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Enhancing the Security Oversight Role of Liberia's Parliamentarians: Findings of an Interactive Needs Assessment

Accra, Ghana, 28-30 March 2007

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CSDG

CONFLICT, SECURITY & DEVELOPMENT GROUP

About this report

This report presents the findings of an interactive needs assessment carried out with members of the Senate and House of Representatives Standing Committees of the Liberian legislature who are responsible for overseeing the security sector. The assessment was led by the African Security Sector Network (ASSN) and considered the authority, ability, and attitude of Liberian legislators with regard to their role in security sector governance. Legislators gave their own appraisals of the challenges and opportunities involved as well as the kinds of skills and tools they require to work effectively. This information will inform a two-year ASSN programme of support for parliamentary oversight of Liberia's security sector which will include civil society actors and other critical stakeholders within the executive and judiciary.

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The **African Security Sector Network (ASSN)** is an umbrella organisation that brings together leading African institutions and specialists working on security sector reform and transformation in Africa. The network provides support to African governments, civil societies and legislatures on a range of security-related issues and has unparalleled access to expertise in this area from Anglophone, Francophone and Lusophone Africa (www.africansecuritynetwork.org).

The **Conflict, Security and Development Group** is a leading international resource for research, analysis, training and expert policy advice on issues at the intersection of security and development. CSDG was established at King's College London in 1999 with the aim of bridging the academic and policy communities. Its core mandate is to deepen understanding about the development challenges confronting societies in Africa, Asia and Latin America, and to help translate this knowledge into practical agendas for change at local, national, regional and international levels.

CSDG's **Africa Peace and Security** programme seeks to enhance understanding of the dynamics of conflict and insecurity on the continent and to support local, national and regional responses to its development and security challenges.

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Abbreviations

AFL	Armed Forces of Liberia
ASSN	African Security Sector Network
CDD	Centre for Democracy and Development
CPA	Comprehensive Peace Agreement
CSDG	Conflict, Security and Development Group
DCAF	Geneva Centre for Democratic Control of Armed Forces
DfID	Department for International Development
ECOWAS	Economic Community of West African States
GC	Governance Commission
KAICT	Kofi Annan Institute for Conflict Transformation
KAIPTC	Kofi Annan International Peacekeeping Training Centre
SSR	security sector reform
UN	United Nations
UNMIL	United Nations Mission in Liberia

1. Introduction

Overview

This report is the product of a three-day meeting to conduct an Interactive Needs Assessment for Liberian parliamentarians on security sector oversight functions. It was held at the Kofi Annan International Peacekeeping Training Centre (KAIPTC), Accra on 28–30 March 2007, and was convened by the African Security Sector Network (ASSN), the Geneva Centre for Democratic Control of Armed Forces (DCAF) and the Conflict, Security and Development Group, King's College London (CSDG), with support from the UK Department for International Development (DfID).

This meeting brought together members of the Senate and House of Representatives Standing Committees of the Liberian legislature, some members of ASSN (who served as facilitators) and other experts in the field to discuss how to enhance the oversight functions of the legislature. The objective of the meeting was three-fold: (a) to assess the authority, ability, and attitude of the Liberian legislature to conduct security sector oversight; (b) to facilitate the legislators' own assessment of challenges and opportunities and the requisite tools for enhancing the role of parliament in security governance; and (c) to provide the basis for drawing up a needs assessment that will inform a support programme for parliamentary oversight of the security sector in Liberia.

The meeting featured panel-based discussions around the parliamentarians' role in the oversight of security sector reform and transformation, particularly through examining related legislation, and an assessment of their requirements for the strengthened execution of these functions. Additionally, the meeting incorporated a 'lessons learned' component, looking at the experience of Ghanaian parliamentarians. These interactions formed the basis for drawing up the delivery framework for support to the Liberian legislature.

This initiative is part of a long-term commitment of ASSN to Liberia as it rebuilds its security sector in a post-conflict environment. Within this arrangement, ASSN has worked with the Governance Commission (GC),[1] offering support to explore the necessary modalities and trajectories for assisting the security transformation process in Liberia. Among the intended results is a security policy that has great potential to build confidence among Liberians and effective governance of the security sector in Liberia. The following are some of the outputs from ASSN-led initiative so far:

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1   Formerly the Governance Reform Commission.

- *CSDG–DCAF Liberia Assessment Mission and Consultations, 28 July–1 August 2004:* The specific objectives of the mission included: (a) to witness first hand the situation on the ground and assess efforts to implement the Comprehensive Peace Agreement (CPA); (b) to initiate discussions with local research institutions, in particular the University of Liberia, regarding options for collaboration that might lead to the establishment of a research centre on security and development at the university; and (c) to explore ways of facilitating and assisting civil and parliamentary oversight of the security sector.

- *Liberia National Dialogue on Security Sector Reform, 3–4 August 2005:* Jointly convened by the Ministry of Justice, Liberia and the United Nations Mission in Liberia (UNMIL), and facilitated by CSDG, DCAF, the Centre for Democracy and Development (CDD) and ASSN, this event sought to (a) place the notion of security sector reform on the pre- and post-election agenda in Liberia; (b) explore mechanisms for, and approaches to, a collective broad-based vision of security in Liberia; and (c) contribute to the promotion of local ownership of the post-conflict reconstruction process in Liberia.

- *Consultation with heads of security institutions and ranking members of parliamentary Defence and Security Committees, convened by the GC, 3–4 April 2006:* The objective of the consultation was to explore with the GC the necessary modalities and trajectories for assisting the security transformation process in Liberia.

The substantive part of this meeting was held under the Chatham House Rule, and, as such, this report does not attribute the statements contained herein to any participant.

Summary of the meeting
Security sector reform: What, why, who and how?
The discussion on the what, why, who and how of security sector reform (SSR) addressed the following issues:

- the evolution of the concept of security from regime security to individual security issues, highlighting the dominance of the human security discourse;

- the need to depart from a military-centric approach to the human security discourse;

- the role of parliamentarians in representing the interests of Liberians and the associated responsibility governing the provision of security;

- better recognition of the constitutional provision for parliament to have control of the oversight functions of the security sector, particularly the duties of financial control and overseeing the establishment of security sector institutions;

- the fundamental need for a simultaneous process of reconciliation in the SSR process in Liberia; and

- the need for strengthening the democratic process of security sector oversight through increased input from civil society.

SSR: Challenges of parliamentary oversight of the security sector

The discussion on the challenges of parliamentary oversight of security sector reform and transformation in Liberia centred on the following:

- the urgency of security sector reform and transformation, given the peculiarity of Liberia as a post-war environment and the complexities of the situation in the context of a broken down infrastructure;
- the importance of the security sector as a result of its monopoly over the legitimate use of force, particularly in light of its abuse in Liberia over extended periods in the past;
- the need for a wide variety of actors involved in the post-war reconstruction efforts to work with some common understanding;
- the need for a Liberian dialogue and clearly defined goals and good diplomacy in order to engage the essential international actors accordingly; and
- opportunities for seeking support from the developed world, as well as African countries.

SSR: Tools for parliamentary oversight – the three A's: Authority, ability and attitude

The discussion on the challenges to developing the tools of parliamentary oversight in Liberia examined the following:

- tools available to parliament in legislation, scrutiny of the activities of the executive, financial control and engaging the public;
- the authority of parliament, with reference to its responsibilities and constitutional power;
- the ability of parliament relating to the technical know-how needed to successfully undertake its security sector oversight duties;
- the attitude of parliamentarians in terms of their level of commitment and devotion to their duties; and
- an assessment of the key strengths, challenges and priority needs of parliamentarians in carrying out their oversight duties in terms of authority, ability and attitude.

