

# **THE CONTRIBUTION OF PARLIAMENTS TO SUSTAINABLE DEVELOPMENT GOAL 16 THROUGH SECURITY SECTOR GOVERNANCE AND REFORM**

**A SELECTION OF CASE STUDIES**

## About DCAF

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## About this publication

This case study compilation was developed as part of DCAF's project, 'Linking Good Security Sector Governance and SDG 16'. Sustainable Development Goal (SDG) 16 aims to develop peaceful and just societies by building strong institutions, and targets 16.6 and 16.7 focus on good governance and the accountability of public institutions. To achieve the ambitions of SDG 16, all states will need to redouble their efforts to ensure that their national security sectors are both effective and accountable and operate within a framework of democratic civilian oversight, rule of law, and respect for human rights. However, there is currently limited guidance on how security sector governance and reform (SSG/R) policies can contribute to achieving SDG 16, especially targets 16.6 and 16.7, which are crucial to stability, especially in fragile contexts. This project focuses on three different security sector oversight actors, addressing the role of parliaments, civil society, and independent oversight institutions in promoting SSG/R and SDG 16. Good practices and lessons learned are examined and discussed with the aim to provide SDG 16-specific guidance that supports states in implementing SSR in the context of the 2030 Agenda.

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## List of Abbreviations

2030 Agenda	United Nations 2030 Agenda for Sustainable Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSO(s)	Civil society organization(s)
CoE	Council of Europe
COVID-19	Coronavirus disease 2019
DCAF	Geneva Centre for Security Sector Governance
DRG	Debt Relief Gains
EU	European Union
EU-Georgia AA	The Association Agreement of Georgia with the EU
FARC	Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia)
GAA	General Appropriations Act
GBV	Gender-based violence
HLPF	High-level Political Forum
IPU	Inter-Parliamentary Union
MDA	Ministries, Departments and Agencies
MDG(s)	Millennium Development Goal(s)
MP(s)	Member(s) of parliament
NASS	Nigerian National Assembly (NASS)
NILDS	National Institute for Legislative and Democratic Studies
NTF-LCAC	National Task Force to End Local Communist Conflict
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OGP	Open Government Partnership
PNP	Philippine National Police
SARS	Special Anti-Robbery Squad
SDG(s)	Sustainable Development Goal(s)
SSAP-MDGs	Senior Special Advisor to the President on the Millennium Development Goals
SSG	Security sector governance
SSR	Security sector reform
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
VNR(s)	Voluntary national review(s)

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## Executive Summary

The 2030 Agenda developed by the United Nations is a global action plan for sustainable development and a key priority for the UN and its member states. Within the 2030 Agenda, Sustainable Development Goal 16 (SDG 16) is pivotal. It highlights the security-development nexus and the need for strong institutions that adhere to the principles of good governance. Achieving SDG 16 requires that national security sectors are well governed, subject to civilian oversight, and respectful of human rights and the rule of law. With this in mind, this compilation of case studies focuses on parliaments as key oversight actors, exploring how they contribute to SDG 16 through their role in security sector governance and reform (SSG/R). It features the experiences of four countries – the Philippines, Nigeria, Georgia, and Colombia – struggling to varying degrees with a slate of complex security-related issues, including internal conflict, police violence, and corruption within the security sector, all of which hinder the realization of SDG 16.

In these four case studies, regional experts analyse the authority, ability, and attitude of parliaments to fulfil five key functions related to good SSG: legislative, budgetary, elective, representative, and scrutiny and oversight. Observations from individual case studies form the foundation for a comparative analysis of common themes and obstacles, and of the practical instruments parliaments can use to ensure they adequately oversee the security sector and contribute to SDG 16. From this analysis, recommendations emerge, directed primarily at parliamentarians to inspire future policy making, but also at other stakeholders, including the executive, civil society, and international donors. Still, these recommendations cannot be viewed as a universal blueprint, as SDG implementation must be tailored to the political, legal, and cultural circumstances in each state.

Among the recommendations put forth in this document, the strengthening of parliamentary committees that oversee implementation of the SDGs is crucial, and where possible, these should be standing (permanent) committees. Moreover, to increase the effectiveness of these committees, and all committees, they should be composed of experienced legislators who have access to sufficient resources – from time, to specialized personnel, to logistical support. As we enter the decade of action on SDGs, parliaments must have the capacity to take a more up-front role, including by conducting critical reviews of relevant laws, policies, and programmes to ensure they align with nationally defined priorities in the implementation of the SDGs, and in particular SDG 16. Parliaments also play a vital role in financing efforts to implement the SDGs by approving national budgets and passing legislation to establish dedicated SDG funds. In this regard, parliaments must be duly diligent in their oversight to uncover inefficiencies and corrupt practices, to protect these funds from waste and fraud.

The success of legislators in their endeavour to support the realization of the SDGs is predicated on their representativeness of local constituencies and their knowledge and awareness of the SDGs themselves. To foster increased knowledge of the SDG framework, parliaments should collaborate with specialized research institutions and universities to assist parliamentarians in developing the capacity to contribute meaningfully to SDG implementation. This would also help build a bridge between legislative cycles, reducing the impacts of lost experience and expertise.

Importantly, even if parliaments are proactive and put capacity-building measures in place, the task of overseeing the security sector and implementing SDG 16 remains highly complex. Therefore, parliamentarians must be reminded that they are not alone, and that they can find allies in civil society organization (CSOs), independent oversight institutions, and the media to hold the executive accountable to its commitments. Parliaments should also seek international cooperation through transnational networks of parliamentarians and international organizations, not only because this offers valuable exchanges but also because many international and regional challenges demand responses that go beyond the strict borders of states.

# **1. Introduction, Comparative Analysis and Recommendations**

*Written by Merle Jasper*



## 1.1. Introduction

When the UN General Assembly adopted its global action plan for sustainable development in the form of the 2030 Agenda, with 17 Sustainable Development Goals (SDGs), it incorporated key lessons from its previous development framework, the Millennium Development Goals (MDGs). Broadening the scope of the development agenda significantly, the 2030 Agenda increased the number of goals from 8 to 17; covering social, environmental, and economic development, and ranging from poverty reduction, to education, to climate action, to justice and peace. While the drafting of the MDGs had been led by UN agencies and donor countries, the SDGs resulted from two years of negotiations, meant in part to break structural gridlock and give more weight to developing countries.<sup>1</sup> The drafting process was also shaped by input from regional and international parliamentary working groups as well as public consultations with CSOs and other stakeholders.<sup>2</sup>

One of the key lessons learned from MDG implementation, which was incorporated into the SDGs, was the need to include a goal on peace, justice, and strong institutions, in SDG 16 (see Table 1). While SDG 16 has not been exempt from debate and has raised questions about the securitization of development and the ability to measure progress, the 2030 Agenda clearly emphasizes the interdependency of security and development, stating that ‘sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development’.<sup>3</sup>

**Table 1.** SDG 16 and targets

16.1	Significantly reduce all forms of violence and related death rates everywhere
16.2	End abuse, exploitation, trafficking and all forms of violence against and torture of children
16.3	Promote the rule of law at the national and international levels and ensure equal access to justice for all
16.4	By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime
16.5	Substantially reduce corruption and bribery in all their forms
16.6	Develop effective, accountable and transparent institutions at all levels
16.7	Ensure responsive, inclusive, participatory and representative decision-making at all levels
16.8	Broaden and strengthen the participation of developing countries in the institutions of global governance
16.9	By 2030, provide legal identity for all, including birth registration
16.10	Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
16.a	Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime
16.b	Promote and enforce non-discriminatory laws and policies for sustainable development

1 Sakiko Fukuda-Parr and Desmond McNeill, ‘Knowledge and Politics in Setting and Measuring the SDGs: Introduction to Special Issue’, *Global Policy*, vol. 10, no. S1 (2019), 5–15.

2 *Parliament’s Role in Implementing the Sustainable Development Goals: A Parliamentary Handbook* (UNDP, 2017), 15–16. Available as a PDF at: <http://gopacnetwork.org/wp-content/uploads/2017/04/sdghandbook2.pdf> (accessed 21 September 2021).

3 UN General Assembly, Resolution 70/1, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1 (21 October 2015), para. 35.

Notably, the SDGs are not hierarchical; and SDG 16 is perhaps best understood as a potential catalyst to achieving other goals by underscoring the need for strong institutions in order to realize peaceful, just, and inclusive societies. In any democracy, one of the most important institutions is parliament, and when it comes to implementing the SDGs, parliaments contribute to ensuring the inclusivity and accountability needed to implement these goals. In fact, the 2030 Agenda explicitly acknowledges ‘the essential role of national parliaments through their enactment of legislation and adoption of budgets and... in ensuring accountability for the effective implementation of our commitments’.<sup>4</sup>

The fundamental importance of parliaments is also reflected in targets within SDG 16, such as target 16.7 calling on states to ensure responsive, inclusive, participatory, and representative decision making. Elected representatives play a vital role in advancing the people-centred approach of the 2030 Agenda and fulfilling its promise to leave no one behind.<sup>5</sup> Furthermore, through direct interaction with local constituencies, parliamentarians are in a position to raise awareness of the SDGs among members of the public and increase their confidence in the global agenda.

As we enter the Decade of Action on the SDGs amid renewed calls that more effort be put towards their implementation, progress on SDG 16 targets is uneven. The following case studies focus on the security-development nexus of SDG 16, with the objective of exploring how parliaments are contributing to the achievement of SDG 16 through their role in security sector governance (SSG). Peaceful, just, and inclusive societies require accountable security sectors that are subject to democratic oversight with the means to prevent abuses of power, and good SSG can offer clear guidance in implementing SDG 16 and its targets. The principles of good SSG include accountability, transparency, the rule of law, participation, responsiveness, effectiveness, and efficiency, and establishing good SSG is the goal of security sector reform (SSR).<sup>6</sup> Thus, SSG/R closely aligns with nearly all of the SDG 16 targets (see Table 1, above).

The aim of this analysis is to identify and compare good practices and effective parliamentary tools of security sector oversight, as well as their contributions to SDG 16, and the resulting recommendations are intended to improve parliamentary oversight. The case studies presented here are based on documentary analysis and expert interviews that illuminate the experiences of parliaments in the Philippines, Nigeria, Georgia, and Colombia (see Figure 1). These countries, on four different continents, were selected to reflect geographical diversity, but each has also faced specific, complex challenges in the governance of their security sectors in recent decades. Hence, debates on good SSG form an integral part of their political discourse.

**Figure 1.** Map of countries featured in case studies



<sup>4</sup> Ibid., para. 45.

<sup>5</sup> *Parliament's Role in Implementing the Sustainable Development Goals: A Parliamentary Handbook*, 15.

<sup>6</sup> United Nations, Report of the Secretary-General, 'Securing peace and development: the role of the United Nations in supporting security sector reform', A/62/659-S/2008/39 (23 January 2008).

While these case studies can offer insights into recurrent themes linking SSG/R with the SDGs, they are not intended to be viewed as fully representative. The challenges facing different countries around the globe vary widely, as do the designs and functions of their parliaments. Nevertheless, parliaments generally fulfil five overarching functions in the context of SSG: legislative, budgetary, elective, representative, and scrutiny and oversight (see Table 2). The role of parliaments in SSG is most robust when all five of these functions are fulfilled, as they complement and reinforce each other. A comparison of the characteristics and powers of the parliaments featured in this text can be found in the Annex.

**Table 2.** Parliamentary functions in the context of SSG/R<sup>7</sup>

Legislative	Budgetary	Elective	Representative	Scrutiny and oversight
Laws determine the mandate, function, organization, and powers of security providers, and security management and oversight institutions.	Parliaments play a role in approving, amending, or rejecting security sector budgets.	Parliaments may scrutinize, veto, or approve certain appointments within the security sector, and can vote no-confidence in cases of disagreement with the government over security-related decisions.	Parliaments provide a public forum for debate on security, facilitate political consensus through dialogue and transparency, and give voice to popular disagreement with security-related decisions of the government.	Parliaments monitor and verify whether security sectors are acting in accordance with the laws, regulations, and policies to which they are subject.

The effectiveness of parliaments in fulfilling these functions can be assessed through the analytical lens of parliamentary authority, ability, and attitude, known as the ‘Triple-A’ framework (see Table 3). Effective security sector oversight depends on all three of these factors; meaning, even with the authority to oversee and reform the security sector, a lack of parliamentary capacity or will can undermine SSG/R.

**Table 3.** ‘Triple-A’ framework<sup>8</sup>

Authority	Ability	Attitude
Parliaments must have sufficient normative and legal authority to oversee the security sector. In most states, constitutions, basic laws, regulations, or statutes confer this authority formally, but in practice, it is not always exercised or respected.	Parliamentarians must have sufficient resources to fulfil their constitutional roles effectively, including institutional support, access to information, analytical and research capacity, specialized skills, and working relationships with security institutions and civil society.	Parliamentarians must be strongly committed to the democratic process, as their work is likely to create resistance and provide opportunities for corruption. Members of parliament usually have immunity from prosecution for actions taken in the course of their official duties, to protect their independence and integrity.

<sup>7</sup> DCAF - Geneva Centre for Security Sector Governance, ‘Parliaments’, SSR Backgrounder Series (Geneva: DCAF, 2015).

<sup>8</sup> Ibid.

The following comparative analysis will offer a short overview of security issues that pose a challenge to the Philippines, Nigeria, Georgia, and Colombia in achieving SDG 16, and will discuss themes that emerged across these cases regarding the authority, ability, and attitude of parliament to contribute to good SSG and the realization of SDG 16. The results of this analysis are summarized in recommendations for parliaments and other stakeholders.

## 1.2. Comparative Analysis

The countries analysed here face a variety of security-related challenges that impact the achievement of SDG 16. While these are context-specific, they may reflect some of the same challenges confronting other countries in their endeavour to realize SDG 16 targets. Thus, when SDG 16 targets are affected by a security issue cited, the target is shown in parentheses.

The Philippines is contending with rising inequality, persistent human rights violations related to the war on drugs (16.4), and limitations on the freedom of speech (16.10). Nonetheless, progress has been made on SDG 16, with legislation passed by the Philippine Congress to end armed conflict (16.1) in the Bangsamoro Autonomous Region.

