



CONCEPT NOTE

SEMINAR ON THE CONSTITUTION AND THE SECURITY SECTOR: ENHANCEMENT OF DEMOCRATIC VALUES AND PEACE

PRETORIA, SOUTH AFRICA ON 6 JUNE 2008

Contact details

Dr Naison Ngoma – Programme Head, Security Sector Governance

nngoma@issafrica.org

Mr Job Hlongwa – Programme Administrator

jhlongwa@issafrica.org

Tel: + 27 12 346 9500

Fax: + 27 12 460 0998

CONCEPT NOTE

BY THE INSTITUTE FOR SECURITY STUDIES, SECURITY SECTOR GOVERNANCE PROGRAMME (SSGP)

FOR A SEMINAR ON THE CONSTITUTION AND THE SECURITY SECTOR: ENHANCEMENT OF DEMOCRATIC VALUES AND PEACE

Introduction

The Institute for Security Studies (ISS), through its African Security Sector Governance (ASSG) project is scheduled to hold a one-day seminar on *The Constitution and the Security Sector: Enhancement of Democratic Values and Peace*. This seminar aims at interrogating the interplay between the constitution and the security sector as a means of enhancing democratic values and peace within a state. The constitution as the *Grundnorm* informs the state's position on democracy and peace as it relates to several aspects of sovereignty such as to absolute, unlimited control or power; political legitimacy; political authority; and self-determined, national independence; and governance and constitutional order (Winston P. Nagan, FRSA and Craig Hammer, ud.). Therefore, the constitution represents the basic norm, which governs and validates the legal order. The fundamental issue in this regard is the extent to which this *Grundnorm* ought to address the security sector question and consequently the enhancement of democratic values and peace.

The relationship between the constitution and the security sector finds its basis within the concept of security sector reform (SSR). That SSR has emerged as a vital international concern is not in dispute and as such any debate around the constitution and the security sector should be factored into the process of SSR. SSR is best implemented within an effective constitutional dispensation, which ensures the continuity of a sustainable political environment. To a large extent, a constitutional review process opens an entry point for the transformation of the security sector, especially in states undergoing political transition.

SSR also ensures the overarching objectives of the establishment of effective governance, oversight and accountability of in the security system; improvement of the delivery of security and justice services; development of local leadership and ownership of the reform process; and the sustainability of justice and security service delivery. The ISS endorses the DAC Guidelines on SSR, which underscore that SSR should be:

- People-centred, locally owned and based on democratic norms and human rights principles and the rule of law, seeking to provide freedom from fear and measurable reductions in armed violence and crime;
- Seen as a framework to structure thinking about how to address diverse security challenges facing states and their populations, through more integrated development and security policies and through greater civilian involvement and oversight;
- Founded on activities with multi-sectoral strategies, based upon a broad assessment of the range of security and justice needs of the people and the state;
- Developed adhering to basic governance principles such as transparency and accountability; and
- Implemented through clear processes and policies that aim to enhance the institutional and human capacity needed for security policy to function effectively and for justice to be delivered equitably.

The process of SSR opens an opportunity for democratization, governance and accountability in relation to the State's security forces. SSR ensures that the provision of security and justice complies with democratic values, respect of human rights' principles and the rule of law for sustainable development. It is through SSR that the security forces understand their critical role in relation to the constitution, which is the *Grundnorm*. As institutions established by the law, security forces have a significant role to play in ensuring peace and stability, thus fulfilling the State's obligation of respecting, protecting and fulfilling the right of its population to peace and security.

Africa has witnessed a spate of unconstitutional changes of governments, which seriously undermine democratic principles. Many a times, members of the security forces are involved in these activities. SSR ensures that security forces fully understand their roles in upholding democratic principles, among other things. It is through SSR that a State's ability to meet security and justice needs of its people is increased in a manner consistent to democratic principles, governance, transparency and the rule of law. It is for this reason that the interplay between the constitution and the security sector needs to be interrogated and debated in order to inform an effective democratic system, which ensures the realisation of human security.

Most importantly, SSR helps in the development of security services that are appropriate, accountable, affordable and adequate. Security forces should be appropriate to the task assigned to them as mandated by the constitution and the various laws of the State. They should be accountable to civil authorities and civil society as their role is not only confined to state security but also extends to ensuring human security. The question of affordability is very profound in that it speaks to the need to justifiable distribution of limited resources within a state. Accessibility is very important in the sense that security forces are not only

responsible (or a tool) of the state but are responsible for protecting the population.

The purpose of the planned seminar on *The Constitution and the Security Sector: Enhancement of Democratic Values and Peace* (scheduled for 6 June 2008 in Pretoria), is to **address the relationship between the constitution and the security sector with a view of enhancing democratic values and peace** within a state thus ensuring that the latter is able to meet security (and justice) challenges in a manner that is consistent with democratic norms, and sound principles of governance and the rule of law.

Aim

The aim of this seminar is to *provide an environment for relevant actors in the security sector and beyond to engage in a conversation designed to prioritise the need to comprehensively integrate the constitution with the security sector in a manner that reflects the latter's profound effect on the former and as well as on the broader governance dimension and hitherto provide and enhance democratic values and peace.*

Objective

The main objective of the seminar is to positively influence the policy processes towards an effective SSR in various African States through debates around the relationship between the constitution and the security sector and how best to effect SSR within a constitutional dispensation.

Seminar Topics

Hon. Chifumu K. Banda (Chairperson of Zambia's National Constitution Conference); Hon. Alfred John Chikalimba (Chairperson of Malawi's Defence and Security Committee), and Mr. Roelf Meyer (former Constitution Minister in President Mandel's Cabinet) will form part of panel of speakers.

Seminar venue, participation and logistics

- **Venue:** ISS Conference Room, Tshwane (Pretoria), South Africa
- **Date:** 6 June 2008
- **Time:** 10h00 – 13h00

Mr. Job Hlongwa

**Program Administrator: Security Sector Governance
Institute for Security Studies**