The return of parliamentary democracy in Ghana: Lessons of infancy

The discussion on the experience of Ghanaian parliamentarians examined the following, and provided a useful point of reference for comparison with the Liberian context:

- the common problems facing parliamentarians in Liberia and Ghana after long periods of non-democratic military rule or conflict, notably the culture of fear, lack of knowledge on the duties and responsibilities of parliamentarians, unrealistic expectations from constituencies, executive domination of the security sector and financial capacity challenges; and
- the differences between Liberia and Ghana in terms of checks and balances within parliament and between the executive and legislature, given the different systems of government in these countries.

Case study of security legislation in Liberia

The case study of security legislation focused on the following:

■ the role of the Liberian legislature in the evolution of the GC-led process of developing a security policy for Liberia, and the draft Defence Act;

■ the responsibility of parliament in clarifying the roles and responsibilities of the different aspects of the security apparatus and altering legislation to ensure the successful functioning of the sector;

■ matters arising from the draft National Defence Act; and

■ the importance of not stopping the process, so as to avoid creating a void, but rather to guide it and ensure that it is sustainable.

Outcomes of the meeting

This Interactive Needs Assessment was aimed at building the required capacity and support for a home-grown process. The workshop assessed the areas of need in order to direct support in the most effective way. The result is detailed in Annex 1, including a work plan of delivery of support to Liberia parliamentarians directly involved in oversight of the security sector. Ultimately, the role of the Liberian legislators will have to be strengthened by the ongoing process of peace consolidation. This will necessitate a Liberian conversation that is sincere, without apportioning blame, but focused on a common future. The legislature and the executive must come together to articulate a way forward and engage partners to facilitate Liberia's post-conflict reconstruction agenda. The Liberian people must be a core part of this process to ensure that it is truly inclusive. Hence, there must be a push for widespread civic education, as these are uncharted waters in the pursuit of an inclusive SSR process in Liberia. The challenges are evident, and Liberian parliamentarians are not alone in facing them, as the experiences highlighted by Ghanaian parliamentarians suggest. The problems of capacity have been well noted, and present a clear requirement for support, not least in regard to training for parliamentarians and support staff, as well as improved working facilities.

There is a dilemma in having to depend on external funds and simultaneously needing to ensure Liberian control of the restructuring process. Nonetheless, it is a challenge that must be engaged. There must be innovation in the approach that is taken, for example, spreading the net in soliciting financial support and expertise to include African countries that have had successful SSR processes, as well as those that can afford to provide finances and lessons learned. External actors should be pressured to harmonize their activities and work toward a common understanding.

These ideas will serve the current parliamentarians well in their most significant task yet, namely, reviewing the draft National Defence Act. There is an immense opportunity for Liberia to ensure that it makes a clean break from the past experience of poor governance of the security sector. It is essential that the necessary support is provided to the Liberian legislature so that, as the constitutional custodian of the security sector, it efficiently undertakes its vital role.

2. Opening Ceremony, 28 March 2007

The opening ceremony was chaired by Dr Thomas Jaye of the KAIPTC Conflict Prevention, Management and Resolution Department, with a welcoming address by the deputy commandant, Commodore Addison.

Commodore Addison noted that KAIPTC was an appropriate venue for this meeting, given that the Centre has made a sound contribution to the post-war reconstruction effort in Liberia through the secondment of a senior research fellow to facilitate the evolution of a security sector policy within the GC in Liberia. He acknowledged the importance of this effort to strengthen the role of parliamentarians early on in Liberia's SSR process, so as to ensure that the security sector is properly governed. He thanked the organizers of the meeting – DCAF, ASSN and CSDG – and the Security Transformation and Facilitation Team established by the ASSN to support the work of the Liberian GC.

The chair of the Security Committee in the House of Representatives, the Honourable Saah Gbollie, thanked the organizers for their interest, and their commitment to ensure that security forces are controlled by democratic structures in order to consolidate the postwar reform of the security sector. He expressed his hope for an interactive meeting that would be productive. The chair of the Security Committee in the Senate, the Honourable Prince Johnson, thanked the organizers on behalf of the Senate. He noted that it was the legislature's responsibility to oversee the security sector, and a principal constitutional requirement that parliament should constitute the Armed Forces of Liberia, but that this stipulation has so far been ignored. As such, he challenged colleagues to take advantage of the workshop, to embrace the pursuit of excellence in the performance of their oversight roles and to ensure that the security sector is governed in a sound democratic manner.

On behalf of the organizers, Dr 'Funmi Olonisakin, director of the CSDG, welcomed all participants and echoed the expectation for a successful meeting. Dr Adedeji Ebo, head of the Africa Programme at DCAF, paid tribute to the Honourable Elijah Seah, co-chair of the House Committee on National Security, for his commitment to the process since the transitional period.

3. SSR: What, why, who and how?

The discussion was focused on assisting the parliamentarians in their oversight responsibilities regarding the security sector; achieving clarity on the concept of security in Liberia and its implications for Liberians; understanding the purpose of security institutions; defining the need for oversight of the security sector; and ascertaining how parliamentary oversight of the security sector is operationalized.

What is security, who should govern its provision and how does it affect Liberian society?

The concept of security has traditionally implied regime security. However, with the increasing prevalence of the human security discourse, the concept is now increasingly focused on the security of individual persons. In this regard, decisions made about security should be people centric. As such, the parliamentarians who represent the interests of Liberians within the highest decision-making apparatus in the country are best placed to govern this process. They are responsible for articulating and making decisions about the security needs of the citizenry. The expectation is that parliamentarians can ensure the effective provision of security to fulfil the security needs that are articulated. This needs to cover the management of the providers of security, as well as the means of seeking redress against those who threaten the security of others. The major challenge for parliamentarians is how best to effectively oversee the entire security sector to this end. This requires a dialogue on mindset change, relating to how all concerned parties view security.

An example is in the comparatively high level of security vulnerability that women and children face. Unfortunately, the inadequate treatment of this issue, which often results in simply addressing a checklist of tasks, makes it difficult to address this challenges. It is necessary to examine the following questions to begin to address the security status of women and children. Who can accurately articulate the security needs of women and thus make decisions about their security? Who manages the providers of security in ways that can ensure that the security needs of women are met? This demonstrates the need for security policy to cover the length and breadth of society. The participation of all groups, particularly women, needs to increase in order to address the specific challenges that women face.

This is in line with UN Resolution 1325, which requires an increase in female participation in decision-making processes on peace, security and conflict management. Unfortunately, the previous dominance of regime security has meant that this dialogue has for too long involved largely military personnel. This has affected the ability of legislators to carry out their oversight duties because of their lack of access to decisions being made on security issues. Additionally, because of this perception of security as regime security, civil society has not been able to contribute significantly to the process of security sector oversight. In light of this, it is worth noting that a recent assessment exercise in Maryland County indicated that residents were clear about the threats that they face and the roles of security agents and parliamentarians in dealing with these threats.

How should security provision be governed in Liberia?

Parliament is acknowledged to be the engine of democracy, necessitating its role as the overseer of the security sector. In view of its mandate to exercise judgement about what constitutes security threats, it can oversee the use of force by the security institutions. It is vital to understand that the purpose of the creation of security institutions is the primary duty of protection of the citizenry, which is why such institutions are funded from the public purse. The absence of the exercise of judgement over these institutions can lead to their turning on those that they were set up to protect, as has been the case in many West African countries and was evident in the 14-year Liberian civil war.