Nigeria's security issues have garnered international attention in the past decade, most notably when Boko Haram kidnapped 276 female students in 2014, which prompted global outrage as well as a vibrant social media campaign using the hashtag #bringbackourgirls. This kidnapping was one of many similar incidents, demonstrating serious shortcomings in Nigeria's capacity to reduce violence (16.1) and protect children (16.2). More recently, the country experienced nationwide protests against human rights abuses committed by the Special Anti-Robbery Squad (SARS), which was dismantled following this outcry (16.1, 16.3, 16.6, and 16.10).

In Georgia, where the security sector has traditionally operated with a high degree of secrecy and little transparency (16.6 and 16.10), there have been many efforts to improve national anticorruption policy (16.5). Still, effective oversight from the Georgian parliament is often precluded by partisan divides, as little authority is given to the opposition (16.7).

In Colombia, the launch of the SDGs in 2016 coincided with ratification of the Peace Agreement with the militant group FARC. However, renewed hopes for improved security soon waned due to the persistence of illegal drug trafficking (16.4), the struggles of the state to establish and maintain a monopoly on violence (16.1), and difficulties consolidating the rule of law (16.3). Recently, protests against a proposed tax bill and ensuing civil unrest have led to debates over police violence and urban safety (16.1, and SDG 11).

The case studies of these four countries offer more in-depth analysis of the issues they face when it comes to good governance of the security sector, and their impact on achieving SDG 16. They also lay out the challenges confronted by parliament in each country, and the ways these have been addressed. Despite their varied national circumstances and the range of security challenges these countries must meet, common themes emerge related to the authority, ability, and attitude of parliaments to respond to security challenges and work towards achieving SDG 16 and good SSG. These are discussed below.

### Parliamentary committees

A great deal of parliamentary work takes place in committees, as all four case studies highlight. The authority of parliaments therefore depends largely on the authority of these committees. Some national frameworks designate a specific committee for SSG/R, but good governance and reform of the security sector inevitably touches on the work of many other committees, including on law enforcement, defence, justice and human rights, intelligence, foreign affairs, and budget.

The work of committees includes the comprehensive review and assessment of laws, policies, and programmes, and the proposal of legislative amendments where necessary. To effectively exercise oversight and counteract abuses in the security sector, parliamentary committees must also have the authority, prescribed in law, to conduct inquiries, interrogate

members of the executive and senior officials in the security sector, and conduct site inspections. Transparent governance relies on the unimpeded access of committees to information as well, in line with target 16.10. This demands that exceptions based on national security are limited as much as possible, as highlighted in the Philippine case.

In some parliaments, structural limitations on the opposition to influence parliamentary processes are a major impediment to effective oversight. With this in mind, the composition of parliamentary committees should be designed in a way that encourages real multiparty politics, power sharing, and oversight. One remedy involves granting certain parliamentary assignments to minority parties, such as the chair of specific committees, as in the Georgian case.

A recurrent theme in these case studies was the positive impact of parliamentary committees created solely to coordinate and oversee national implementation of the SDGs. As the Nigerian case suggests, standing committees are a better model than ad-hoc committees, as the latter generally have less legitimacy and fewer resources. Moreover, given the overarching character of the SDGs, committees dedicated to their implementation benefit from the inclusion of other committee chairs, which ensures the authority and seniority of an SDG committee while also enhancing collaboration and harmonization across the parliamentary agenda. At the same time, members must have sufficient time to devote to the workload of such a committee.

In some parliaments, the option to create permanent committees, and their respective rights, may be constitutionally restricted, as in Colombia. In such parliaments, extensive efforts should be undertaken to coordinate SDG implementation across the established committee landscape. And, as illustrated by the Philippine case, such efforts should also be strengthened even when SDG committees exist.

### **Agenda setting and monitoring efforts**

As the Georgian case study notes, the multi-actor approach that characterized the drafting of the 2030 Agenda obliges parliaments to take an active role in its implementation, by incorporating SDG targets and indicators into their legislative and political agendas. This implies their inclusion in national sustainable development strategies, the alignment of draft laws, sectoral strategies, and security concepts with the SDGs framework, and domestic indicator development, as well as the monitoring of practical elements of SDG implementation. Such monitoring involves parliamentary engagement with voluntary national reviews (VNRs), which offer states the opportunity to share their successes and challenges in implementing the SDGs at the UN's High-level Political Forum (HLPF). The Nigerian case is an example of how procedures ensuring that VNRs are first debated in parliament before they are forwarded to the UN can guarantee a parliamentary role in SDG monitoring.

Importantly, however, it cannot be assumed that all parliamentarians possess the awareness and knowledge of the SDGs required to successfully implement them, and to monitor this implementation. In fact, all four of these case studies reveal that efforts to incorporate the SDGs in the work of parliamentary committees have been challenged by shortcomings in deliberate agenda setting. In Nigeria, for example, initial enthusiasm for the SDGs has subsided due to complications in the long and tedious undertaking of localizing the 2030 Agenda in the national legal and policy framework. Similarly, in the Philippines, a variety of laws contributing to SDG 16 have been passed in Congress but were not prioritized in national implementation strategies, so that parliamentary efforts on SDG 16 have at times seemed 'more accidental than purposeful'. And in Colombia, where peace and security as well as institutional reform are prioritized in national politics, and the SDGs are a key reference point for the government, it remains rare for parliament to explicitly reference the 2030 Agenda and SDG 16.

The Colombian case highlights how executive dominance in the security domain can make it difficult for parliaments to set priorities and incentivize parliamentarians to focus on certain matters, hindering them from engaging with a global agenda. Yet, SDG 16 in particular provides parliamentarians the opportunity to advocate explicitly for their own involvement in policy making on cross-cutting security and development issues. Parliamentarians must be made aware of their key role in raising interest among their constituency for the localization and vernacularization of the 2030 Agenda, especially as we enter the Decade of Action. Of course, this requires that parliaments are truly representative of their constituencies; and as the Nigerian case shows, the cultural and religious beliefs held by parliamentarians can sometimes hurt efforts to protect

the interests of some citizens, such as in safeguarding women and children against abuse, a topic closely linked to target 16.2 and SDG 5 more generally.

While awareness raising and research may change some opinions among parliamentarians, the most important step to decreasing the marginalization of certain groups is to ensure their part in decision-making processes. This involves getting more women and minorities elected to parliaments, perhaps through dedicated seats. As discussed in the Georgian case study, representative parliaments can better foster diversity and inclusion efforts in the security sector, and better address systemic discrimination. Indeed, inclusive and representative decision making is indispensable to the pursuit of the people-centred approach to security envisioned in the 2030 Agenda, and its promise to leave no one behind.

### **Budgetary control**

A key oversight function of parliaments is also embedded in their budgetary authority. As the implementation of the 2030 Agenda requires enormous financial resources, parliaments play a vital role in approving national budgets and passing legislation to establish dedicated SDG funds, as in the Nigerian case. While the funding of the security sector, including its structure, personnel, training, and equipment, is necessary to its functioning and thus to achieving several SDG 16 targets, the Nigerian case also reveals how the restriction of this funding can be a tool used by parliaments to push for accountability and transparency in the sector. And, as the Philippine case study describes, parliaments can even go so far as to fully de-fund security institutions.

The budgetary authority enjoyed by parliaments is coupled with a vital oversight responsibility to ensure that funding is used effectively and efficiently, and the case of Nigeria points to the importance of this oversight of the executive. There, the MDG committee played a key role in tracing the misuse of official development assistance and uncovering inefficiencies and corrupt practices. Following in these footsteps, the Nigerian standing committee on the SDGs was able to expose the misappropriation of large amounts earmarked for SDG projects, which were eventually recovered. Likewise, in Georgia, where corruption inside the political system is a significant challenge, improvements in this area were observed after amendments to the parliamentary Rules of Procedure stipulated that the Ministry of Defence report to the parliament's Group of Trust on classified acquisitions of goods and services over a certain value. To strengthen their oversight abilities, parliaments should also seek collaboration with audit offices, as detailed in the Georgian case study.

### **Capacity building**

The quality of the work of parliaments and parliamentary committees on complex issues like SSG/R and SDG 16 is largely dependent on the ability and attitude of members. As seen in Colombia and the Philippines, legislators sometimes opt for committee membership for reasons of prestige or to support their re-election; or, as the Philippine case study describes, parliamentarians may overcommit to a number of thematically diverse committees, making it difficult for them to specialize. The ability of parliamentarians is also impacted by cycles of turnover, as in the Nigerian case. While political competition and the turnover that results is inherent and vital to a parliamentary democracy, losses of institutional memory are particularly damaging in policy areas that require a high degree of technical expertise and trust-based relations among stakeholders, such as in the security sector.

Little can or should be changed about the reality of parliamentary turnover itself, but it is crucial to find ways to safeguard acquired knowledge and efficiently capacitate newly elected members. Remedies may include investments in more specialized personnel and quality logistics in committee secretariats or, as strongly advocated in these case studies, continuous capacity building among parliamentarians and their staffs. This should be designed to support parliaments in confronting obstacles to good SSG, reforming security environments, and adopting technical innovations, and is especially necessary to localize the 2030 Agenda and achieve SDG 16.

While they are not fully realized examples, these case studies reveal some positive trends in capacity building. In Colombia, parliamentarians frequently participate in events with NGOs and cooperation agencies with the aim of socializing the SDGs. In Georgia, following adoption of an action plan for implementation of the SDGs, a parliamentary working group was established and members received training on the 2030 Agenda in cooperation with UNDP and the Swedish Government. In Nigeria, a university-affiliated resource centre was created within parliament, with support from the African Union. Similar

to the work of several international organizations, such as UNDP and the IPU, this centre has published an SDG manual for Nigerian parliamentarians and their political advisors, with the advantage of contextualizing this guidance to national needs. This is a key resource, given the broad and interlinked nature of the SDGs, which can make it difficult to find resources about evidence-based policies to address complex issues.

Parliamentary resource centres like the one described in the Nigeria case study can conduct in-depth research on specific issues and offer capacity building to parliamentarians and staffers, through both resource production and educational activities. Partnering with an established institution, such as a university, will help guarantee longevity and continued operations over time. This can ensure the preservation of knowledge generated in previous legislative cycles, reducing institutional memory loss.

### **Global and local partnerships**

As some of these capacity-building initiatives make clear, parliaments are not alone in their engagement with the SDGs. Oversight of the security sector and implementation of SDG 16, much less of the 2030 Agenda as a whole, is a challenging undertaking; in order to increase their likelihood of success, parliamentarians should seek allies with the same aims. The Georgian case highlights how parliaments can institutionalize channels of communication with CSOs and independent oversight institutions, including auditors, human rights institutions, and anti-corruption commissions. Alliances with civil society actors and the media can help parliaments fulfil their representative function as a forum for discussion of public policies, and the insights of CSOs may increase the knowledge and understanding of parliamentarians regarding systemic issues, such as the factors driving youth radicalization in the case of Nigeria. Good practices highlighted in these case studies include the participation of civil society representatives in committee discussions on legislative initiatives and hearings with officials, and evaluations of international cooperation programs. Moreover, the Nigerian, Philippine, and Georgian case studies note that parliamentary debates can reach an even wider audience if they are transmitted via online livestreams, and that access to parliaments should be increased through e-governance platforms where possible.

The call for partnerships to implement the SDGs is explicit within the framework, in SDG 17. The cases of Nigeria and Georgia show that the global partnerships SDG 17 is meant to revitalize can be used to negotiate debt relief or attract international development aid. To attract support from international cooperation agencies, development banks, and international organizations, governments may work to align their own policies with the framework and language of the SDGs, as in the Colombian case. Conversely, international and regional donors must make the SDGs the cornerstone of their agreements, in order to increase the political commitment of national actors to these goals and drive their integration into national development and human rights strategies.

Such agreements may also contribute to the prioritization of targets in line with national contexts. For example, in Georgia, where the traditionally clandestine nature of the security sector has fostered systemic corruption, many agreements with the EU and international organizations have focused on anti-corruption measures. International support can thus be seen as an incentive for countries to align their policies with the SDGs. Considering the leverage and influence of donor organizations, they should critically reflect on their policies to ensure they address fundamental and politically complex issues such as corruption, and must also have strategies to guarantee that countries are steadfast in implementing these policies. Any such assistance must account for the national context, though, and must be tailored to the specific needs of a given parliament.

While country specific assistance is important, parliamentarians can extract significant benefit from the work of international networks as well, where parliamentarians from around the world grapple with similar issues. The Open Government Partnership (OGP) is such a network and is mentioned in both the Georgian and Nigerian case studies. OGP is an international initiative that promotes transparent and accountable institutions and requires parliaments to establish national action plans. Parliaments should strengthen their membership in international networks of this kind and should seek to improve partnerships with international organizations that can help facilitate implementation of the SDGs. Further, given that many of the issues addressed by the SDGs transcend borders, including those relating to organized crime and terrorism and incorporated into SDG 16, parliaments should seek cooperation with parliaments in neighbouring countries to develop shared, regional approaches.



## 1.3. Recommendations

The 2030 Agenda has set ambitious goals, especially in the case of SDG 16. Their realization requires the focused attention of parliaments, and the four case studies presented here show that parliaments have already contributed significantly to achieving the targets of SDG 16, even if there is still much work to be done. The recommendations offered below emerged from reflections on the common themes and good practices identified across these case studies. They are meant to strengthen the authority, ability, and attitude of parliaments to contribute to good SSG and to achieving SDG 16.

While these recommendations are meant to inspire future policy choices, it is important to note that their implementation in concrete terms should always be tailored to the political, legal, and cultural circumstances of each country. Though these recommendations were developed primarily for parliamentarians, they can also influence the strategic cooperation or advocacy work of other stakeholders, including the executive, CSOs, and international donors.

