there is the need to think through the important issue of how democratic governance and civilian control of the military can be encouraged as a means of embedding the gains of democratic governance. Not only that; as Ghana has also become one of the most aid-dependent and aid-recipient states in the world, civilian control of the military (tied in to security sector reform

in the broad sense) has taken on special significance as one of the measures of progress towards democracy employed by the industrialised world.

In both post-conflict situations and transition democracies, civilian control of the military and the subordination of the military to political authority can be problematic. Given that the military enjoys an overwhelming advantage in coercive power, the critical question that underlies this position paper's argument is how can civilian institutions impose their will on their more powerful military agents? In emerging democracies and post-conflict societies, this can be a more complicated process than in other places.

This is because such transitional democracies have to deal with the fundamental issue of establishing civilian control, as well as establishing the institutions that augur well far

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democratic governance under circumstances of political instability and security threats, weak state institutions and a weak institutional capacity of the state, as well as economic hardships, Civilian control of the military under such circumstances is less than apparent because the issues at stake transcend the military and encompass the security sector as a whole - the police, the judiciary and the penal system.

For a better understanding, in this brief, the security sector refers to those bodies that are responsible for, or should be responsible for, protecting the state and the communities within it. This includes:

groups with a mandate to wield instruments of violence - the military, paramilitary and police forces;

institutions with a role in managing and monitoring the security sector - civilian ministries, parliament and non-governmental organisations;

bodies responsible for guaranteeing the rule of law - the judiciary, the penal system, the human rights ombudsman, and where these institutions are particularly weak, the international community.

For the intelligence community, the issue of the military is anything but settled. There are important issues

that need consideration. First, is to

define civilian control as regards the military in policy-making. The critical issue at stake is to prevent interference in government and policy-making by the military, as well as to ensure the supremacy of civilians in military affairs. Second, are a set of questions of a more procedural nature:

What policies and structures lead to civilian control?

- How can one measure and evaluate civilian control? and

What role can the international community play in strengthening civilian control?

### **Towards Democratic, Civilian Control of the Security Sector**

Establishing democratic, civilian control of the security apparatus requires the involvement of a wide range of actors. However, the security forces are not the only national security actors. Civil authorities have important *policy development* and *oversight* functions and responsibilities. Civil and political society has a role to play in *developing policy* and *monitoring* the activities of the security forces as well as those of the civil authorities. Importantly, the activities of other non-state actors such as informal armed groups and private security firms must also be considered.

All these groups of what is termed the 'security family' must adhere to certain fundamental principles of good governance in the security sector in the short, medium, and long term. Among some of the basic criteria for such codes of conduct and behaviour are:

The security sector must be accountable both to the elected civil authorities and to civil society, while acting in a non-partisan manner;

These groups should operate in accordance with international and domestic constitutional law;

Information about security-sector planning and resourcing must be widely available, both within the government and to the

public. This must be defined by a comprehensive and disciplined approach to the management of the sector. It should be subjected to the same principles of public-sector management as other government sectors, with relatively small adjustments for appropriate national security-related confidentiality;

The relations between the military and civilians must be based on an articulated hierarchy of authority between civil authorities and defence forces, and with civil society based on respect for human rights

The capacity of civil authorities must be improved for the exercise of political control over the operations and resourcing of the security forces, and civil society must have the capacity to monitor operations of the security forces and provide constructive inputs into the political debate on security policy;

The political environment must be so constituted that civil society can actively monitor the security sector and be consulted on a regular basis on security policies, resource allocation and other relevant issues;

Security forces must be trained to discharge their duties in a professional manner consistent with the requirements of democratic societies; and

Fostering an environment supportive of regional and sub-regional peace and security must have a high priority for policy makers.

### **Reinforcing Good Governance in the Security Sector**

Since Ghana has joined the comity of democratic nations, it is imperative that the

government makes efforts to strengthen good governance in the security sector. Looking at military and security spending as simply 'unproductive' is passe. Instead the focus needs to be on the institutional framework that determines how budgets are drawn up, implemented and monitored. In order to strengthen security sector governance, particular attention must be paid to the following highlights:

- *Professionalisation of the security forces:* This encompasses doctrinal development, skill development, rule orientation, internal democratisation, accountability both to the elected civil authorities and to civil society, and adherence to democratic principles and the rule of law;

*Improving the capacity and capability of civil authorities:* Relevant authorities in the legislative and executive branches of government must have the capacity to develop security policy and manage the security sector. Within the defense sector, it is important to have a civilian commander-in-chief, a civilian defense minister, and a defense ministry independent of the military institution, with a sizeable civilian staff. At a minimum, civilians must staff key policy and decision-making positions, likewise man the intelligence services;

*High priority on human rights protection;*

*Capable civil society:* This involves a wide range of stakeholders including non-governmental associations, research and advocacy groups. Civil society must be capable of monitoring security sector policies and activities, and function as a resource for the security community. In its monitoring and watchdog function, civil society can engage government on overall

defense policy, expenditure and procurement proposals and decisions, doctrine, size, structure, deployment of different forces, training of foreign security forces et al. Such independent analyses are meant not only to challenge government policies but also to inform the debate and provide useful inputs into decision-making processes. CSOs are a resource in several ways. First they provide a pool of knowledgeable individuals to fill government positions. Civilians should also have the capacity to staff review boards and other oversight bodies, conduct investigations for the government in research and analysis units;

*Transparency:* It is important that during this process, access to information on a wide range of subjects is made available. This is necessary for the effective and efficient operation of the public sector. This is particularly crucial in this transition phase when almost all documents worth looking at were classified. Therefore, information about security policies, planning and resourcing must be made available including such basic information as the number of men under arms, the share of budgetary allocation to the defence sector. Insufficient information undermines economic stability by facilitating the misallocation of resources. Therefore, expenditures on the police, the intelligence services and the military, and other security-related organisations must be treated like all other forms of public expenditure in terms of planning, preparation and legislative approval. Such security expenditure must be subjected to rigorous audit. The legislature must have an independent capacity to evaluate the security environment and budget requests

from the security forces, while legislators must also have access to relevant information in timely fashion, to enable them analyse and debate proposals. Inputs from civil society will contribute to such reviews.

*Regional approaches:* Developing civilian management and oversight of the security forces, achieving transparency in military affairs and levels of security expenditure are all challenges confronted by many states. Consequently, there is potential for countries with shared problems and experiences to promote the objectives of sound security sector governance by working together. Regional and sub-regional dialogues and structures for security and cooperation can also enhance the internal security of participating countries.

### ***Concluding Thoughts***

Since Ghana has become a beggar nation *par excellence*, it is imperative that security sector reforms demanded by our international partners be not acceded to without consideration of the following:

- The national political leadership is committed to a significant transformation and reform process;
- The principles, policies, laws and structures developed during the reform process must be rooted in Ghana's history, culture, legal framework and institutions; and finally
- The process must be consultative both within government and between government and political society.

\* Dr. Emmanuel Kwesi Aning Isa Research Fellow at IEA

**Note: Nothing written herein is to be construed as necessarily reflecting the views of the Institute of Economic Affairs.**