The exercise of control over the security sector is especially important, given its control of the means of violence and the potential threat that this can pose to human lives. Parliament possesses the tool of being the ultimate guardian of the state purse. It is thus its responsibility to ensure that all activities within the security sector are within the affordability of the Liberian purse. It is notable that parliamentary control is not synonymous with democratic control, as democratic oversight responsibility includes civil society groups and research institutions, among other relevant bodies.

SSR must be aimed at changing mindsets, among other things, as opposed to merely addressing structures, particularly given the Liberian historical context. Home guards were created to ward off attacks on settlers from indigenes and were thus created for the protection of settlers. Also, the security agents of the Liberian Frontier Force were working as tax collectors. And during the Cold War, the focus was largely on regime security. Now the context has changed and the functions of security agents must be redressed.

Responses from the parliamentarians

Participants expressed disappointment at the lack of local ownership of the Liberian SSR process, in which a private US security company has played the key role. Given the inadequate domestic capacity, external expertise was definitely necessary, but a preference for African leadership via the Economic Community of West African States (ECOWAS) was

noted. This failed due to the late entry of ECOWAS into the fray. As a result, elements of the process have been stalled because of a shortage of funds, although it is likely that the use of African expertise would have cost considerably less than that of the United States. This external influence has also led to unconstitutional activity, given that parliamentarians have been excluded from a process in which they should have played a key role.

RAND Corporation appeared on the scene after the decision had been made to disband Liberia's armed forces. The RAND report did not challenge the decision to build a new army of 2,000 personnel, but argued that quality should be the focus and not quantity. Participants, however, warned that caution should be exercised in dealing with externally generated ideas without input from Liberians. All information being used to guide the Liberian processes should be carefully assessed, especially that from non-Liberians. Nonetheless, the challenge of external ownership of the process was virtually inevitable, because the process evolved initially during the period when domestic capacity was at its lowest level. Consequently, when the time came to draft follow-up documentation, the foreign ownership of the process was already in place. The transitional government could not be assertive in its ownership of the process, and by the time there was an elected government, many of the systems were already in place.

A particular case in point is that the police reform process preceded the elected government, where many trained police officers were retired with no thought to the issue of possible replacements. The blanket positive discrimination in favour of women contributing to the police force is problematic, as the minimum requirement of 30 per cent women cannot be matched by the existing capacity. As a result, this is leading to the recruitment of substandard personnel, as opposed to focusing on rebuilding capacity to eventually fill the gender gap. It is important to acknowledge the role of the transitional government and the lasting negative effects it can have on an elected government. Owning the process does not imply excluding non-Liberians, but taking clear leadership of it.

Participants were urged to draw lessons from the continent, notably South Africa, where reconciliation was a key part of the transition to democratic rule, which implies the necessity of rebuilding the security apparatus from the existing apparatus, in spite of the contentious past behaviour of various members of the existing apparatus. The unfortunate situation in Iraq highlights the need for caution, where those disbanded are now being relied upon to mitigate the current troubles. It is troubling when the SSR process advances more than the reconciliation process; ideally they should move in harmony. One constitutional challenge is that the executive has attempted to raise an army without seeking the permission of the legislature, and has presented a Defence Act only after the formation of the army. This raises the issue how the security forces perceive the issue of who they are protecting.

There is a challenge to the oversight functions of the legislature, in that the executive, which is responsible for the operationalization of the security sector, is responsible for funding these functions. There is the additional challenge that parliamentarians all over Africa are disempowered, given the general tendency for them to be subservient to the executive, and they are discouraged from carrying out their oversight functions due to a lack of access

to information particularly on security matters, because of it supposedly being 'classified information'. Such lack of access can perhaps be challenged in court.

The way forward is challenging, as the elected legislative and executive bodies are not well equipped to recapture the process. There is the difficulty of low capacity and capability. Debate is needed on some kind compromise between the executive and the legislature; however, there is underlying distrust between them that must be resolved. The two groups do not respect each other at the highest level, and this has carried through to the lower levels in relations between the police and the representatives of the people. The access of legislators to good research will further reduce the capacity gap. There is substantial discrepancy between the plans of the executive and what is required in reality, which is best assessed by the elected parliament.

Conclusion

Sessions like this Interactive Needs Assessment are aimed at building the required capacity and support for a home-grown process. The aim here is to assess the areas of need so as to know how best to offer support. One area highlighted is that of information, and strategies should be developed for how to obtain the necessary information. Both the executive and legislative arms need to work together, but the aim is to work with the legislature first so as to be in a position to effectively challenge the executive, to the benefit of the Liberian citizenry, who remain paramount in all that is to be done.

Action points

- There is a clear need for increased collaboration and interaction between the legislature and the executive.
- External actors must engage all arms of government and centre their strategies on this interaction.

4. Challenges of parliamentary oversight of the security sector

The challenges of parliamentary oversight of the security sector to be reviewed here focus on specific dimensions to SSR in Liberia as a post-war country. Assessing the advisory and resource needs of the Defence and Security Committees to perform these functions will be central to this.

Challenge of the post-war environment

Security sector reform/transformation in Liberia, as a post-war environment, is particularly complex, given the simultaneous occurrence of a variety of important events. It is occurring within the context of a broken down infrastructure through which all these processes are somehow to be operationalized.

In spite of these challenges, SSR cannot be delayed, as it is important for the process of post-conflict peace building. It challenges vital issues that were contributing factors to the conflict, particularly in unaccountable governance. It is therefore necessary to identify these causes of conflict in order to avoid a relapse into conflict. However, for efficient activities to be undertaken, there has to be a minimum level of security. Additionally, there is the need for the wide variety of actors that have come to be involved in the post-war reconstruction efforts to work with some common understanding.

There is especially the need for some form of harmony in the actions of external actors in order to efficiently utilize available resources. Good diplomacy is essential to be able to manage the activities of international actors, even when they are perceived to be not acting in Liberia's interests. This is very important, as any assistance that is offered is desperately needed, given the wholesale destruction of the previously existing infrastructure. Additionally, regardless of the conditions under which agreements have been made concerning the security sector, these agreements will have to be taken into account in order to proceed with successful and holistic SSR that will enable successful disarmament, demobilization and reintegration and democratic control of security provision.

The challenge of external actors

The main actors in the Liberian security sector apparatus are the Liberian government; international actors, including the United Nations (UN); regional actors, including ECOWAS; and private actors.

There are profound peculiarities within Liberia that have led to problems with how the CPA is now being handled. Almost all external actors accord greater recognition to the executive than the legislature. As a result, the extent of productive interaction between the two arms of government is greatly reduced. There is an unfortunate lack of a home-grown legal apparatus to guide the SSR process. This is being entrenched in the Liberian defence policy, which is heavily based on the American model. There have also been challenges to the young Liberian democracy in the exclusion of civil society from any input into the proposed SSR activities that are supported by the US government.

If care is not exercised, the tension between the executive and the legislature may derail the democracy experience. There is a need to go beyond judicial reform to constitutional reform in order to efficiently pursue SSR. Parliament seems to be subject to the executive, which is dangerous, as the former is the 'lightening rod' of the governance system. Despite the authority provided by the Liberian Constitution, parliament has not played the crucial role that it should in these processes. The added challenge of dependence on external support must be addressed. It is only a matter of time before international aid to Liberia begins to dwindle.