- **Ensure that committees possess sufficient authority to fulfil their SSG/R oversight functions, to contribute to SDG 16.** This includes the authority to conduct inquiries, interrogate members of the executive and senior officials in the security sector, and conduct site inspections; and implies broad access to information, with any exceptions based on national security concerns limited as much as possible.
- **Establish standing committees to oversee the implementation of the SDGs.** In order to prevent a siloed approach to implementation of the SDGs, parliaments should create specialized committees, preferably permanent or standing committees, to work on cross-cutting issues and enhance coordination across the parliamentary agenda. Given the overarching nature of the SDGs, these committees will benefit from the inclusion of senior members, such as other committee chairs. The parliamentarians chosen for these committees should also demonstrate strong commitment and expertise. In addition, and particularly in cases where the creation of standing committees is constitutionally restricted, parliaments should undertake extensive efforts to coordinate the implementation of the SDGs across the existing framework.
- **Equip parliamentary committees with sufficient resources.** Committees tasked with technically challenging mandates such as SSG/R, or overarching objectives like implementation of the SDGs, require abundant resources in order to be successful in meeting these mandates. This means having adequate time, personnel, logistics support, technical support, and expertise among members. Thus, committee members must balance their responsibilities to avoid over-extending themselves, to ensure they can dedicate sufficient time and resources to their duties.
- **Take a proactive role in SDG implementation.** Parliamentarians should insist on being involved in the consultation processes regarding sustainable development strategies and national security concepts. Therein, they should highlight the importance of SDG 16 as a catalyst to achieving the larger 2030 Agenda. Further, parliamentarians should take a leading role in the SDG monitoring process and should stipulate that VNR reports be sent to and debated by parliament before submission to the UN.
- **Ensure representative decision making.** The responsiveness of parliaments to social issues depends in part on whether parliamentarians are truly representative of their constituencies. Ensuring true representation requires the election of more women and minorities to parliaments, and ensuring truly representative decision making requires parliaments to foster a structure and culture that allows for power-sharing across political divides. Otherwise, parliaments cannot live up to their duty of exercising effective oversight of the executive. Potential remedies to a lack of representation may be the allocation of some committee chairs to members of minority or underrepresented groups, or the creation of a system of rotation that ensures the involvement and inclusion of these groups.
- **Strengthen budgetary authority for effective SDG implementation.** Parliaments play a vital role in guaranteeing the efficient and effective funding of efforts to implement the SDGs, by approving national budgets or passing legislation to establish dedicated SDG funds. Concentrated efforts to trace the use of these resources and uncover inefficiencies and corrupt practices should therefore be an objective of parliaments. To that end, they should seek collaboration with audit offices.



- **Strengthen parliamentary capacity to implement the SDGs.** Sufficient knowledge of the SDGs, and especially of the cross-cutting role of SDG 16, equips parliamentarians to review laws and policies to determine if they align with the global framework of the 2030 Agenda, as well as with nationally determined priorities. Parliamentarians should therefore engage with the wide range of capacity-building resources available from the UN and other organizations, in the form of courses and manuals.
- **Create in-house parliamentary research institutions and/or collaborate with academic institutions to develop expertise.** Given the variety of issues on the parliamentary agenda, in-house institutions can provide parliamentarians with valuable quantitative and qualitative research to inform evidence-based decision making. Through publications such as manuals on the SDGs and SSG/R or thematic reports, they can provide key information to parliamentarians specific to the national context, and can also help newly elected parliamentarians settle into their positions. This helps overcome disruptions caused by turnover associated with the legislative cycle. However, as the establishment of in-house institutions may be cost prohibitive and time consuming, parliaments may also seek to collaborate with established think tanks and universities.
- **Seek partnerships.** Overseeing the security sector and implementing SDG 16 are complex tasks. Thus, parliamentarians should seek cooperation with civil society, independent oversight institutions, and the media to hold the executive accountable to its commitments. Parliaments should also seek transnational cooperation that allows parliamentarians to share information, experiences, and good practices; particularly on a regional level. Often, regional crises and challenges are not only shared across borders, but may be difficult to resolve within the strict national boundaries of one state or another. Finally, parliamentarians should seek international partnerships to enhance implementation of the SDGs, and international cooperation agencies should make the SDGs the cornerstone of their engagement with parliaments, especially SDG 16.

## **2. Contributions of the Philippine Parliament to SDG 16 through SSG/R**

*Written by Mario Joyo Aguja*

## 2.1. Introduction

The Philippines is a chain of more than 7,000 islands that are home to more than 109 million people of diverse languages, cultures, traditions, and religions. The most significant challenges to the country are deficits in democracy, and the problems of poverty and inequality. And in the era of the Duterte administration, beyond reports on the President's unpresidential expletives and sexual remarks, the media is replete with stories of human rights violations (e.g., linked to the war on drugs and 'red-tagging'), abuses of press freedom (e.g., the shutting down of broadcast networks and the prosecution of digital media companies), and corruption (e.g., related to COVID-19 expenditures of the Department of Health). In its 2021 *Freedom in the World* report, Freedom House rated the Philippines as 'partly free', with a score of 56 out of 100 points. This marks a continuing downward trend in this ranking for the country, which scored 63 in 2017 but had dropped to 59 by 2020.<sup>9</sup>

The Philippines is a unitary, democratic, and republican state with three co-equal branches of government – the legislative, executive, and judicial. In response to the trauma rendered by severe abuses of power during the Marcos dictatorship, the 1987 Philippine Constitution (hereinafter, the Constitution) provides substantial checks and balances among the three branches.<sup>10</sup> Legislative power is vested in the bicameral Philippine Congress, which consists of a Senate and House of Representatives; except in cases where constitutional provisions on people's initiatives and referenda are exercised. The power to legislate is classified as *constituent* (to amend the Constitution) or *ordinary* (to pass ordinary laws).<sup>11</sup> Executive power is conferred to the president, who serves as head of state and chief executive, as well as commander-in-chief of the armed forces. Judicial power is vested in the Supreme Court, and lower courts as may be established by law. The judiciary is tasked with settling controversies involving rights and grave abuses on the part of government instruments.

This analysis of the role of the Philippine Congress in pursuing the Sustainable Development Goals (SDGs) focuses on SDG 16, on peace, justice, and strong institutions, and identifies lessons learned and good practices to be shared with other parliaments. The SDGs are reflected in the country's Development Plan 2017-2022, which aims to generate inclusive growth by lowering the incidence of poverty, creating jobs through innovation, and building 'greater trust in government and in society', while prioritizing peace and security.<sup>12</sup> The Plan serves as the benchmark in assessing the SDG commitments of the Philippine government to the United Nations. Chapters 17 and 18 – on 'Attaining Just and Lasting Peace' and 'Ensuring Security and Public Order', respectively – are directly relevant to SDG 16.

The objective of this analysis is to assess the role of the Philippine Congress in achieving the SDGs, particularly SDG 16 related to security sector governance and reform (SSG/R), and to answer the following questions:

1. What are the powers of parliament in the Philippines and how are they used to implement the SDGs generally, and especially SDG 16?
2. What challenges face parliament in performing its role to implement the SDGs?
3. What lessons learned and effective practices can be shared with other parliaments, based on the experience of the Philippine Congress in pursuing the SDGs, specifically SDG 16?

Previous studies on the role of the Philippine Congress in security sector governance (SSG) have argued that the intent and infrastructure for legislative oversight are sufficient, but implementation is inadequate. One scholar concluded that 'a robust legal framework and clear institutional set-up are in place, however, the quality of oversight remains wanting due to lack of ability and political willingness to exercise oversight', and recommended investments in skills and capacity

9 Freedom House, 'Freedom in the World 2021: Philippines' (2021), <https://freedomhouse.org/country/philippines/freedom-world/2021>

10 See: Republic of the Philippines, The 1987 Constitution (ratified 2 February 1987). Available online at: <https://www.officialgazette.gov.ph/constitutions/> (accessed 15 September 2021).

11 Joaquin Bernas, *The 1987 Constitution: A Comprehensive Reviewer* (Quezon City: Rex Bookstore, 2011), 211.

12 National Economic and Development Authority, *Philippine Development Plan 2017-2022* (Pasig City, 2017).

development to address these gaps and failures.<sup>13</sup> On top of this, the mechanism of legislative oversight remains inaccessible to the majority of Filipinos.<sup>14</sup> Indeed, as former Undersecretary of Defense Rodel Cruz has emphasized, ‘while reforms are needed within our uniformed services, civilian institutions must also be reformed.’<sup>15</sup>

For this analysis, both primary and secondary sources were consulted. Members of the Philippine Congress were interviewed, parliamentary records were explored, and various other studies and related literature – especially on the role of Congress in implementing the SDGs and exercising SSG – were reviewed. Data gathered by these means was examined in part through the ‘Triple-A’ lens, to evaluate parliamentary authority, ability, and attitude. The findings of this analysis may contribute to strengthening the role of parliament in efforts to realize the SDGs in the Philippines, and elsewhere, especially SDG 16.

The following section briefly outlines the structure and inherent powers of the Philippine Congress, its various parliamentary tools, and mechanisms that help it fulfil its mandate to represent the Filipino people. Then, the next section presents a description of the role of parliament in achieving the SDGs, as manifested through those mechanisms. The subsequent section focuses on the work of Congress to achieve SDG 16 specifically. Finally, the last section offers an analysis of the Philippine case as well as recommendations for parliaments to effectively and efficiently contribute to SSG/R.

## 2.2. The Philippine Parliament and SSG/R

The Philippine Congress is comprised of 24 senators and 307 (as of July 2021) members of the House of Representatives, elected by the people. Senators are chosen in a national election every six years, while members of the House are elected every three years by voters in their constituent districts or through the party-list system. The Constitution grants substantive powers to Congress in Article VI, which also stipulates its structure and membership. Accordingly, it has the power to elect, make inquiries, exercise oversight, approve the budget, and make laws.

To meet its mandate as representative of the people, the Philippine Congress has developed numerous rules and procedures, including establishing parliamentary committees; and both chambers have general rules for the conduct of committee business.<sup>16</sup> In the House, committees study, deliberate, and act upon bills, resolutions, and petitions referred to them, and recommend for approval or adoption by the House ‘those that, in their judgment, advance the interests and promote the welfare of the people.’<sup>17</sup> There are two kinds of committees in the House, standing committees and special committees.<sup>18</sup>

13 Aries Arugay, ‘Country Brief: Philippines’ in *Security Sector Governance in Transition Societies: Working Towards Effective and Accountable Security Provision*. Background Brief for the 14th Inter-Parliamentary Forum on Security Sector Governance in Southeast Asia, edited by Mario Aguja and Albrecht Schnabel (Geneva: DCAF, 2017), 55–65.

14 Mario Aguja, ‘Key Tool for Oversight: Parliamentary Committees of the Philippine Congress’ in *Development Cooperation* (Friedrich-Ebert-Stiftung, 2006), 19–36.

15 Rodel Cruz, ‘Security sector reform: Philippine perspectives on defense transformation’ in *Transformation: A Security Sector Reader* (Pasig City: INCITEGov, 2012), 49–112.

16 See: Republic of the Philippines, Rules of the House of Representatives 18th Congress (adopted 5 June 2020); and Senate of the Philippines, The Rules of the Senate (updated January 2020). The House also has rules specific to inquiries (see: Rules of Procedure Governing Inquiries in Aid of Legislation of the House of Representatives (adopted 24 July 2013)) and elections (see: The New Rules of the Commission on Appointments and Rules of the Standing Committees (adopted 7 March 2017)).

17 Republic of the Philippines, Rules of the House of Representatives 18th Congress (adopted 5 June 2020), 22. Also see Section 28 of these Rules for details of all standing committees in the House, and Section 30 for details of special committees in the House.

18 Ibid., 24. A standing committee has ‘jurisdiction over measures relating to needs, concerns, issues and interests affecting the general welfare and which require continuing or comprehensive legislative study, attention, and action’; and special committees are created ‘to address measures relating to special or urgent needs, concerns, issues and interests of certain sectors or constituencies requiring immediate legislative action, or... [when] the standing committee concerned is unable to act... with needed dispatch’.

During the 18th Congress (2019–2022), there are 63 standing committees and 17 special committees in the House, and due to the impact of COVID-19, one ad hoc committee – the Defeat COVID-19 Ad-Hoc Committee. Unlike in more mature democracies, where political parties play a role in vetting committee membership based on well-defined party interests and individual capacities, in the Philippines, committee membership is the personal choice of legislators. It is thus assumed that members are driven by their own unique interests – either based on skills and experience (e.g., profession), concerns of their district (e.g., the presence of a military camp), or potential economic gains (e.g., a military logistics contractor or owner of a security agency) – when they apply or lobby for committee seats.

### **Engaging the security sector through parliamentary committees**

Parliamentarians engage directly with the security sector through the work of two standing committees and one special committee in the House, which have jurisdiction over the sector. The Committee on National Defense and Security, composed of 65 members, deals with matters relating to defence and security, the Armed and Reserve Forces, selective services, military installations and sites, and coast and geodetic surveys; and the Public Order and Safety Committee, with 55 members, is responsible for a wide range of matters, including crime, the Philippine National Police (PNP), civil defence, and private security agencies. The Special Committee on Strategic Intelligence, with 20 members, was organized during the 18th Congress to attend to matters relating to the government's strategic intelligence initiatives, activities, and programmes, including but not limited to counterintelligence, counterterrorism, foreign intelligence, and economic intelligence.

Some committees have very specific security concerns or actors within their mandates. The Special Committee on Bases Conversion, for example, is responsible for policies and programming related to base conversion, the operation of special economic zones in former military bases, the sale of military camps, and the relocation of military camps and personnel or construction of new military camps. The Committee on Veterans Affairs and Welfare attends to matters concerning the welfare of military veterans and retirees, as well as their surviving spouses and other beneficiaries. And the Special Committee on Peace, Reconciliation and Unity is tasked with 'all matters directly and principally relating to negotiations and other policy and program initiatives in pursuit of the peace process and national reconciliation, the cessation of hostilities generated by internal armed conflicts, and the welfare of rebel-returnees'.<sup>19</sup>

These House committees have counterparts in the Senate.<sup>20</sup> There, the Committee on National Defense and Security, Peace, Unification and Reconciliation, composed of 19 members, has jurisdiction over all matters of national defence and external and internal threats to national security, including peace processes and the armed forces. The Senate Committee on Public Order and Dangerous Drugs, which has nine members, is responsible for overseeing peace and order, including through oversight of the PNP, jail and fire protection, and private security agencies. Finally, the Senate's Select Oversight Committee on Intelligence and Confidential Funds, Programs, and Activities is tasked with overseeing 'the efficiency of... government institutions in the production of accurate and timely intelligence information to better deal with the threats to national security'.<sup>21</sup>

Other committees in both chambers also engage the security sector from time to time. For instance, on questions of graft and corruption in the security sector, jurisdiction is exercised by the House Committee on Good Government and Public Accountability and the Senate Committee on Accountability of Public Officers and Investigations. Additionally, there are committees on human rights in both chambers, with broad mandates, along with the House Committee on Foreign Affairs and Senate Committee on Foreign Relations – which deal with bilateral or multilateral security relations – that must sometimes engage security institutions. The House Committee on Appropriations and the Senate Committee on Finance must do so as well, to pass the annual budget.