An African model should be developed to deal with these issues. Greater international participation is also needed to ensure funding, as African countries have more limited resources, even though there has been African support to the Liberia peace process in terms of financial and human resource contributions. However, there has been a clear gap regarding US training of the proposed Liberian army personnel, while the army restructuring process is deemed less than adequate. Some remain convinced that this is not based on an assessment of objective security threats, otherwise such an assessment would reveal that Liberia needs more than an army of 2,000 men and women. Some consider this a form of indirect dictatorship. While there is some appreciation of the rationale for the SSR process being taken over by external actors at the initial stages of the implementation of the CPA, given the state of disarray in the country at the time, the continued foreign domination of the military restructuring process without a meaningful contribution by critical local actors is arguably no longer justified.

Regarding local ownership, there is the need to unpack and challenge the lip service paid to this concept by the international community. What often happens is that external actors find room in their policies to 'include' Liberians. To counteract this, Liberians should develop their own vision in order to challenge any foreign-dominated plan. The executive cannot be expected to make it easy for the legislature to lead the way in this process. It is the legislature's responsibility to build its own capacity in order to ensure that it can provide effective oversight of the SSR process, for the good of the Liberian people.

Response from the parliamentarians on challenges to parliamentary oversight

It is arguable whether there has been a dissolution or a restructuring of the army, as some ex-army personnel were readmitted into the new army. It is notable that the security apparatus in Liberia has been greatly abused for many years, and hence the only guarantee against abuse

in the future is not *who* controls the SSR process, but *how* this is done. It is understandable that Liberians must make use of the expertise offered by the international community to restructure the country's security sector. This is at some expense to the sovereignty of Liberia, but arguably worth it, as long as Liberians are not left out of this process altogether. It is necessary that Liberia manages its financial resources in order to sustain its reforms. Furthermore, the reforms in the security sector should not stop at security oversight, but also encompass judicial reform.

The Liberian parliament is faced with difficulties in examining who provides security and for whom it is provided. Unfortunately, it appears that the underlying principle that still prevails is that of regime security. This is reinforced by the way in which the process of passing new laws is dealt with. For instance, when laws are passed that are not immediately palatable to the executive, it misinterprets them in order to challenge the legislature. If the legislature attempts to deliberate bills properly, it is compromised by the generation of bad publicity. And while it is appropriate that there are closed sessions for drafting bills, this information must to be shared with all members of the legislature.

The legislature is criticized for not having the know-how to critique proposed legislation; however, its members do not have access to the resources to facilitate this. There is the need for sound engagement by parliament in the rebuilding of the security apparatus that will have a major impact on Liberia's future. In redressing these difficulties, it will be useful to assess the history of the Liberian parliament and how this has affected its members' perceptions. Ultimately, the legislature is responsible for carrying out its constitutional mandate. There is the need for constructive engagement with the executive for bettering the lot of the Liberian people, with both houses of the legislature living up to their responsibilities.

The legislature should give due power to the executive, but it should be thorough and decisive in its approach. For example, in order to effectively debate the Defence Act currently in question, the legislature should source the necessary documents, deliberate, and provide sound and conclusive analysis and decisions in order to play its role. The legislature must impress its role upon the executive so that the latter is compelled to respect the former. It is necessary to understand the current situation and engineer it to the advantage of the legislature, in the interest of the Liberian people.

Regarding the internal workings of the legislature, members from all parties need to work for a common interest. However, achieving this depends on true reconciliation, as in post-apartheid South Africa. Caution should be exercised in engaging any 'seeds' of disunity that may be sown. This is harmful to the understanding of security risks, which is important to the reconstruction efforts being made through the engagement of foreign investment. The belief exists that everything in Liberia preceding the current administration has failed; however, respectable Liberians are still to be found, as are good institutional structures. There should be joint participation in vetting processes, instead of divisive actions.

The Liberian legislature has not traditionally been proactive, and the majority of the currently serving legislators are first-time legislators — 90 per cent of the legislators attending the workshop were serving their first term in parliament. This is coupled with the need to improve their capacity, including supplying additional training for their research staff.

On the other hand, the legislature has the power to set its funding allocation and can therefore theoretically allocate resources for this purpose. The legislature also has the upper hand in overseeing the security sector, as it is the only body that can pass bills/acts into law, including the Defence Act. This makes the present workshop particularly timely, given the impending deliberation of the Act.

Conclusion

Security sector transformation will need to be supported by the ongoing consolidation of the reconciliation processes. There has to be a Liberian conversation that is sincere, does not apportion blame, and is focused on a common future. Liberia is not alone in this process. Nigerians learned from the South Africans during the former's return to democracy in 1999. On the African continent, the executive has traditionally disrespected the legislature. There is also a history of a knowledge gap on the relevant issues on the part of the legislature. In Liberia, knowledge access sometimes occurs on party lines; therefore it is necessary to research the paths to obtaining information on security issues. The international community has facilitated a non-democratic tradition regarding security sector issues by excluding civil society and the legislature in the processes that they have led. Therefore, it is necessary to develop a home-grown vision, and not to promote absolute trust in the international community at the expense of the Liberian people. Although that community has offered support, one cannot be assured that there is a synchronicity between its objectives and the best interests of the Liberian people. As mentioned earlier, the support remains extremely valuable, but, perhaps, an approach where assistance is solicited to support a Liberian vision is preferable.

Action points

- Efforts must be made by both the legislature and the executive to articulate a national position.
- Within the legislature, members must endeavour to cross party lines if necessary, in the best interest of all Liberians.
- External actors must aim to harmonize their activities.

5. The challenge of external actors: Restructuring the Armed Forces of Liberia (AFL)

One of the challenges of external actors is exemplified by the contracting of the army restructuring to Dyncorp by the US government as part of the CPA requirement. There was insistence on the need for the process to be entirely legal and in accordance with the Liberia Constitution. The process began with the initial composition of a Defence Advisory Committee that included representatives from the governments of Ghana, Nigeria, the United States and ECOWAS. It was later dissolved on the reasoning that it was as an interim arrangement. The process following this was led by the US government. Here, there was a drive to restructure the army by dissolving the existing army and raising a new one, but without proper consultation with the legislature. There was a resulting lack of clarity of the mandate for the restructuring exercise, made worse attempts to expand it to cover the police services. This was problematic, and it disrupted existing structures. For instance, although the police personnel salary structure was already in place, attempts were made to tie this to the army salary structure.

Response from the parliamentarians on the workings of the restructuring exercise

There is some evidence of the executive working with external actors to the exclusion of the legislature on issues pertaining to the security sector. This means that there was substantial input from the Ministry of Defence, but none from the transitional government parliamentarians. This should not be repeated in the current dispensation, and the Defence Act presents an opportunity to change the practice hitherto. This should be broached by assessing the current Act and charting a way forward. It is important to acknowledge the stipulations of the CPA, which stated that the AFL should be restructured. Therefore, this is what should happen, with the possibility of retiring old soldiers and releasing those that are surplus to requirements. Constitutionally, parliament is the only body with the power to dissolve the army. As a result, the current dissolution of the army has no legal basis, as it was carried out without consultation with the legislature. Within this process, there are insufficient safeguards and nothing to prevent members of the administration from placing their loyalists within the security services, should they so desire. This raises questions about the purpose of the services and the issue of regime security.

Conclusion

There is a dilemma in depending on external funds and simultaneously attempting to take control of the restructuring process. Those countries that pay for this process themselves have been proven to be the most successful, including South Africa and Uganda. In Uganda, the army was disbanded and amalgamated, then soldiers who were surplus to requirements were reoriented and later discharged. A Liberian dialogue and clarity on Liberia's desired path are needed, followed by a process of requesting particular support from other countries to put the Liberian-made plan into operation. Additionally, financial support should not be limited to the developed world, but African countries should also be approached to assist Liberia in funding and controlling its SSR process.

Action points

- The legislature should engage with the executive in order to resolve the current status of the AFL.
- Increased consultations should be held with other African countries to solicit support for the Liberian SSR process.

6. SSR: Tools for parliamentary oversight

The first set of tools available to parliament is that of law making. Parliament can propose legislation and has the power to amend laws that have been submitted to it. The second such set of tools is that parliament can scrutinize the activities of the executive. It can summon and query members of the executive, as well as demand relevant documentation. This includes issues that are deemed secret and confidential, as secrecy has no place in a democratic system. In many Eastern European countries, there is a system of ranking parliamentarians' access to confidential information. Civilian experts can also be summoned to appear before parliament. The appointment of senior personnel is also subject to parliamentary approval.

The third set of tools comprises parliament's ability to engage the public to ensure that their expectations are being met. Unfortunately, public hearings are often made out to be complex and expensive, although this need not be the case. They serve the purpose of helping the legislature to navigate the areas of discussion on topical issues. The fourth set of tools available to parliament is its control of expenditure. Parliament can review budgetary proposals, oversee budgetary evaluation and order audits of the executive's expenditure. Parliament also has the power to veto procurements of the security apparatus.

The other tools that are available to parliament include deploying missions abroad, monitoring them, determining their length, and approving and evaluating their budgets. These powers result the fact that the citizenry are sovereign and parliament represents the citizenry.

The three A's: Authority, ability and attitude

The *authority* of parliament refers to its responsibilities and the required power to perform the duties laid out in the Constitution, for example, Article 34, which states that only parliament can raise an army. The *ability* of parliament refers to its members' technical ability to successfully undertake their oversight duties. The *attitude* of parliamentarians refers to their level of commitment and devotion to their duties. Parliamentarians have to be above reproach to be able to effectively hold the executive to account. In a post-war environment, attitude is perhaps the most important element, and the other two A's are dependent on this.

There is the need for improved facilities to support the work of parliament in understanding how the system has evolved to its present state. It is useful to conduct research and examine the Acts that were passed in the past to establish the premises upon which they were based. It is especially necessary to review the Acts that brought the security institutions

into existence, and to understand the intentions of these Acts and their resulting outcomes. For instance, the National Security Agency cannot be audited and is answerable only to the president. This raises the issue of the need for constitutional reform to address the weaknesses and lack of clarity within the existing Constitution that may have arisen from a past focus on particular motives for the creation of such legislation.

Nonetheless, as the Constitution stands, substantial room for manoeuvre remains for parliamentarians. Parliament is currently operating at no more than 5 per cent of its available powers. There is the omnibus provision in Article 34b of the Constitution, which can be lethal in the hands of parliament, as it allows parliament to challenge the executive during the process of passing the Acts that the latter submits to parliament into law. Article 38 accords parliament significant powers, as it permits it to define the roles of the executive according to the Constitution.

Response from the parliamentarians on tools for parliamentary oversight

The Constitution adequately provides for the legislature to carry out its role. However, although authority is clearly defined, ability and attitude are not. These latter two requirements are highly important, as the executive generally divides and rules by according special respect to particular legislators and thus breeding disunity. The society is also ill informed about how democracy works. Unfortunately, the legislature is very often made to bear the brunt of the people's dissatisfaction through the executive's dissemination of misinformation. This invariably affects the ability of parliament to perform its duties efficiently. Legislators must challenge each other internally on the issue of attitude. There is the need for high levels of integrity – it is essential that the integrity of parliament is kept intact, especially to repudiate the reputation it has gained among the people with regard to the unfair way in which the legislature has been painted. The marring of the integrity of the legislature is what led to the removal of the previous leadership, in order to ensure that the best type of leadership is in place.

For the first time in Liberian history, the ruling party does not have a majority in parliament. Those parliamentarians that are highly vocal should therefore not be seen as rebels, but rather as taking advantage of a rare opportunity to challenge violations of the law, especially where it involves highly placed members of the executive. It is important, though, to celebrate the efforts of the legislature thus far, as it has been assertive and maintained a degree of objectivity. This is the fortunate fallout of no one party enjoying a majority in parliament, and was exhibited by the Senate, for example, insisting that it will not consider the Defence Act without reviewing the related documents.

It is important to note that the legislature is not there simply to impede the progress of the executive. Parliamentarians should feel obligated to do what is right for the country as a whole, and it will be detrimental to misapply parliament's authority and power in order to fight the executive as an end in itself, with no benefit for the Liberian people. The aim should

be to engage with the executive and fight the system, and not personalities. The vigilance of the law makers is very important for the governance systems. The current government is a continuation of the CPA, and in this alone there is a success story. It has also committed itself to land and civil service reform. However, constitutional reform remains necessary, as the president has excessive powers, and this is evident in the assertion of these powers at particular points in the country's recent history.

For parliamentarians, there is the need to build capacity in order to be informed and know what best practice is. Additionally, the members have different backgrounds, and therefore need access to resources to become better acquainted with the relevant issues regarding legislation. There is also the fundamental need for professional research and support staff to provide briefings of synthesized information and specialized knowledge. A vital point is that there is a dearth of facilities, and even if such specialized knowledge were to be provided, the working environment is essentially substandard, thus limiting what can be achieved.

The realities of ability, authority and attitude: Group exercise

A group exercise was held in which the parliamentarians were asked to identify three key strengths, three key challenges and three priority needs that can turn the challenges into strengths in the areas of ability, authority and attitude. This exercise yielded the following results:

Ability

- The *key required capacities* that were noted were: sound professional backgrounds that are brought to bear in the carrying out of parliamentary duties; capable existing staff; and manageable logistical support.
- The *key challenges* that were noted were: the inadequacy of current logistical support; the lack of support for public hearings; and the absence of resource facilities.
- The *priority needs* that were noted were: provision in the national budget for better logistical support for parliamentarians; additional financial support for hearings and a resource centre; and training of support staff and soliciting external support in the short term.

Authority

- The *key required capacities* that were noted were: law-making capacity; adequate capacity regarding application of the system of checks and balances; and the capacity to represent the citizenry.
- The *key challenges* that were noted were: poor logistical capacity; lack of human resources; lack of awareness on the part of the citizenry; and poor information dissemination.
- The *priority needs* that were noted were: constitutional reform as the key priority need to rectify the challenges being faced; improved logistical capabilities; capacity building of staff and legislators; and civic education.

Attitude

- The *key required capacities* that were noted were: respect for rules and regulations; tolerance and accommodation of divergent views; and personal commitment to national interest.
- The *key challenges* that were noted were: negative mindsets; selfishness; and the arbitrary use of legislative powers.
- The *priority needs* that were noted were: peer motivation through dialogue between the Senate and House of Representatives; civic education and public dialogue; and adherence to the rule of law.

Conclusions

The need for civic education was emphasized, demonstrating the unanimous acknowledgement of the lack of civic awareness among the citizenry. The lack of capacity and the need for increased support were recognized. It was agreed that sufficient authority existed for the legislature to carry out its tasks, and that there was the need for carrying out the responsibility to utilize this authority. It was agreed that parliamentarians should be creative in addressing solutions, particularly with limited resources. This must be applied in considering public dialogues, which can be as cheap or as expensive as intended. The Kofi Annan Institute for Conflict Transformation (KAICT) in the University of Liberia can facilitate public hearings as part of ongoing seminars. Regarding the costs of publicity, relationships with media specialists should be cultivated and those that are less expensive or free should be identified, like the UNMIL radio station.