The parliamentary power of the purse is exercised through committees responsible for deliberations on the proposed national budget, which is a transparent process. Typically, representatives of government agencies embark on an 'annual pilgrimage' to the Philippine Congress between September and December to explain the proposed budgets of their agencies

19 Ibid., 38.

20 For more on Senate committees, see: Senate of the Philippines, The Rules of the Senate (updated January 2020).

21 See: Republic of the Philippines, Senate Resolution No. 36 (adopted 10 February 2020).

and answer queries from legislators. Unfortunately, this seemingly endless scrutiny of the budget, which often stretches into the wee hours and extends from committee hearings into plenary debates, is sometimes used by MPs to pursue rent-seeking efforts.

The Constitution grants authority to parliament to conduct legislative hearings as well, either in aid of legislation or in the performance of its oversight functions.<sup>22</sup> Such oversight may involve determining how a law passed by Congress has been implemented, while hearings in aid of legislation presuppose that ‘the legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change.’<sup>23</sup> In the context of a parliamentary investigation, the Philippine Congress is also conferred an unassailable power of subpoena (whether *ad testificandum* or *duces tecum*), and the ability to punish a witness with contempt ‘for contumacious conduct.’<sup>24</sup> In fact, the Senate Rules assert that contempt of a Senate committee ‘shall be deemed a contempt of the Senate’ and that a person who refuses to be sworn in to testify or answer questions by a committee or any of its members, or testifies falsely or evasively, may be ordered detained ‘under the custody of the Sergeant-at-Arms until he/she agrees to produce the required documents, or to be sworn or to testify.’<sup>25</sup> Only the president and Chief Justice of the Supreme Court are exempt from this power.

The elective function of parliament is exercised by the powerful Committee on Appointments, which represents a unique feature of Philippine bi-cameralism. It is composed of 25 members, and except for its *ex-officio* chair, always the Senate President, the rest of its seats are equally distributed among members from the Senate and House.<sup>26</sup> This committee is tasked with acting on all appointments submitted by the president, ranging from heads of executive departments, to ambassadors and public ministers, to some officers of the armed forces (from the rank of Colonel or Naval Captain, or those whose appointment is constitutionally vested in the president).

### Where parliamentary oversight leaves ‘much to be desired’

There is a consensus among scholars that the Philippine Congress has sufficient oversight mandates and powers, as provided by the Constitution and the rules of both chambers.<sup>27</sup> Still, Hernandez notes that when it comes to the practice of legislative oversight, there is still ‘much to be desired’; and moreover, that oversight rules and procedures are ‘not faithfully observed by the security sector.’<sup>28</sup> This is compounded by gaps in civilian oversight of the security sector, ‘such as the exemption of police promotion and appointment from legislative confirmation, as well as the exemption of members of the military and police deployed for peacekeeping missions abroad.’<sup>29</sup> Hernandez also highlights the continued influence and participation of the military in politics. Indeed, the Duterte administration includes numerous retired generals from the military and police.

Some observers have also called out abuses of the parliamentary power of inquiry. While this is required to meet the mandate of parliament, in some cases, it has become a tool for grandstanding by legislators. Deputy Speaker of the House in the 18th Congress, Rodante Marcoleta, has long urged the chamber to review its rules governing inquiries in aid of legislation, to safeguard the rights of those called to testify. He has cited the case of Angelo Reyes, former Chief of Staff of the Armed

22 For more, see: Bernas, *The 1987 Constitution: A Comprehensive Review*, 248.

23 Republic of the Philippines, Supreme Court, *Neri v. Senate*, G.R. No. 180643 (25 March 2008).

24 Senate of the Philippines, *The Rules of the Senate* (updated January 2020), sec. 18.

25 Ibid.

26 See more, Republic of the Philippines. (1987). *The Constitution of the Republic of the Philippines*. Retrieved from Official Gazette: <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>

27 For example, see: Mario J. Aguja, ‘The Philippines’ in *The Role of Parliament in Police Governance: Lessons Learned from Asia and Europe*, edited by Mario J. Aguja and Hans Born, 61–80 (Geneva: DCAF, 2017); Arugay, ‘Country Brief: Philippines’; Carolina G. Hernandez, ‘Peacebuilding and Security Sector Governance in the Philippines’ in *Peacebuilding and Security Sector Governance in Asia*, edited by Yuji Uesugi, 49–76 (DCAF and HiPEC, nd); and Ronald Holmes, ‘Congressional oversight: the power of the purse, presidential prerogatives, and pork barrel’ in *Budget Reform in the Philippines: Making the Budget a Tool for National Transformation*, edited by Ronald U. Mendoza and David G. Timberman (Mandaluyong City: Anvil Publishing, 2019).

28 Hernandez, ‘Peacebuilding and Security Sector Governance in the Philippines’, 66.

29 Ibid.

Forces of the Philippines, whose suicide in 2011 is believed to have been triggered by the intensity of a parliamentary investigation in which he was accused of pocketing P50 million (over US \$1 million) in military funds upon his retirement in 2001.<sup>30</sup> The inquiry was covered in full by media, and Marcoleta alleged in a 2011 resolution on the matter that members of the Philippine Congress were ‘by and large... more adept in trial by publicity’ than in meeting ‘their commitment to the norms of objectivity and accuracy.’<sup>31</sup> Former President Arroyo, who later ran for Congress and was recently Speaker of the House (2018–2019), has also lamented the abuse of parliamentary inquiry in aid of legislation, characterizing it as ‘harassment.’<sup>32</sup> Throughout her presidency, Arroyo’s husband was subject to congressional inquiries for various anomalies.

Often, the power exercised by the Philippine Congress over the budget is also used to shape political relationships with the executive.<sup>33</sup> Thus, it must be said: the budget is inherently political.<sup>34</sup> In fact, research has highlighted the difficulty Congress has had in passing the General Appropriations Act (GAA), with only 11 of 28 GAAs from 1989 to 2016 passed before the start of the fiscal year. At times, legislators have failed altogether to pass a budget; and on several occasions, they have simply re-enacted the budget from the previous fiscal year with no changes.<sup>35</sup>

These weaknesses of parliamentary oversight in the Philippines are partly due to a lack of staff and resources, such as specialized offices within Congress. For example, budgetary oversight is impacted by gaps in capacity in the Congressional Planning and Budget Research Department in the House and the Legislative Budget and Monitoring Office in the Senate, and by an absence of budget policy debate between the executive and legislative branches prior to hearings on the executive budget.<sup>36</sup> Ronald Holmes notes, too, that the independence of parliament from the executive has long been an issue, with a culture of patronage undermining the control of the Philippine Congress over the budget for decades.<sup>37</sup>

## 2.3. The Philippine Parliament and the SDGs

The adoption of the 2030 Agenda by the Philippines came as the country was preparing its medium-term development planning. Thus, the Agenda served as a guide to the Duterte administration in crafting its Philippine Development Plan 2017–2022.<sup>38</sup> The commitment of the Philippines to the SDGs is evidenced by its submission of a Voluntary National Review (VNR) of the SDGs to both the 2016 and 2019 High-Level Political Forum (HLPF) on Sustainable Development.

30 See: ‘Ex-Cabinet execs: Corruption killed Gen. Angelo Reyes’, *GMA News Online* (12 February 2011), <https://www.gmanetwork.com/news/news/nation/212859/ex-cabinet-execs-corruption-killed-gen-angelo-reyes/story/> (accessed 15 September 2021).

31 See: Melissa M. Reyes, Press and Public Affairs Bureau, House of Representatives, ‘Lawmaker wants to review House rules governing inquiries’, press release (19 March 2011). Available at: <https://www.congress.gov.ph/press/details.php?pressid=4932> (accessed 15 September 2021).

32 Xianne Arcangel, ‘Investigation in aid of legislation? Arroyo sees House inquiries as venues for harassment’, *CNN Philippines* (26 November 2018), <https://cnnphilippines.com/news/2018/11/26/gloria-macapagal-arroyo-resolution-congressional-investigation.html> (accessed 15 September 2021).

33 Ronald U. Mendoza and David G. Timberman, ‘Introduction: significance of budget reform’ in *Budget Reform in the Philippines: Making the Budget a Tool for National Transformation*, edited by Ronald U. Mendoza and David G. Timberman (Mandaluyong City: Anvil Publishing, 2019).

34 Some clear examples of politicization of the budget include: in 2004, when the Senate blocked passage of the budget on the premise that it was littered with a ‘war chest’ for the upcoming presidential campaign of Arroyo; in 2006, when the Senate blocked its passage because it was said to contain unnecessary ‘presidential pork’ that would be used to bribe legislators to stop an impeachment complaint against Arroyo (see: Pauline Macaraeg, ‘LOOK BACK: The “Hello, Garci” scandal’, *Rappler* (5 January 2021)); and in 2019, when the Duterte government operated on a re-enacted 2018 budget for four harrowing months. In this last instance, the initiative of the executive to move to a cash-based budgeting system, as opposed to an obligation-based scheme, led to the suspension of budget hearings (see: Ian Nicolas Cigaral, ‘Why a reenacted budget is not good news for the Philippines’, *The Philippine Star* (27 November 2018)).

35 Holmes, ‘Congressional oversight: the power of the purse, presidential prerogatives, and pork barrel’.

36 Ibid.

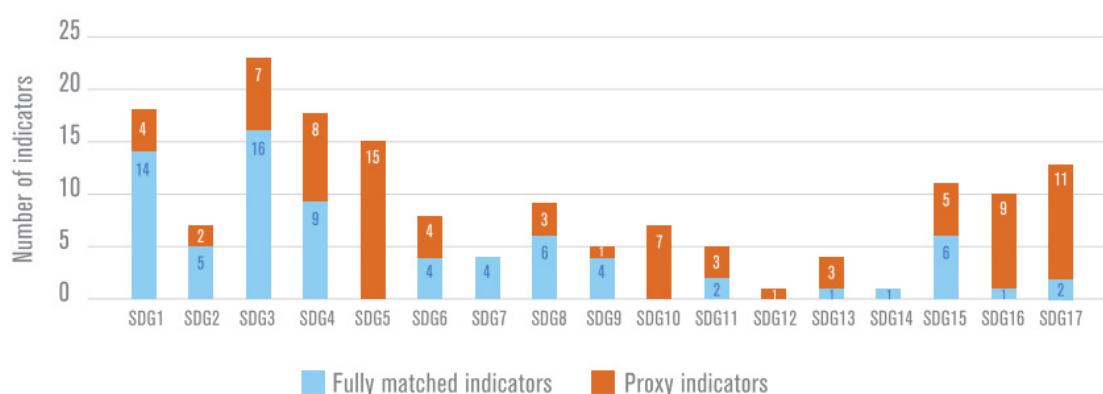
37 Florencio Abad, ‘The budget as an instrument of government reform’ in *Budget Reform in the Philippines: Making the Budget a Tool for National Transformation*, edited by Ronald U. Mendoza and David G. Timberman (Mandaluyong City: Anvil Publishing, 2019), 52.

38 National Economic and Development Authority, *Philippine Development Plan 2017–2022*.

And in 2020, in his address to the 75th session of the UN General Assembly, President Duterte promised to maintain this commitment despite downward pressure on national growth resulting from the pandemic.

A 2017 Country Brief on SDG Integration into Planning presented a mapping of indicators in the Philippine Development Plan 2017-2022 against SDG indicators (see Figure 2), and showed that ‘over half of SDG Tier 1 indicators under several goals’ – particularly SDGs 1, 2, 3, 4, 7, 8, 9, and 15 – ‘were included in, or fully consistent with’ the government’s plan.<sup>39</sup> The Philippine parliament has also passed laws that directly or indirectly support the realization of the SDGs. During the 17th & 18th Congresses, a total of 616 legislative measures (543 and 73, respectively) were signed into law by the president, including laws institutionalizing the provision of conditional cash transfer, a feeding program for undernourished children, universal access to quality tertiary education, increased maternity leave, and the creation of the Department of Human Settlements & Urban Development, among others.<sup>40</sup>

**Figure 2:** Mapping of indicators of the Philippine Development Plan 2017-2022 against SDG indicators



Source: Philippine Statistical Authority (2017), *SDG Matrix of Tier 1 indicators*, cited in Tiongson, ‘Good Practices Integrating the SDGs Into Development Planning: the Philippines’.

The elective function of parliament intersects with the SDGs every time the Committee on Appointments confirms members of the cabinet tasked with providing leadership to implement the Development Plan 2017-2022, in which the SDGs are incorporated. Scrutinizing the credentials of presidential appointees to cabinet positions that have a direct role in implementing SDGs is essential to achieving these goals. Within the Philippine Congress, committees have also been created to oversee implementation of the SDGs. The House Committee on Sustainable Development Goals, composed of 20 members, is tasked with attending to ‘all matters directly and principally relating to the achievement of the country’s commitment to the United Nations 2030 agenda for sustainable development’.<sup>41</sup> Similarly, in the Senate, the Committee on Sustainable Development Goals, Innovation, and Futures Thinking, with 15 members, has jurisdiction over ‘all matters relating to the United Nations 2030 Agenda for Sustainable Development and the Assessment of the country’s performance in attaining said development goals through policies, strategies, and actions for the development of desirable futures by using a multi-disciplinary approach in illuminating possibilities, outlining policy choices, and assessing alternatives’.<sup>42</sup>

39 Rhodora Tiongson, ‘Good Practices Integrating the SDGs Into Development Planning: the Philippines’, UNDP, 2.

40 See summaries of laws enacted in each congressional session at the website of the Presidential Legislative Liaison Officer: <https://pllo.gov.ph/index.php/downloads/summary-of-enacted-laws> (accessed 15 September 2021).