Action points

- Strong permanent support staff should be appointed who can inform parliament on technical issues.
- There should be an interactive session between the press and legislators. (Funds are available for these activities from multiple sources, including DCAF.)

REPORT: DAY 2
7. The return of parliamentary democracy to Ghana: Lessons of infancy

Common problems face parliaments returning to work after a long period of non-democratic military rule or conflict situations, and this has informed mutual lesson-learning opportunities in South–South exchanges. This aspect forms part of the UN Development Programme's partnership with Liberia on facilitating parliament to carry out its oversight functions. Members of the Ghanaian parliament, the Honourable Hackman (vice chair, Committee for Defence and Interiors) and the Honourable Quarm (vice chair of the Government Assurance Committee), shared their experiences on the working of the Ghanaian parliament. Hackman is experienced in the legal instruments to be used for parliamentary oversight of the military apparatus by civilians, while Quarm is in charge of the committee that ensures that promises made by the executive to the citizenry are upheld and that investigates the related processes. They shared their experiences with the Liberian parliamentarians as part of the effort to contribute to the strengthening of the oversight role of Liberian legislators.

Experience of Ghana parliamentarians

In Ghana, parliamentarians face a number of challenges when carrying out their oversight responsibilities. Firstly, many parliamentarians came to office knowing little about their roles and responsibilities as a result of the long presence of the military in government. With military rule, the legislature was the only arm of the government that ceased to function, as the judiciary and the executive continued to operate. Thus, with the return to democratic rule, only the legislature have had to deal with this kind of operational hiatus. The lack of knowledge on vital issues makes it hard for parliament to conduct a more constructive debate.

Secondly, Parliamentarians operate in an environment that is dominated by a culture of fear, which is also a factor of the past military dispensation in Ghana, coupled with a high level of respect for seniority that makes it difficult to confront the leadership. The environment also presents a challenge, as the citizenry believe all politicians to be corrupt, and are highly distrustful of parliamentarians.

Thirdly, as a result of the adoption of the UK parliamentary system, with no separation of powers between the legislature and the executive (in that the executive is drawn from members of the legislature), ruling party parliamentarians tend to be less comfortable confronting

the executive than minority party parliamentarians. The power of the legislature is limited in Ghana because of this system. The president appoints the head of the Ministry of Parliamentary Affairs, who is the head of the legislature; hence, it is difficult to put forward any interests of parliament that might be at the expense of the executive. The tendency is for ruling party parliamentarians to adopt the relevant ministers' positions and support them within parliament, with the central aim of ensuring the re-election of the party as the majority party in the next election. This is supported by 'incentives' to consolidate positive responses to legislation that favour the executive.

Fourthly, there is a struggle for influence in the civil service, with loyalties being exhibited to certain regimes. Thus, parliamentarians can face immense challenges in effectively overseeing the executive when civil servants will not share information that may indict the members of the executive to whom they are loyal. The budgets presented by the president and ministers are almost certain to be approved by parliament with insufficient scrutiny as a result of this.

Fifthly, there are financial pressures arising from low incomes, and although resources are officially made available from the budget for the various parliamentary committees in the form of a fund, it has been claimed that this provision exists only on paper. Parliamentarians supplement their parliamentary allowance, which is treated as their salary, with committee meeting allowances.

With particular regard to the operation of parliament's oversight duties pertaining to the security sector, there are issues regarding confidentiality, specifically with the currently ruling party arguing that defence and security matters are confidential issues. Fortunately, the military have started opening up to parliament and increasingly inform it on the challenges that they face, as they are increasingly aware that this is a means for getting the funding that they need, given parliament's responsibility to approve budgets.

The lack of separation between the executive and the legislature does not automatically preclude the friction that both arms of government have traditionally been exposed to. Rather, this friction occurs along party lines between the majority party parliamentarians, who also make up the executive, and those of the minority parties. There are incidents of information being given by senior civil servants to the minority parties' parliamentarians to embarrass the sitting government, according to these civil servants' affiliation. However, this is arguably a sound source of the necessary checks and balances, as is the suggestion that the chair of the Government Assurance Committee be a minority party member in order to allow the committee to carry out a genuinely critical assessment of executive promises.

An additional difficulty is parliamentarians' lack of awareness of their duties. The electorate feels a sense of entitlement in that they feel that since they put the parliamentarians into office, they are entitled to expect to be rewarded in financial terms. Parliamentarians find it difficult to challenge these notions, since many of their colleagues are happy to live up to these expectations on the part of the electorate. This can also be manipulated by the executive to paint parliamentarians in a bad light. There is especially a clash between the district chiefs and parliamentarians in this regard. The parliamentarians of the minority party are in a stronger position to challenge the district chiefs than those in the ruling party.

There is the need for research support to assist parliamentarians in debating important issues and moving the discourse in a productive direction. The research officers require training, committee libraries, and better pay and working conditions. This is especially the case with the Government Assurance Committee, where a research institution has to be used to research a particular issue being investigated, because of the aversion on the part of the executive to sharing information, particularly where it may 'harm' the executive. It is necessary to follow up with stakeholders to assess the efficacy of the programmes that the executive has promised. There are also challenges with regard to researching and writing the many documents that need to be processed in order to generate the necessary information.

Furthermore, the executive has often made deliberate attempts to embarrass parliamentarians by ministers loading information on them at a time when Acts need to be reviewed and deliberated. This is especially important, as constituents want to hear their parliamentarians capably engaging the executive on topical issues that are of relevance to them. This visibility is important for members of parliament in gaining the support of the electorate and changing the negative perception that has been attached to them.

This raises the issue of logistical support for visits to communities, as well as that of the provision of small gifts to community leaders, in line with tradition. There is the additional need for civic education and related information campaigns. Currently responsibility for this lies with the National Council of Civic Education through public education programmes. However, this institution is extremely underfunded. The Ministry of Information also has the role of informing the electorate. If the necessary resources were available, MPs would be more capable of carrying out their duties.

The Liberian response to Ghanaian parliamentarians' experience

The Liberian parliamentarians experience similar challenges, even though they function in a post-war environment. The importance of civic education cannot be overemphasized, as well as the need for researchers, but there must be motivation for appointing qualified and competent researchers in such roles. It is especially important that the electorate be informed about the role of the legislature, so as not to allow its members to clandestinely elicit bribes to fulfil the requests of members of the electorate in a bid to retain power. The Ghanaian experience shows that it is necessary for parliamentarians to use their power to identify the issues that the electorate face and confront these. The president and parliamentarians are both elected by the people, yet the executive has more benefits than the legislature. How is this problem to be resolved? Liberian parliamentarians should adopt the idea of a development fund, as in Ghana. There are legitimate obligations to give small gifts to community chiefs, given the proper understanding of his/her position and that of parliamentarian. These are issues that are part of the African setting and address how one bridges the gap between Western democracy and existing African systems.