41 Republic of the Philippines, Rules of the House of Representatives 18th Congress (adopted 5 June 2020).

42 Senate of the Philippines, The Rules of the Senate (updated January 2020).



These committees, in both chambers, have taken specific steps or actions related to the SDGs since the inception of the 2030 Agenda. During the 18th Congress, for example, legislative measures and resolutions referred to the House Committee on Sustainable Development Goals included a proposal for the establishment of a green public procurement programme for all government agencies. Numerous resolutions were also filed in the House to keep the government on track in its commitment to achieving the SDGs, urging legislators to incorporate them into bills, directing the National Economic and Development Authority to identify local government units committed to realizing the SDGs and recommend them for congressional commendation, and encouraging all private and public television stations in the Philippines to allot at least three hours per day to educational programming that fosters holistic learning.

The integration of the SDGs into the Philippine Development Plan 2017-2022, which serves as the basis for the annual budget, ensures funding for SDG-related activities. However, the extent and effectiveness of this integration has not been evaluated. Likewise, the creation of committees to champion the SDGs in parliament is laudable, and the establishment a dedicated committee to monitor the progress of their implementation is a sign of political leadership, but challenges of coordination remain. While the dedicated SDG committees in both chambers are mandated to oversee the progress of implementation, the fact is that legislative powers are also exercised by the numerous other committees of the Philippine Congress; and coordination between the SDG committees and other committees needs to be strengthened.

In fact, according to data presented in the *Sustainable Development Report 2021*, the Philippines is lagging in implementing the SDGs. It received an index score of just 64.5 out of 100, positioning it at 103 out of 199 countries in the global ranking.<sup>43</sup> The Philippines is on track or maintaining achievements only for SDG 13, and the single goal achieved by the country is SDG 12 (responsible consumption and production). As shown below in Figure 3, the Philippines is seeing a downward trend when it comes to realizing two goals, only moderate improvements in achieving six others, and is stagnating in its progress on six more goals, including SDG 16.

**Figure 3:** Indicators for the Philippines from the Sustainable Development Report 2021



Source: Sachs et al., *Sustainable Development Report 2021*.

43 Jeffrey Sachs et al. *Sustainable Development Report 2021: The Decade of Action for the Sustainable Development Goals* (Cambridge University Press, 2021), 11.

## 2.4. The Philippine Parliament and SDG 16

The aim of SDG 16 to ‘promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels’ is at the core of the 2030 Agenda. This is reflected in the Philippine Development Plan 2017–2021 as well, in the priorities to attain just and lasting peace (Chapter 17) and ensure security, public order, and safety (Chapter 18). These two important pillars of the plan are identified as ‘foundations for sustainable development.’<sup>44</sup>

The pursuit of just and lasting peace in the Philippines is based on the recognition that ‘economic growth cannot be sufficiently buoyant, sustained nor inclusive without durable and enduring peace.’<sup>45</sup> To this end, three legislative agenda were prioritized by the government in its Development Plan 2017–2021: 1) amnesty proclamations for the Bangsamoro, RPMP/RPA/ABB, and former rebels of communist terrorist groups, 2) an enabling law creating an autonomous region in the cordilleras, and 3) an enabling law creating the National Transitional Justice and Reconciliation Commission for the Bangsamoro (NTJRB). The first of these was fulfilled on 5 February 2021 when the President signed proclamations 1090, 1091, 1092, and 1093 granting amnesty to members of groups who ‘committed crimes in pursuit of their political beliefs.’<sup>46</sup> Such proclamations require parliamentary concurrence, which was offered by the House in March. Now, implementation rests on approval from the Senate. If approved, this development will contribute substantially to SDG 16 by reducing all forms of violence (target 16.1) and combatting organized crime and illicit arms flows (target 16.4).

Another measure that has contributed to achieving targets 16.1 and 16.4 is Republic Act No. 11054, passed in 2018. This organic law for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), known as the Bangsamoro Organic Law, is also responsive to target 16.7 as it creates a unique system of governance in an autonomous region that is responsive, inclusive, and representative. Indeed, in its 2019 VNR of the SDGs, the government heralded passage of this law as one of its best practices in achieving SDG 16.<sup>47</sup> A draft of the law was included in the Comprehensive Agreement on the Bangsamoro (CAB) signed between the Government of the Philippines and the Moro Islamic Liberation Front (MILF) in 2014, and its passage was a significant step in ending the decades-long rebellion in the Southern Philippines and the creeping threat of violent extremism. With the Bangsamoro Organic Law in place, trust between the government and the MILF is at a new high; and with the ceasefire holding, lives are saved, livelihoods preserved, and the international community is able to invest in capacity building, local economic development, and education, thereby contributing to target 16.a.

The approach of the Philippine government to security, public order, and safety is rooted in the firm belief that ‘national security and public order are essential elements in building the foundation for inclusive growth, a high trust, and resilient society, and a globally competitive knowledge economy.’<sup>48</sup> In pursuit of this, Development Plan 2017–2021 prioritizes three legislative themes: 1) territorial integrity and sovereignty; 2) the elimination of all forms of criminality and illegal drugs; and 3) legislative measures that aim to ensure public safety. Numerous other laws passed during the 17th and 18th sessions of the Philippine Congress that relate to the security sector may have a bearing on SDG 16 but were not among the priority bills cited in the Development Plan by the administration. These include laws aimed at strengthening security institutions in a wide variety of ways.<sup>49</sup>

44 National Economic and Development Authority, *Philippine Development Plan 2017–2022*, see Part VI.

45 Ibid., 17–1.

46 Ruth Abbey Gita-Carlos, ‘Duterte grants amnesty to communist Moro rebels,’ *Philippine News Agency* (16 February 2021), <https://www.pna.gov.ph/articles/1130859> (accessed 16 September 2021).

47 Government of the Philippines, *The 2019 Voluntary National Review of the Philippines*.

48 National Economic and Development Authority, *Philippine Development Plan 2017–2022*, 18–1.

49 For example, laws: regulating the practice of criminology (RA 11131); transferring the Philippine National Police Academy (PNPA) and the National Police Training Institute (NPTI) from the Philippine Public Safety College (PPSC) to the Philippine National Police (PNP) (RA 11279); lowering the minimum height requirement for applicants of the Philippine National Police (PNP), Bureau Of Fire Protection (BFP), Bureau Of Jail Management And Penology (BJMP), and Bureau Of Corrections (BUCOR) (RA11549); and granting the Chief of the Philippine National Police (PNP) and the Director and Deputy Director for administration of the Criminal Investigation and Detection Group (CIDG) the authority to administer oaths and issue *subpoena* and *subpoena duces tecum* (RA10973).

In 2020, a law was also passed to combat terrorism (RA 11479, The Anti-Terrorism Act), though it has been controversial, with questions raised about the timing of its passage as well as its content and impact. Passed in July 2020, in the midst of the COVID-19 pandemic, the law was subject to numerous hearings and plenary debates but was rammed through to the House without offering members the option to make amendments. The Senate version was thus ‘forcibly’ adopted by the House. In the process, the principal authors of the House version, along with other senior officials, withdrew their authorship of the bill in protest and voted against it. Now, the law is at the centre of 37 petitions before the Supreme Court challenging whether its provisions violate due process. Two former justices of the Supreme Court have joined petitioners, arguing that ‘the vagueness of RA 11479 allows law enforcement officials to make the law as they enforce it... (and) the lack of parameters makes the [Act] a loose cannon that threatens a wide spectrum of protected liberties.’<sup>50</sup>

In the meantime, many priority bills identified by the administration in its Development Plan 2017–2021 are languishing in the legislative mills one year before the end of Duterte’s tenure. Observers have attributed these delays to the COVID-19 pandemic, which slowed the pace of parliamentary work and political wrangling for the speakership in the House, during the recent session. Nonetheless, through passage of the national budget, the Philippine Congress may have indirectly contributed to the realization of SDG 16, as the budget incorporates the SDGs and the budget process is an opportunity for legislators to demonstrate accountability and promote transparency in governance.

The budget has also been at the heart of a recent struggle between legislators and the executive related to the National Task Force to End Local Communist Conflict (NTF-ELCAC), which sparked controversy with its zealous ‘red-tagging’ campaign. The human rights community and progressive legislators have expressed vehement opposition to this tactic of NTF-ELCAC of publicly identifying (‘red-tagging’) individuals or organizations, including legislators, as supporters or fronts for the communist movement. Charges have now been filed against ranking members of the Task Force.<sup>51</sup> Further, in deliberations over the 2022 budget, the minority leaders of the Senate and the House have promised to defund NTF-ELCAC. To avoid the looming battle with these legislators, the NTF-ELCAC spokesperson, who happens to be a General in the armed forces, has resigned.<sup>52</sup>

The Philippine Congress did conduct investigations into the red-tagging of groups and individuals by NTF-ELCAC, the results of which are presented in the Second Report of the *Independent International Commission of Investigation Into Human Rights Violations in the Philippines*.<sup>53</sup> The report also details other matters that have been subject to parliamentary inquiry, such as the all-out ‘war on drugs’ launched by the Duterte administration. Both the Senate and House conducted separate investigations into this matter, but the government has denied Congress subpoena power, on the grounds of national security. Meanwhile, some legislators have joined as petitioners to the Supreme Court in an effort to publicize the details of deaths during drug operations by police. And, civil society organizations and human rights groups have sought accountability by petitioning the International Criminal Court (ICC) to investigate President Duterte.

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50 Rey Panaligan, ‘Two retired SC justices, others file 11th petition vs. anti-terrorism law’, *Manila Bulletin* (22 July 2020), <https://mb.com.ph/2020/07/22/two-retired-sc-justices-others-file-11th-petition-vs-anti-terrorism-law/> (accessed 16 September 2021).

51 See: Franco Luna, ‘More raps filed vs NTF-ELCAC execs over red-tagging, fake news’, *The Philippine Star* (7 December 2020), <https://www.philstar.com/headlines/2020/12/07/2062096/more-raps-filed-vs-ntf-elcac-execs-over-red-tagging-fake-news> (accessed 16 September 2021).

52 Romina Cabrera, ‘NTF-ELCAC’s Parlade Resigns, Denies “Pressure”’, *OneNews* (Philippines) (2 July 2021), <https://www.onenews.ph/ntf-elcac-s-parlade-resigns-denies-pressure> (accessed 16 September 2021).

53 INVESTIGATE PH. (2021). *Second Report of the Independent International Commission of Investigation Into Human Rights Violations in the Philippines* (INVESTIGATE PH).

## 2.5. Analysis and Recommendations

The case of the Philippines illustrates the importance that a clear legislative mandate is provided to parliament by the constitution, other laws, and internal parliamentary rules. The clarity of these mandates provides needed guidance for the substantive and effective exercise of legislative power, from law making itself, to scrutiny of the budget, to the oversight of executive agencies, to the election of senior officials. Still, while a well-defined mandate is critical, it does not guarantee effective oversight of the executive, especially of the security sector.

So that legislators can fulfil their oversight mandate vis-à-vis the security sector, their capacity to keep pace with the ever-changing security environment must be developed. But equally important is the provision of necessary resources, such as office support staff, a committee secretariat office, and specialized support offices, especially on budget research. These all enhance the ability of parliament to perform effective oversight.

When it comes to SSG, this analysis found that the Philippine Congress has a robust committee system with elaborate relevant mandates. Committees that attend principally to security matters ensure that Congress has a focus on the sector, and can prioritize security concerns. The existence of committees on defence, public order, and appointments further demonstrate the importance of the security sector to the work of parliament. All these relevant committees help guarantee that SSG/R is properly addressed by parliamentarians in the Philippines, and also offer them the opportunity to develop a specialization.

There are committees in the Philippine Congress dedicated to the SDGs as well, which keeps these goals on the legislative agenda. However, as these committees are designed to oversee various efforts and processes aimed at achieving the SDGs, they have faced challenges in shepherding other parliamentary committees (of which there are many) toward contributing to this objective. Thus, this analysis makes clear the importance of incorporating the SDGs into the executive agenda or national development planning, to also facilitate the active contribution of parliament to realizing the SDGs. Yet, even with the incorporation of SDGs into its national planning, and even with dedicated parliamentary committees, the Philippines has met few SDG targets. The development of concrete national indicators and awareness-raising regarding the relevance of the SDGs is needed to ensure that these targets are achieved.

On attaining SDG 16 in the Philippines, the contribution of parliament has seemingly been more accidental than purposeful. The link between SSG/R and SDG 16 must be strengthened so that its realization can functionally and dramatically influence the evolution of a more effective and efficient security sector. At the end of the day, a professional security sector can better contribute to the promotion of a peaceful and inclusive society.

Finally, the Philippine Congress must continue to deal with challenges arising from the dominance of political dynasties, and its perceived lack of independence from the executive. An adherence to fundamental principles of good governance, such as transparency in the conduct of legislative work and hearings, enhances democracy and strengthens the legislature as a democratic institution. By publicizing parliamentary hearings on security matters or on the appointment of defence officials, the Philippine Congress can also contribute to SDG 16 by supporting 'effective, accountable and inclusive institutions'.

This case study shines a light on important lessons that serve as the basis for the following recommendations, meant to ensure that parliament meets its mandate to safeguard democracy and act as an important agent of SSG/R:

*First*, Congress must ensure it has the necessary mandate to effectively perform its role as 'representative of the people' and to carry out specific tasks of oversight in the governance of the security sector. A lack of clear mandates limits the effectiveness of parliament as the representative of the people.

*Second*, oversight can be strengthened by legislative committees dedicated to oversight of the security sector, which should be seen by parliamentarians as a chance to gain specialized knowledge. Legislators are sometimes overzealous in joining committees and seek membership on too many to participate effectively. They should take care not to overextend themselves through committee membership and allow themselves to gain deeper knowledge of specific committee subjects. Effective committee work requires focus and specialization.

*Third*, the establishment of cross-cutting committees to oversee implementation of the SDGs is important, but these should not distract from the priorities and work of existing committees. Hence, SDG committees should serve as super coordinators of the various other committees dealing with matters related to specific SDGs and targets, to ensure that all the SDGs are addressed with respect for their interrelatedness.

*Fourth*, parliamentarians and staff must be provided with the resources and support they need to professionalize the oversight of the security sector. The addition of qualified staff to assist legislators, committee staff, and specialized offices such as a budget research office, are highly recommended. This will also require an increase in the personnel and logistics of the committee secretariat. Capacity building among legislators and their staff should be seen as an important element of this effort as well, given the ever-changing security landscape and increasing use of technologies, leading to growing demands for good security governance that enhances professionalism in the sector. To that end, the pursuit of SDG 16 continues to be an important goal in building human security.

*Finally*, Congress must be conveyed clear authority to perform its functions effectively. This includes the authority to issue subpoenas and penalties during inquiries in aid of legislation, in order to access documents and persons. However, this power must be exercised responsibly to avoid abuse and ensure that parliament remains a bulwark of democracy and due process. The case of the Philippines reveals that even transparency can become a challenge to democracy when the access of media and the public to hearings creates an allure among legislators for grandstanding.

# **3. Contributions of the Nigerian Parliament to SDG 16 through SSG/R**

*Written by Heindri A. Bailey*

## 3.1. Introduction

Nigeria is the largest economy on the African continent, with a 2020 GDP estimated at US \$432 billion.<sup>54</sup> It is also Africa's most populous country, home to approximately 200 million people from more than 250 different ethnic groups, speaking more than 500 different languages and dialects. After decades of military dictatorships, the country succeeded in installing a democratically elected government in 1999. Since then, it has seen five successive democratic election cycles.

In 2015, the election of President Muhammadu Buhari in Nigeria coincided with the adoption of the 2030 Agenda for Sustainable Development by the United Nations. Buhari has been lauded by various international bodies for his commitment to the Sustainable Development Goals (SDGs) in subsequent years, and under his leadership, a multi-layered institutional framework for implementation of the SDGs has been established. Since the transitional period between the Millennium Development Goals (MDGs) and the SDGs, the Nigerian National Assembly (NASS) has also claimed its political space in order to oversee this implementation. The role played by the parliament has ranged from active involvement in global debates that lead to the setting of targets, to the alignment of the Nigerian legislative agenda to ensure the domestication of international commitments made by the executive, to the establishment of necessary parliamentary institutional arrangements in order to keep the executive accountable in regard to budget and policy.

Paradoxically, despite being a pace setter in terms of its commitment to and implementation of the SDGs, as well as intentional strides to deepen democracy, Nigeria has remained plagued by insecurity. The country has faced a decades long battle against insurgents; mass kidnappings, especially of female students, by both terrorist and organized criminal groups; simmering tensions in the oil rich Niger Delta; and climate change-induced cross-border conflicts between nomadic and pastoral communities.

### The methodology of this case study

In this analysis, the focus is on efforts by the Nigerian parliament to ensure it plays a meaningful role in implementation of the SDGs, specifically SDG 16 related to security sector governance and reform (SSG/R). The interplay between institutional arrangements made by both the executive and legislature is discussed in detail, and the country-specific approach to the SDGs is highlighted. There are several actors and institutions that play interrelated roles in addressing threats to the security and well-being of citizens in Nigeria. These include *core security sector actors*, such as the military, police, and intelligence services; *oversight and management authorities*, such as government ministries and parliamentary committees; *justice and law-enforcement bodies*, such as the courts and ombudsman; *civil society organisations and the media*, who keep the public informed; and *non-statutory forces*, such as vigilante groups, which may complicate attempts to ensure security.

Here, the powers and functions vested in the legislature (parliament) to ensure SSG/R are explored. Data for this analysis was gathered through extensive desk research of official documents related to Nigeria's approach to implementing the SDGs, as well as limited primary research that took the form of exchanges with and inputs provided by key actors in the security and legislative sectors. Civil society assessments and scholarly papers were also consulted.

### A brief reflection on Nigeria's current state of insecurity

After a century of British rule, Nigeria gained its independence in 1960. Yet, as Ibeanu and Momoh note:

Nigeria's extended aspiration to nationhood has been punctuated regularly and perilously by deep-seated insecurity, including a civil war [1967-70] in which over a million Nigerians died. ...ethno-communal conflicts, religious conflicts, electoral violence... struggles for natural resources, particularly petroleum. ...and a long period of military rule.<sup>55</sup>

<sup>54</sup> See World Bank indicators for Nigeria at: <https://databank.worldbank.org/reports.aspx?source=2&country=NGA> (accessed 11 September 2021).

<sup>55</sup> Okechukwu Ibeanu and Abubakar Momoh, *State Responsiveness to Public Security Needs: The Politics of Security Decision-Making: Nigeria Country Study*, CSDG Papers Number 14 (June 2008), 1.

The adoption of the 1999 Constitution signalled a break from successive military dictatorships and heralded the beginning of constitutional democracy, referred to as the Fourth Nigerian Republic.<sup>56</sup>

In recent years, Nigeria's continued struggle with endemic insecurity has received international attention as incidents such as the kidnapping of the Chibok schoolgirls in 2014 have been amplified on social media, leading to global campaigns. The #bringbackourgirls campaign garnered the support of international celebrities such as then-First Lady Michelle Obama, as well as Hollywood stars. Similarly, the abuses of the now-defunct Special Anti-Robbery Squad (SARS) led to major nation-wide protests in Nigeria that were supported by celebrities including musician Kanye West and Twitter CEO Jack Dorsey.<sup>57</sup> Homegrown Nobel laureate Wole Soyinka has also condemned the Nigerian government, calling for the state to be rebuilt 'from the ground up', and a recent article in the influential *Foreign Affairs* magazine stopped just short of labelling the country a failed state.<sup>58</sup>

## 3.2. The Nigerian Parliament and SSG/R

The Fourth Nigerian Republic – a constitutional democracy – was ushered in by adoption of the 1999 Constitution. The country is a federal republic comprising 36 states and the Federal Capital Territory of Abuja, and legislative power is vested in the National Assembly (NASS). The NASS includes a Senate with 109 members and the House of Representatives with 360 members.

The Constitution of Nigeria envisages a society founded on democratic principles, in which:

- sovereignty 'belongs to the people', from whom government 'derives all its powers and authority' (S.14(2)(a));
- 'the security and welfare of the people shall be the primary purpose of government' (S.14(2)(b));
- 'participation by the people in their government shall be ensured' (S.14(2)(c)); and
- the state commits to 'abolish all corrupt practices and abuse of power' (S.15(5)).

To give effect to these imperatives, oversight exercised by the Nigerian parliament is meant to:

- protect the rights of citizens by curbing excesses of government;
- determine the extent of compliance with constitutional and statutory directives;
- prompt the National Executive authority to report (through annual reports, and national and departmental budgets) on compliance with constitutional and statutory directives;
- detect waste within government and public agencies;
- improve transparency and enhance public trust in government;
- generate information to develop new legislative proposals or amend current legislation; and
- promote transparency and accountability in public expenditure management.<sup>59</sup>

Fundamental to this constitutional framework are provisions intended to ensure civilian control over the security sector. Nigeria's history with military dictatorships made it especially crucial to ensure sound security sector reform (SSR) focused on instilling an adherence to civilian authority within the sector. Thus, the 1999 Constitution stipulates civilian executive

56 See the 1999 Constitution of Nigeria online at: [https://www.constituteproject.org/constitution/Nigeria\\_2011.pdf](https://www.constituteproject.org/constitution/Nigeria_2011.pdf). Throughout this analysis, parenthetical references indicate specific relevant sections of the 1999 Constitution. For example, 'S.1(2)' denotes Section 1, sub-section 2.

57 Sada Malumfashi, 'Nigeria's SARS: A brief history of the Special Anti-Robbery Squad', *Al Jazeera* (22 October 2020), <https://www.aljazeera.com/features/2020/10/22/sars-a-brief-history-of-a-rogue-unit> (accessed 11 September 2021).

58 John Campbell and Robert I. Rotberg, 'The Giant of Africa is Failing', *Foreign Affairs* (31 May 2021), 7.

59 Policy and Legal Advocacy Centre, 'Guide to Legislative Oversight in the National Assembly' (Abuja: PLAC and UKAID, 2016), 4-5.



authority and places control of the military in the hands of the democratically elected president and government (S.130(2)), and grants a wide range of powers and functions to parliament. In this regard, the Constitution empowers parliamentarians to make laws and exercise various oversight mechanisms to hold the executive to account.

### Law-making

According to the Inter-Parliamentary Union (IPU), parliamentary oversight 'begins with the legislative authority to make laws and approve government's policies and continues with the complementary authority to oversee how these are put into practice'.<sup>60</sup> In Section 4(2) of the Nigerian Constitution, the Nigerian National Assembly is endowed with the legislative authority to make laws in support of 'peace, order and good government'. As Jonah puts it, 'the Nigerian Constitution outlines the principles, structures, responsibilities and relationships that are necessary to secure constructive and harmonious civil-military relations under a democratic process'.<sup>61</sup>

According to the Constitution (S.217), the role of Nigerian armed forces is to:

- defend Nigeria from external aggression;
- maintain its territorial integrity and secure its boundaries from violation on land, sea, or air; and
- suppress insurrection and act in aid of civil authorities to restore order when called upon to do so by the president but subject to such conditions as may be prescribed by an Act of the National Assembly.

Further, parliament can legislate on matters pertaining to the military, including: arms, ammunition, and explosives; defence; and the branches of the armed forces; and has broad authority to make laws on 'any matter incidental or supplementary to any matter mentioned elsewhere' in Schedule II of the Constitution (see Part I). Ukase argues that, in Nigeria, 'the existence of the armed forces is completely tied to the National Assembly'.<sup>62</sup>

### Executive accountability

The Nigerian parliament can also hold the president and members of the executive cabinet to account (S.67(1)). And importantly, parliamentarians have the power to impeach and remove the president and vice president for gross misconduct (S.143(1)). On top of this, the Senate is empowered to scrutinize and confirm key presidential appointments, such as those of ministers, ambassadors, the auditor-general, and the chairs and members of key national commissions (S.147(2), S.153(1), S.171(4)). Still, it should be noted that in the security sector, this is true of the Nigerian Police Council and Police Service, but excludes the National Defence Council and National Security Council (S.154(2)).

### Control of public funds

All revenues raised or received by Nigeria are paid into a Consolidated Revenue Fund of the Federation (S.80(1)), from which withdrawals can be made only with authorization by an act of parliament through an appropriations bill (S.81(1), S.80(3)). But Section 81(1) of the Constitution charges the president with the responsibility of ensuring that estimates of revenue and expenditure are presented to each house of the National Assembly for the next financial year. Expenditures contained therein and the funds required by withdrawal from the Consolidated Revenue Fund are then captured in an annual appropriations bill (S.81(2)). Where it is found that an amount appropriated is insufficient or the need arises for unbudgeted expenditures, a supplementary appropriations bill must be put forth in parliament (S.81(4)).

Notwithstanding the safeguards built into the Nigerian budget process, the opaque practice of extra-budgetary allocations through 'security votes' is still widely used in Nigeria. This is essentially a remnant of the era of military government that

60 Hironori Yamamoto, *Tools for parliamentary oversight: A comparative study of 88 national parliaments* (Geneva: Inter-Parliamentary Union, 2007), 9.

61 G. J. Jonah, 'African Armed Forces and the Challenges of Defence Budgeting', National Defence College Nigeria Inauguration Lecture Series No. 6 (September 2008), 8.

62 Patrick I. Ukase, 'Subordinating the Military to Civilian/Legislative Control in Nigeria's Fourth Republic: Issues, Challenges and the Way Forward', *SCSR Journal of Social Sciences and Humanities*, Vol. 1, No. 1 (March 2014), 9-24.

gives the executive, on both the federal and state levels, extensive access to public funds for 'national security' purposes.<sup>63</sup> Notably, the practice is authorized in the very constitutional clause that creates the Consolidated Revenue Fund, because although the clause states that all revenues raised by the Federation must be paid into the Fund, exceptions are allowed in the case of 'revenues or other moneys payable under the Constitution or any Act of the National Assembly into any other public fund of the Federation established for a specific purpose' (S.80(1)). Research in Nigeria has found that the executive makes similar use of an equally opaque clause in Section 6(d) of the National Security Agencies Act of 1986, which grants power to the president to make provisions for 'matters concerning or incidental to any of the other matters ("national security") mentioned in this Act as the President may deem fit'.<sup>64</sup> Although this law considerably predates the 1999 Constitution, it has been enshrined in it, in Section 315.

As a result of both of these legal exceptions to the law, Transparency International estimates that Nigeria expends some 241.2 billion Naira (US \$585 million) per annum for which there is no accounting.<sup>65</sup> This makes Nigeria's 'shadow budget' significantly larger than the total (public) annual budget of the Nigerian Army, which stood at 155.4 billion Naira (US \$376 million) for the 2017-2018 fiscal year.

### Committee oversight

Parliamentary committees are often referred to as the engine rooms of parliaments. That is true in Nigeria, where the Constitution gives both the Senate and House of Representatives extensive leeway to establish committees and delegate any appropriate functions, short of the power to decide whether a bill shall be passed into law (S.62(1), S.62(4)). Committees are the ideal vehicles through which parliaments can conduct formal inquiries of government activities, conduct site visits, and hold public hearings. Furthermore, parliament is constitutionally obliged to appoint a joint committee on finance (S.62(3)).<sup>66</sup>

Both houses of the Nigerian parliament have rather sweeping powers to direct or initiate investigations (S.88(1)) in connection to any matter that falls within its legislative ambit, or into the affairs of any person, authority, ministry, or government department tasked with administering 'moneys appropriated by the National Assembly' (S.88(1)(b)(ii)). The purpose of such investigations is to correct deficiencies in existing laws or expose corruption or wasteful expenditures. Committees also have the right to summon any person to give evidence under oath, and can issue warrants to compel any person who fails to adhere to summons (S.89(1)(d)).

Through public hearings, committees can allow for diverse voices to be heard on pertinent topics, including expert input that often provides the kind of evidence-based knowledge required to evaluate the more technical areas of public policy. However, in the Nigerian parliament, a lack of open debate on defence matters has been identified as key weakness that demands reform, as does the absence of any means to track government compliance. As the country is a signatory to a number of security-related treaties (and protocols), MPs should ensure that they exercise their oversight functions by tracking government compliance to such protocols, while also ensuring that the executive complies with the constitutional provision stipulating that all treaties to which the executive becomes a party must be domesticated in Nigerian law (S.12(1)).<sup>67</sup>

63 Obiama Egbo, et al., 'Security votes in Nigeria: Disguising stealing from the public purse', *African Affairs*, Vol. 111, No. 445 (October 2012), 597-614.