Although there are similarities between the two countries, there are major differences. The governmental systems are different, as there is a distinct separation of powers in Liberia

between the executive arm and the two houses of parliament. In addition, the balance of power among the parties currently implies quite different systems of checks and balances in the two countries. In Ghana, the executive is checked by the minority elements within the legislature, which has limited constitutional authority. In Liberia, the executive is checked by much of the legislature constitutionally and practically, as a result of the latter's constitutional powers and the current ruling party's lack of a majority in the legislature. The legislature is empowered to raise and control the army, as well declare and end war. In Ghana, most of these powers are situated within the Presidency via the Armed Forces Council. In Liberia, it is necessary to use the opportunity presented by the absence of a majority party in the legislature to implement change. Performance reports should be requested from executive agencies before parliament approves new budgets, and the legislature should take greater control of the legislative budget in order to ensure parliament's independence. Additionally, in both Ghana and Liberia, the executive has traditionally played 'dirty tricks' on the legislature by, for example, providing information on an Act that has to be passed by parliament just before parliamentarians go on recess. Likewise, parliamentarians have played similar 'dirty tricks' by taking their time to pass legislation presented by the executive.

Action points

- Civic education programmes are necessary to inform members of the public, as well as to solicit information on the challenges they face for efficient representation by parliament.
- Parliament should request performance reports from the government during the approval of budgets, to ensure that it efficiently and effectively applies the system checks and balances to government activities.
- Parliament should take legislative control of its own budget to secure its independence.

8. A case study of security legislation in Liberia

Participants discussed the draft Defence Act, which at that time was before parliament for deliberation. There was consensus that the best time to get the work of the parliament right is at the inception of any parliamentary activity. Participants concluded that using the Defence Act as a case study in such a forum could only enrich the SSR debate and enhance the work of parliamentarians.

Background to the National Defence Act

The GC has been mandated by the president to provide leadership in the intellectual debate on the SSR process in Liberia. As part of this debate, there have been nationwide surveys on the security sector reform/transformation process. Two of the main points mentioned were that parliament must clarify the roles and responsibilities of the different aspects of the security apparatus and alter legislation to ensure the successful functioning of the sector. An assessment of the security sector was carried out through a specific discussion with the Ministry of Defence. The hope was expressed that there would be a Police Act and Immigration Act alongside the proposed Defence Act in order to complete security sector policy. The Defence Act has preceded the other two, and this may raise complications due to this lack of synchronization. For example, the Coast Guard is functionally a law enforcement agency, but does it come under the Ministry of Justice or the Ministry of Defence, or does it jointly work with Immigration and remain under the Ministry of Defence? Nonetheless, in proceeding with the current state of affairs, it is necessary to find out if the Defence Act has been scrutinized by the Ministry of Justice, as it would be a procedural error if this were not the case. Other difficulties include the training of the army ahead of the Defence Act, whereas the duties and structure of the component parts of the armed forces still need to be delineated in the Defence Act. The intention of GC in these matters is not to stop the process, which might create a security void, but rather to guide it henceforth and ensure that it is sustainable and properly carried out.

Examining the National Defence Act

It was agreed that the purpose of this session was merely to address certain aspects of the Act and provide background information to aid the decision-making process, particularly as the Act will affect posterity, beyond the current Liberian beneficiaries.

The Defence Act is a bold, but imperfect attempt to repeal the Defence Law of 1956 and all its amendments. The fundamental flaw in the Act is its exclusion of parliament, which is contrary to parliament's constitutional responsibilities. The style dictated by the Constitution for the writing of Acts has not been used in writing the Defence Act; additionally, the language used in the Act is not gender sensitive. The Act is arguably intended to ratify the ongoing SSR process ex-post.

The main issues to be addressed include the following: the establishment of the AFL; defining the AFL; who deploys the AFL and on what duties; the structure of the AFL and recruitment; and the disestablishment of the AFL.

Establishment of the AFL

- In Article 1, paragraph 1 of the draft Act, it states that 'Armed Forces of Liberia shall be created', without mentioning whose responsibility this is. However, the Liberian Constitution says that the parliament has to raise and maintain the army.

- The only reference to parliament in the Act is that the chief of staff shall be appointed by the president with consent from the Senate, and that his/her duties shall be assigned in the same way. This is in spite of the fact that the Constitution has vested all powers over the AFL in parliament; in other words, the Act does not conform with the Constitution.

Defining the AFL

- The AFL is defined as the land force, but what does this imply about the police and the air force? The requirements for the organization and direction of the armed forces as they stand only deal with the army, and there are no definitions within the Act for clarity in this regard.

- There is inconsistency in the composition of the armed forces, with the Act stating that they only comprise the AFL, although constitutionally they comprises both the AFL and the Coast Guard. Additionally, parliament has been excluded from governance of the Coast Guard.

Who deploys the AFL and on what duties

- Article 34b tasks the Liberian parliament with providing for the security of the country. However, paragraphs 1.1–1.4 in the proposed Act state that decisions regarding the employment and deployment of the AFL lie with the president of Liberia. There is therefore a clear conflict between the Act and the Constitution.

- In the Act, the minister of justice is to request the permission of the minister of national defence to deploy the AFL in the case of a threat to internal or external security. However, who determines whether a particular situation poses a threat, the minister of defence, the minister of justice or the president? This is taking note of the constitutional stipulation that the president can declare a state of emergency, but must consult parliament within seven days to validate the declaration. It is therefore necessary to define in the

Act what exactly constitutes a state of emergency, even if all possible eventualities cannot be covered in such a definition.

- Additionally, there is a lack of clarity on who will deploy the AFL in the event of an international or domestic crisis.

- The duties of the armed forces are not clear on the possible peacekeeping role of the army, which is very important, given the incidence of peacekeeping in the region and the way in which Liberia has benefitted in this regard.

Structure of the AFL and recruitment

- The Act states that the commanding officer of the AFL should be a brigadier general; however, a brigade commander may be a colonel, thus creating a discrepancy. A proposed amendment would be to link this to Article 34c, which clarifies who will form the AFL.

- The Act states that the deputy chief of staff 'shall be authorised to hold the rank of a Brigadier General upon approval of the Minister of Defence'. However, Article 34e of the Constitution stipulates that the president should nominate, appoint and commission members of the military from the rank of lieutenant or its equivalent and above.

- The issue of recruitment is additionally problematic, particularly with regard to the rapid promotion of officers.

Disestablishment of the AFL

- Sections of the Act address the reasons for discharge of a member of the AFL as a result of his/her involvement in a civil or criminal case. The inclusion of civil cases is deemed to be particularly harsh.

Discussion on the examination of the National Defence Act

There are fundamental breaches of the Constitution within the Act. For example, the limitation on the enlistment period and making eligibility to join the AFL at the discretion of the minister of defence are both problematic. A monopoly of power is invested in the minister of defence, and this is disturbing for any democratic system. There is also no reference to the preceding Act of 1956. Furthermore, there is no formal agreement between the United States and Liberia except the CPA, as this would have had to be ratified by the Liberian parliament. Therefore, there has been no agreement between the United States and Liberia as to what the SSR process entails, so any references to this process within the Act are unsubstantiated. There has been no accountability regarding the US$ 200 million that has been spent by the United States in training the proposed AFL. Ultimately, to the extent that the Act does not conform to the requirements of the Constitution, it is null and void.

There may be a need to redefine the AFL within the Defence Act. There is a problem with the Act having been drafted after the training of the AFL. Furthermore, it is important to

ensure that legislation is not simply tied to a particular regime, but can survive in the long term. The Act has to be a national security document providing assurance of the security of all Liberians. The interests of the Liberian people should come before everything else, in accordance with the Constitution, and this is not evident in the Defence Act.

An opportunity should be created to openly discuss this legislation in a public hearing that will permit some of the facilitators to join in and enhance the public debate with the electorate. It will also provide an apt forum for civic education, as members of the public will be informed about the processes behind parliament rejecting or accepting legislation proposed by the executive. It is important that parliament effectively carries out its role of exercising checks and balances on the executive, just as the executive has done its job in presenting the legislation, regardless of opinions as to its suitability. In light of this, the Defence Act serves as a test of the ability and capacity of parliament. It is commendable that the president has instructed the GC to take the lead on issues concerning the security sector.