64 Matthew T. Page, *Camouflaged Cash: How 'Security votes' Fuel Corruption in Nigeria* (Transparency International Defence & Security, 2018).

65 Ibid., 16.

66 In its current iteration, this is the Joint Committee on Finance, Appropriation and Electoral Matters.

67 Among others, Nigeria is a signatory to the United Nations Convention Against Corruption (UNCAC), the AU Convention on Preventing and Combating Corruption, the ECOWAS Protocol against Corruption, and the Inter-Governmental Action Group Against Money Laundering in West Africa (GIABA). According to Section 12(1) of the 1999 Constitution, 'no treaty between the Federation and any other country shall have force of law to the extent to which any such treaty has been enacted into law by the National Assembly'.

### 3.3. The Nigerian Parliament and the SDGs

In assessing the role of the Nigerian parliament as it relates to the 2030 Agenda and the SDGs, it is important to first reflect on the evolution of parliament's role vis-à-vis the SDGs since the transition from the Millennium Development Goals (MDGs). In September 2000, Nigeria was among 189 countries that endorsed the United Nations Millennium Declaration, which led to adoption of the MDGs; and by 2005, Nigeria had successfully negotiated debt relief from the Paris Club that enabled it to use Debt Relief Gains (DRGs) to launch and implement programmes and projects designed to realize the MDGs. The Nigerian parliament played a pivotal role in freeing up funds through debt relief, and created a standing committee on MDGs, which was given the same powers as all other standing committees.<sup>68</sup> Specifically, it was established to oversee the commitment of the government to use DRGs to endow a special fund (equivalent to the value of the debt savings) focused on the MDGs.<sup>69</sup>

In a 2010 study of parliamentary mechanisms associated with work on the MDGs, the IPU cited the establishment of Nigeria's standing committee on MDGs as a good practice to be emulated by other parliaments, especially for the degree to which it secured a political space in the overall process of implementing the MDGs. It is worth noting that on a federal level, this process was coordinated in the executive by the Senior Special Advisor to the President on the Millennium Development Goals (SSAP-MDGs), and in the parliament by the standing committee on MDGs. The presidential Committee on the Assessment and Monitoring of the MDGs also included the chairperson of the parliamentary committee, who occupied this seat alongside the president, vice president, secretary to government, head of the civil service, selected members of the executive, representatives of private sector agencies, and international development partners.<sup>70</sup> The practices developed and experiences gained by the Nigerian parliament from 2000 to 2015 in the context of the MDGs provided it with important lessons that have directly influenced current practices and ongoing attempts to improve the role of parliament when it comes to oversight (and beyond) as it relates to the SDGs.

#### Securing the political space for parliamentary engagement with the SDGs

As Egwu and Dan-Azumi note, while parliaments became involved in the implementation and monitoring of the MDGs relatively late in the process, consultations that led to development of the SDGs explicitly recognized from the outset the importance of engaging with parliamentarians in order to ensure the 2030 Agenda would be adopted, implemented, and achieved.<sup>71</sup> By positioning itself as a key partner in the Paris Club debt relief programme, the Nigerian parliament played a meaningful role in agenda-setting as the government initiated its *Road to SDGs* transition strategy, which has formed the backbone of Nigeria's approach to the SDGs.<sup>72</sup> To this end, parliamentarians were involved in assessing gaps, opportunities, and priorities for action during the formulation of this strategy<sup>73</sup>

In an attempt to leverage achievements extending from the involvement of parliament in developing the SDG transition strategy, and to further domesticate these goals, the strategy proposed the adoption of a Sustainable Development Goals Act. As envisioned, such an Act would be 'targeted at improving intergovernmental coordination between the three tiers of government, mobilizing additional resources, and ensuring that policy implementation is consistent with the means of implementation specified in the SDGs'.<sup>74</sup> But attempts to pass the Act lost steam, due in part to disagreements regarding the limits placed on federal authorities to legislate on issues under constitutional authority at the subnational level, and in part to the view that the content of the SDGs had to be fully domesticated before conversion into legislation. In essence, it

68 Inter-Parliamentary Union, *Analytical Study of Parliamentary Mechanisms for MDGs* (IPU and UN Millennium Campaign, 2010), 3.

69 Ibid., 4.

70 Ibid., 24.

71 Samuel G. Egwu and Jake D. Dan-Azumi, *Sustainable Development Goals (SDGs): Oversight Manual for Nigerian Legislature* (Abuja: National Institute for Legislative Studies, National Assembly, 2017), 10.

72 See: The Presidency of Nigeria, *Nigeria's Road to SDGs: Country Transition Strategy* (2015).

73 Egwu and Dan-Azumi, *Sustainable Development Goals (SDGs): Oversight Manual for Nigerian Legislature*, 10.

74 The Presidency of Nigeria, *Nigeria's Road to SDGs: Country Transition Strategy* (2015), 13.

was decided that because of the separation of powers, it would be premature of parliament to legislate on SDGs that were not yet adopted or captured in executive policy instruments.

### **The establishment of a standing committee on the MDGs/SDGs**

The Nigerian House of Representatives was lauded by the IPU for establishing a standing committee on the MDGs at a time when many of its peers opted for ad-hoc committees. But the Nigerian Senate opted to create an ad-hoc committee to address the MDGs. The advantages of a standing committee became patently clear, and the IPU assessed that the Senate's ad-hoc committee was far less effective than its MDG counterpart in the House. It lacked the powers afforded to a standing committee, had much less legitimacy, and was granted far fewer internal resources to execute its role.<sup>75</sup> Hence, since 2015, both houses of the Nigerian parliament have standing committees on the SDGs. An especially important achievement of the committee in the House of Representatives is the fact that, since 2010, national reports on the MDGs and SDGs are first sent to parliament for debate before they are forwarded to the United Nations.<sup>76</sup>

### **Funds earmarked for SDGs**

One of the main achievements of the standing committee on MDGs relates to government expenditures. In 2007, about 38.8 billion Naira (US \$92 million) was returned to the coffers of the Nigerian government, and the committee traced this to inefficiencies of the government that had resulted in ministries, departments, and agencies (MDAs) losing access to funds.<sup>77</sup> Movements are afoot in the current parliamentary session to enact a Sustainable Development Goals Fund.<sup>78</sup> The House of Representatives recently held public hearings on the proposed bill, which passed its second reading. The bill's sponsor has indicated that it is meant to ensure the country remains on the right path, meeting the goals laid out by the 2030 Agenda, by the intended deadline. It not only provides for the creation of a dedicated SDG fund, but imposes a sustainable development levy and establishes a board to administer the fund. Although the Buhari government has indicated its support for the bill 'in principle', it is vehemently opposed to setting up a separate management board for the fund, arguing that this would compound the bureaucracy associated with government operations.<sup>79</sup>

### **Building capacity in the legislative sector to address the SDGs**

An important prerequisite for ensuring sound, evidence-based policy responses across the various parliamentary functions is access to quality research and information services. Indeed, this is particularly critical in the parliamentary context given the complexity of the issues confronting legislators, their disadvantage in accessing quality research compared to executive counterparts, and the instability that emerges from the unpredictability of political cycles. Foxen and Tyler alluded to this instability when they reflected on attempts to establish a legislative science advice office in the Spanish parliament in the midst of changes in government brought about by two general elections and the total overhaul of committee structures and membership, and all within an 18-month period.<sup>80</sup> A similar instability has been present in the Nigerian parliament, where MPs have a high turnover rate. In 2003, for instance, only 36 of the 109 senators voted into office were returning

75 Inter-Parliamentary Union, *Analytical Study of Parliamentary Mechanisms for MDGs*, 24.

76 Ibid., 25.

77 Ibid., 26.

78 *The full title of the bill is: A Bill for an Act to Establish the Sustainable Development Fund Charged with Responsibility for Imposing, Operating and Maintaining the Fund for the attainment of Sustainable Development Goals in Nigeria; and for related matters (House Bill 133).*

79 Levinus Nwabughogu-Abuja, 'SDG: Bill to establish development fund passes second reading in House of Reps', *Vanguard Nigeria*, 3 March 2021, <https://www.vanguardngr.com/2021/03/sdg-bill-to-establish-development-fund-passes-second-reading-in-house-of-reps/> (accessed 30 September 2021); Bakare Majeed, 'Reps move to establish special intervention fund for SDGs', *Premium Times*, 30 June 2021, <https://www.premiumtimesng.com/news/more-news/470720-reps-move-to-establish-special-intervention-fund-for-sdgs.html> (accessed 30 September 2021).

80 Sarah Foxen and Chris Tyler, 'Legislative science advice is a powerful tool, yet the majority of parliamentarians around the world don't have access to it', *LSE Impact Blog* (18 December 2019), The London School of Economics and Political Science, <https://blogs.lse.ac.uk/impactofsocialsciences/2019/12/18/legislative-science-advice-is-a-powerful-tool-yet-the-majority-of-parliamentarians-around-the-world-dont-have-access-to-it/> (accessed 13 September 2021).

members, and in 2007, only 26 were; and in the House of Representatives, out of 306 members elected in 2007, only 89 were returning MPs.<sup>81</sup> The high turnover rate of MPs in Nigeria weakens institutional memory, leads to a discontinuity in the exercise of highly specialized tasks such as security sector oversight, and leads to a lack of expertise among legislators.

To address this challenge, the standing committee on MDGs lobbied for the creation of a capacity-building resource centre within the National Assembly, which was initially established through a collaboration with the Planned Parenthood Federation of Nigeria (PPFN) and the International Planned Parenthood Federation (IPPF). It featured internet facilities as well as a library where students and academics could research the MDGs and access information about what other countries were doing to meet the MDGs.<sup>82</sup> Further funding for the initiative led to a project funded by the African Capacity Building Foundation, an agency of the African Union (AU), that transformed the centre into a permanent institute: the National Institute for Legislative and Democratic Studies (NILDS). The Institute is considered the first of its kind in Africa and is currently being scaled up to provide legislative capacity development throughout West Africa. It is affiliated with the University of Benin (Nigeria) and, in addition to providing specialized post-graduate degrees in legislative studies, also develops important resources focused on promoting an awareness of SDGs within the legislative sector.<sup>83</sup>

### Standardizing support materials and tools for oversight of SDG implementation

A vital manual developed by NILDS to support capacity building in legislative oversight related to the SDGs is titled, *Sustainable Development Goals: Oversight Manual for Nigerian Legislature* (Egwu and Dan-Azumi). This text, developed with the assistance of the UNDP, is the preeminent resource used by Nigerian parliamentarians in their efforts to ensure an integrated and programmatic response from the National Assembly in order to align their daily duties with their responsibility to facilitate implementation of the SDGs. Although it references international best practices related to oversight of the SDGs, the manual is contextualized to reflect the rules and procedures of the Nigerian parliament. For ‘freshman’ parliamentarians or those who have not been directly involved in relevant standing committees, it introduces the SDGs and indicators, outlines the constitutional basis of parliamentary oversight, and provides step-by-step guidance on the utilization of oversight mechanisms.

The oversight manual recognizes that parliamentarians have a shared responsibility to maintain oversight regarding implementation of the SDGs and that this extends across various parliamentary activities – to the plenary, parliamentary political leadership, committees, and even the individual. In the plenary, parliament ensures annual debates of SDG reports as well as SDG compliance during the passage of the budget; invites the participation of national and international networks on the SDGs; promotes SDG-related legislation; and presents oral and written questions to ministers and heads of government agencies. Parliamentary political leadership can focus on participating in global and regional parliamentary networks; supporting the Secretariat for the SDGs for both chambers, and the resource centre; and engaging informally with key stakeholders, for example through breakfast meetings. On an individual level, parliamentarians can be the critical link between the public and parliament, both in terms of raising awareness and garnering public input about the SDGs.

But it is parliamentary committees – and not only the standing committees on SDGs – that are critical to ensuring the Nigerian commitment to the SDGs. To this end, committees:

- draft annual SDGs work plans;
- schedule field visits, and prepare complementary oral or written questions;
- hold investigative hearings into the activities of ministries, departments, and agencies (MDAs) related to SDGs;
- enforce reporting compliance from MDAs;
- ensure the SDG compliance of government spending; and
- schedule engagements with development partners and civil society organizations (CSOs) to compliment work on SDGs.

81 Joseph ‘Yinka Fashagba, ‘Legislative Oversight under the Nigerian Presidential System’, *The Journal of Legislative Studies*, Vol. 15, No. 4 (2009), 455.

82 Inter-Parliamentary Union, *Analytical Study of Parliamentary Mechanisms for MDGs*, 25.

83 See the website of the National Institute for Legislative and Democratic Studies at: <https://nilds.gov.ng/postgraduate/>.

A key tool produced by committees are templates of procedural documents associated with the conduct of oversight, which help standardize planning in the various phases of oversight activities. These include templates for inspection visits, public accounts oversight, interactive sessions, legislative investigations and hearings, interpellation, and oversight and investigative reporting. A significant advantage of this approach to guiding and supporting parliamentarians is that it ensures they can meet procedural requirements to hold the executive to account, and at the same time, institutional memory and data is built up to monitor, track, and evaluate compliance.