It is apparent that the Defence Act has been put together by an external party with little local input. It is therefore possible that it was intended to be a source of instability at some future time, and it is important that this is taken into account. There is also reference to a 23rd brigade, to which there has been no previous reference. This may be due to the sub-standard 'cutting and pasting' that was employed in drafting this Act. It is vital that the reins of control of the new security institutions are held by civilians, to ensure that there is true democratic control and to prevent conflict in the future. It would have been more productive to work with the GC on the drafting of the Act, as it is responsible for carrying out judicial reform, and as such would have arguably produced a more refined document.

This entire exercise will necessitate an effective reconciliation process. It is also imperative that this occurs at the onset of the security sector reform/transformation process. Dialogue will be useful in taking the process forward and putting a policy framework in place. Any threats to national security will have to be reviewed holistically. Sierra Leone was highly fortunate in the UK's ten-year commitment to the SSR process, but even with this support, Sierra Leone has only recently created a security policy. It is clear that policy and due process have to take precedence over all other considerations.

Action points

- The legislature should research and consult all necessary documentation to adequately examine the proposed Act.
- The legislature should hold public hearings to address the electorate's perceptions of the challenges associated with the Act as it currently stands.

Appendix 1: Work plan

Key priorities	Timeline
Support for public hearings 1. General support for the enhancement of the committees' organization of public hearings addressing security sector oversight. 2. First hearing in April: University of Liberia/KAICT will give expert support to the first public hearing. Possibility of enlisting support of visiting academics to KAICT: Dr Ademola Abass and Dr Thomas Jaye. 3. CSDG or partner to facilitate the process.	Concept paper and budget to be submitted by 10 April 2007
Training of staffers 1. Assistance for support of staff training; it was suggested that initial training could be for parliamentary staffers. DCAF is taking the lead on this. 2. It is necessary to map out what support is needed and what is already available.	A study of the current situation is being conducted by CDD. This will be completed by May 2007. The training of staffers should commence by end 2007.
Public civic education programmes 1. The media have the responsibility to disseminate information provided by legislators, and should be engaged as such. 2. It would be useful to make use of networks and identify partners that can support the dissemination of valuable knowledge. 3. Examples include the organizers of town hall meetings and drama initiatives such as Talking Drums Radio. 4. Civil society organizations maybe useful, for example, the Civil Society Network. 5. It is also vital to consider the level of literacy and retain ownership of the process.	Parliamentarians will propose an agenda on this that will be discussed with CSDG, CDD and DCAF.
Additional courses in political science, constitutional law and social science 1. A baseline study will be carried out to assess the training requirements for the best method of administering training.	There can be a combination of training on conceptual and operational issues. Dates and venues to be agreed.

2. The training will be best delivered as a combination of both individual and group-based training. 3. Training will be required on the following: • initiating bills; • security sector reform/transformation • defence procurement; • budgeting procedures/the role of justice management/penal reforms/process/legal issues comparative perspectives; • engaging the media/media reports/policy briefs/ handling interviews/press releases/media strategies; • inventory on all security legislation in Liberia; • research on the AFL that can educate parliamentarians about the AFL's origins. 4. Modules developed on security sector governance for the Regional Institute for Peace and Security Studies will be utilized.	Parliamentarians will have time for training in July 2007. Another suggested time period is October 2007.
South–South dialogues: Sharing experiences with parliamentarians based in the South that are involved in SSR 1. Dialogues with South Africa, Uganda, Botswana and Mozambique are the suggestions that have been made. 2. Accessing the Inter-Parliamentary Union might be useful, though it deals with generic issues (not centred on SSR).	
Resource rooms 1. It is important that the needs of the Defence and Security Committees are not seen to be to the disadvantage of others. 2. Locating facilities in a central location accessible by other parliamentarians may mitigate any difficulties in this regard.	
Writing and documentation 1. Parliamentarians are encouraged to write down and document their experiences. 2. CSDG and CDD will support attempts to edit and publish the writings of parliamentarians.	

Appendix 2: List of participants

Ms Zeedah Meierhofer-Mangeli	Director, Akina Mama wa Afrika, UK
Debey Saydee	Director, KAICT, University of Liberia
Hon. Fomba K. Kanney	House of Representatives
Hon. Bhofal Chambers	House of Representatives
Hon. Saah R. Gbollie	House of Representatives
Hon. Elijah Flahn Seah	House of Representatives
Hon. Edwin T. Juah	House of Representatives
Hon. Rufus W. Gbieor	House of Representatives
Sen. Prince Johnson	Liberian Senate
Sen. John Ballout	Liberian Senate
Sen. Mobutu Nyenpan	Liberian Senate
Sen. Lahai Lansanah	Liberian Senate
Hon. Albert S. Toe	House of Representatives
Hon. J. Jonathan Banney	House of Representatives
Mr Dauda Garuba	Centre for Democracy and Development
Dr Ademola Abass	University of Reading
Jannave Massaquoi	Senate secretary
Ms Benetta J. Tarr	CSDG, KCL
Mr Desmond Davies	Editor, *Africa Week*
Dr Adedeji Ebo	DCAF, Geneva, Switzerland
Dr Charles A. Alao	CSDG, KCL
Mr Peter Kieh Doe	House of Representatives secretary
Ms Eka Ikpe	CSDG, KCL
Hon. Regina S. Teah	House of Representatives
Mr Prosper Bani	KAIPTC, Ghana
Dr 'Funmi Olonisakin	CSDG, KCL
Mr David Nii Addy	KAIPTC, Ghana
Hon. Vaforay A. M. Kamara	House of Representatives
Dr Thomas Jaye	KAIPTC, Ghana
Mr Joe Wylie	ASDR
Ms Mercy Tay	KAIPTC

Appendix 3: Agenda

Draft Programme (as of 21 February 2007)
Day 1, Wednesday, 28 March 2007

	Starts	Ends
Introductory Remarks Welcome Address: Commandant, KAIPTC Remarks: Hon. Saah Gbolie and Hon. Prince Johnson	8:30	9:00
Security Sector Reform: What, Why, Who and How?	9:00	10:30
Coffee break	10:30	11:00
Challenges of Parliamentary Oversight of the Security Sector after Protracted Conflict	11:00	12:00
Tools for Parliamentary Oversight of the Security Sector	12:00	13:30
Lunch	13:30	14:30
Assessing Security Sector Oversight Capacity in Liberia: The Three A's (Group Work • Authority (constitutional framework) • Ability • Attitude	14:30	17:30

Day 2, Thursday, 29 March 2007

Introductory Remarks	8:30	9:00
The Return of Parliamentary Democracy in Ghana: Lessons of Infancy	9.00	10:30
Coffee break	10.30	11:00
Case Study of Security Legislation in Liberia: Process, Actors, Challenges (Draft Defence Act)	11:00	12:00
Defence Act (contd.)	12:00	13:00
Lunch	13:00	14:30
Draft Action Plan for Support to Parliamentary Oversight of the Security Sector in Liberia (Group Exercise)	14:30	16:30
Wrap Up	16:30	

Day 3, Friday, 30 March 2007

Meeting of Facilitation Team • Priority areas of support • Areas of coverage of training modules for parliamentarians and parliamentary support staff • Audit of available training materials relative to the needs assessment • Division of labour • Training schedule		09:00