### 3.4. The Nigerian Parliament and SDG 16

The authors of the SDG oversight manual acknowledge the ‘special significance’ of SDG 16 to parliamentarians, which they note touches on the core institutional mandate of parliaments to promote horizontal and vertical accountability.<sup>84</sup> They stress that the call of target 16.6 for the development of ‘effective, accountable and transparent institutions at all levels’ and of target 16.7 for ‘responsive, inclusive, participatory and representative decision-making at all levels’ requires parliaments to open committee proceedings to the public, ‘releasing more parliamentary information, encouraging better outreach by legislators and implementing specific strategies to improve the position of women and members of vulnerable and marginalized groups’.<sup>85</sup> Parliamentarians who spoke to researchers for this analysis were also keen to point out that ‘not all SDGs are equal’ and that SDG 16 specifically should be viewed as ‘enabling’. Former Speaker of the House of Representatives Yakubu Dogara has pleaded for policy coherence in this regard, stating that ‘it is not sufficient to simply parcel out each Goal to a specific ministry or parliamentary committee, given that the goals are all linked in one way or another’.<sup>86</sup>

This integrated approach to the SDGs is also mirrored in the country’s federal response to the economic recession it has been experiencing since 2016, and in its latest Voluntary National Review (VNR). The Nigerian Economic Recovery and Growth Plan (2017–2020) articulated a number of intervention policies and strategies to address issues related to Goal 16, and the following policy and programmatic objectives support achievement of SDG 16 targets:

- developing and implementing a comprehensive action plan for the North East, including humanitarian assistance, relocation, rehabilitation, and resettlement, and building peace, security, infrastructure, agriculture, health, education, and governance;
- developing and implementing a sustainable action plan to stabilize and develop the Niger Delta;
- strengthening the capacity of the Nigeria Police Force, the Nigeria Security and Civil Defence Corps, Nigeria Prisons Service, Federal Fire Service, and the Nigeria Immigration Service by establishing a national criminal records registry;
- developing and strengthening the capacity of the Armed forces of Nigeria and the Military Industrial Complex to ensure strategic deterrence and defence, exercise forward presence in vital areas, respond effectively to crisis, and retain the national capacity to reconstitute forces;
- establishing at least one brigade in every state capital in Nigeria to fulfil the fundamental demands of the National Security Strategy;
- promoting the adoption of community policing strategies;
- equipping and providing the manpower required for military and paramilitary services; and
- establishing enduring partnerships with security agencies in allied countries to build local capacity and curb cross border crimes such as terrorism and cybercrimes.<sup>87</sup>

84 Egwu and Dan-Azumi, *Sustainable Development Goals (SDGs): Oversight Manual for Nigerian Legislature*, 17.

85 Ibid., 18.

86 Ibid., 3.

87 Federal Republic of Nigeria, Ministry of Budget & National Planning, *Economic Recovery & Growth Plan: 2017–2020* (February 2017), 100–101. Also see: Federal Republic of Nigeria, *Implementation of the SDGs: A Voluntary National Review* (June 2017), 46–47.

Further, anti-corruption policies and strategies of the government under President Buhari have yielded positive results in holding public officers accountable, and reportedly in recovering monies from corrupt public servants. According to the Office of the Senior Special Assistant to the President on SDGs, the country has reframed its work on corruption using a behavioural change lens, reducing the motivation to partake in corrupt practices by providing adequate salaries.<sup>88</sup> Additionally, measures are in place to limit opportunities to engage in corruption through the establishment of transparent processes, frequent verification, and robust accountability mechanisms. In July 2016, Nigeria also became a member of the Open Government Partnership (OGP), an international initiative focused on improving transparency, accountability, and citizen participation across government.<sup>89</sup> However, some questions have been raised about the degree to which Nigeria has remained dedicated to commitments made under the OGP.<sup>90</sup>

Policy engagement by Nigerian civil society with SDG 16 has been facilitated by the African Foundation for Environment and Development (AFED) under its 'Empowering citizens to engage in governance' programme. AFED has created a tripartite platform for civil society, the legislature, and the media, with the aim to engage the executive and judiciary. Funding from the European Commission is supporting a 'mobile and online progress tracking platform' for the project.<sup>91</sup>

In its second VNR, Nigeria specifically sought to address improvements to governance under SDG16. In line with the integrative approach alluded to above, SDG 1 (ending poverty) and SDG 5 (gender equality) were included in this assessment of SDG 16, as these were both recognized as sources of insecurity that require priority attention.<sup>92</sup> Nigeria's second VNR is forthright in identifying failures to address gender-based abuses and inequality, and especially the failure of government to protect young female students from attacks (especially kidnappings) by both terror and criminal groups, high levels of gender-based violence (GBV), and the continued practice of child, early (before the age of 15), and forced marriage (CEFM).<sup>93</sup> The assessment also decries a continued decline in the number of women in elective office.

In the legislative realm, efforts to address issues of gender have been met with mixed results that often reflect deep-seated cultural-religious schisms in the country. Considerable strides have been made nonetheless on amendments to define sexual- and gender-based violence as standalone acts of terrorism, through work in the House Intelligence Security Committee that has been supported by the United Nations Office on Drugs and Crime (UNODC). It is thought that this will be captured in the latest iteration of the Terrorism (Prevention and Prohibition) Bill, expected to pass during the current parliamentary session.<sup>94</sup>

However, the Nigerian parliament has had less success in passing the Gender and Equal Opportunities Bill. In fact, despite Nigeria's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as far back as 1985, its provisions have never been fully domesticated in the country's legal system. The Gender and Equal Opportunities Bill was first drafted in 2010 to domesticate CEDAW and eradicate gender inequality in political participation, education, health, employment; but after finally passing in the House of Representatives, it was twice voted down in the Senate, in 2016 and 2018.<sup>95</sup> Those opposed to the bill argue that it does not respect the rights of states protected in the

88 Office of the Senior Special Assistant to the President on SDGs, *Nigeria: Integration of the SDGs into National Development Planning – A Second Voluntary National Review* (Abuja: 2020).

89 Stanley Achonu, 'Review of Nigeria's Open Government Partnership Commitment', presented at a training for CSOs on OGP and the UNCAC review mechanism, Grand Ibro Hotel Annex, Abuja (29–10 March 2017).

90 Hannah Ojo, 'Is Nigeria faltering on Open Government Partnership (OGP)?' *The National* (Nigeria) (7 May 2018). This article is no longer accessible online.

91 Federal Republic of Nigeria, *Implementation of the SDGs: A Voluntary National Review*, 47.

92 Office of the Senior Special Assistant to the President on SDGs, *Nigeria: Integration of the SDGs into National Development Planning – A Second Voluntary National Review*.

93 Ibid., 56.

94 See: United Nations Office on Drugs and Crime, 'UNODC collaborates with Administration of Criminal Justice Monitoring Committee to support retreat for validation of the Terrorism (Prevention and Prohibition) Bill', press release, 9 July 2021, <https://www.unodc.org/nigeria/en/unodc-collaborates-with-administration-of-criminal-justice-monitoring-committee-to-support-retreat-for-the-validation-of-the-terrorism-prevention-and-prohibition-bill.html> (accessed 14 September 2021).

95 Jenny Birchall, 'Legislation, policies and social exclusion in Nigeria', K4D Helpdesk Report, Institute of Development studies (18 November 2019), 6.



Constitution and that its provisions are hostile to the country's religious and cultural practices and cultures.<sup>96</sup>

The rate of women's representation in the Nigerian parliament also remains a major challenge for the institution. Women make up approximately one-half of the country's population, yet account for only 7 of 109 senators and 22 of 360 members of the House of Representatives.<sup>97</sup> In a drastic attempt to address this disparity, the Deputy Chief Whip in the House, Nkiruka Onyejiocha, put forth a bill this year calling for the creation of 111 additional special seats for women in the National Assembly – 37 in the Senate and 74 in the House.<sup>98</sup> Although the bill recently passed its second reading in the House of Representatives, there is serious scepticism as to whether it will enjoy similar support in the Senate, whether Nigeria has the financial means to implement it, and whether quotas are even the best solution.<sup>99</sup>

The second VNR also addressed 'region-specific' social exclusion, particularly in the North East and Niger Delta, acknowledging that protracted war against Boko Haram in the North East has led to both millions of internally displaced persons (IDPs) and a loss of livelihoods that has created an environment of desperation, especially among unemployed young men. It noted that sporadic clashes in the Niger Delta, as well as environmental degradation, have left many people disaffected and alienated from the political system, fuelling 'a resurgence of militancy and vandalism'.<sup>100</sup> Engagement by researchers with a number of legislators in parliament's security cluster revealed a clear divide among MPs about the appropriate role of primary security actors in this regard. While some justified the heavy-handedness often associated with military actions carried out as part of President Buhari's promise to rid the country of militants, others warned that these actions can end up radicalizing young men who already find themselves in desperate economic conditions. This latter view is shared by CSOs that work closely with the Nigerian parliament and has also found expression in recent legislation, including in the Nigerian Police Force Act 2020, which calls for 'enduring cooperation and partnership between the Police Force and communities in maintaining peace and combating crime'.<sup>101</sup>

### Meeting specific SDG 16 targets

Among the efforts made by the Nigerian government to meet specific targets of SDG 16, some should be highlighted; in some cases, because much work is still required in order to achieve success. For instance, combating insecurity that results from hotspots of violence across Nigeria remains a serious challenge for the Nigerian government (target 16.1). President Buhari has recently been on the receiving end of criticism that he is failing to adequately address violence in the country, and Senator Smart Adeyemi, an influential member of Buhari's own All Progressive Congress (APC), has described the scourge of violence in the country as 'worse than a civil war'.<sup>102</sup> Nigeria has also faced challenges meeting target 16.2, which calls for an end to abuse, exploitation, trafficking, and all forms of violence against and torture of children. Children, especially girls, have been the overwhelming victims of Boko Haram and criminal syndicates, which use mass kidnappings as a weapon of war. Amendments to the Terrorism (Prevention and Prohibition) Bill, expected to pass during the current parliamentary session, have the potential to aid significantly in combating this phenomenon.

Initiatives such as AFED's 'Empowering citizens to engage in governance' programme contribute towards the realization of target 16.3, to promote the rule of law at the national and international levels and ensure equal access to justice. Through

96 Toluwani Eniola, 'Nigeria's Looming Election Puts Gender Equality Bill in Peril', *News Deeply*, 8 August 2018, <https://www.newsdeeply.com/women/advancement/articles/2018/08/08/nigerias-looming-election-puts-gender-equality-bill-in-peril> (accessed 14 September 2021).

97 Angela Ajodo-Adebanjoko, 'Giving Voice to the Voiceless: The Challenges of Women Legislators in Nigeria's National Assembly' in *Two decades of Legislative politics and governance in Nigeria's National Assembly*, edited by Fatai Ayinde Aremu and Adebola Rafiu Bakare (Singapore: Springer, 2021).

98 See: Adedayo Akinwale, 'Bill Seeking Additional 111 Seats for Women in N'Assembly Passes Second Reading', *This Day* (Lagos) (29 April 2021), <https://www.thisdaylive.com/index.php/2021/04/29/bill-seeking-additional-111-seats-for-women-in-nassembly-passes-second-reading/> (accessed 14 September 2021).

99 Damilola Agbalajobi, 'Nigeria's National Assembly: why adding seats for women isn't enough', *The Conversation* (31 May 2021), <https://theconversation.com/nigerias-national-assembly-why-adding-seats-for-women-isnt-enough-161514> (accessed 14 September 2021).

100 Office of the Senior Special Assistant to the President on SDGs, *Nigeria: Integration of the SDGs into National Development Planning – A Second Voluntary National Review*, 47.

101 See: <https://www.cislac.org/2020/12/24/an-analysis-of-the-nigeria-police-force-act-2020/>

102 'Nigeria's Buhari faces backlash over worsening insecurity under his watch', *Africanews* (30 April 2021), <https://www.africanews.com/2021/04/30/nigeria-s-buhari-faces-backlash-over-worsening-insecurity-under-his-watch/> (accessed 14 September 2021).



the partnership this programme has created among civil society, the legislature, and the media, commitments of the executive and judiciary to the rule of law are now tracked, offering the potential to guarantee greater and equal access to justice for Nigerians. Relatedly, Nigeria has also made some progress in meeting the call of target 16.5, to substantially reduce corruption and bribery. While corruption remains endemic in the country, efforts by the executive and the parliament in recent years have moved Nigeria in the right direction. It is especially worth mentioning the role played by parliament since the transition from the MDGs to the SDG, especially its successes in detecting corrupt practices in the use of Official Development Assistance (ODA) by MDAs, and the recovery of funds. Still, the yet-realized SDG Fund Act remains an important missing piece of the anticorruption puzzle.

Nigeria's membership in the Open Government Partnership has supported efforts to achieve both targets 16.6 (developing effective, accountable, and transparent institutions) and 16.10 (ensuring public access to information and protecting fundamental freedoms). Joining OGP has led to greater participation by the Nigerian public in the budget process, for example. However, budgetary practices in the National Assembly still need to be transformed to facilitate citizen participation throughout the entire life cycle of the budgetary process. Additionally, the COVID-19 pandemic has amplified the need to improve access to parliaments through electronic means (so-called e-parliaments), yet a recent comprehensive assessment of the capacity of the Nigerian parliament to implement this model found glaring weaknesses.<sup>103</sup>

Finally, Nigeria has had some relative success achieving target 16.a, which calls for the strengthening of relevant national institutions, including through international cooperation aimed at capacity building. As described in this text, Nigeria – and the National Assembly in particular – has entered into memberships and strengthened partnerships with key international organizations committed to the realization of the SDGs. Regional alliances to combat cross-border crimes like terrorism and cybercrime have been especially important in this regard.

## 3.5. Analysis and Recommendations

While the security challenges confronting Nigeria are considerable, complex, and ongoing, there are valuable lessons to be learned from the way the Nigerian parliament has positioned itself to play a key role in overseeing implementation of the SDGs. Recognizing SDG 16 as an enabling goal that is interlinked with other SDGs, parliamentarians have taken an integrated approach to oversight of all the SDGs. Examining this approach and lessons learned through the lens of good security sector governance as well as the effectiveness of parliamentary oversight in terms of authority, ability and attitude, the following observations are worth considering for good practice.

### Authority

In addition to the constitutional authority afforded the Nigerian parliament to exercise oversight of the executive generally, the establishment of two standing committees on the SDGs has secured a parliamentary oversight role over the executive's implementation of the SDGs specifically. In Nigeria's second VNR, the Presidency acknowledged this, noting that these committees have the power to 'appropriate money for the SDGs and carry out oversight on the implementation projects in Nigeria'.<sup>104</sup> Furthermore, by securing political space within the institutional mechanisms implementing the SDGs, the establishment of these committees has ensured that SDG reports are sent to parliament for debate before being submitted to the United Nations.

103 Samuel Oni, et al., 'E-parliament and constituency representation in Nigeria', *Cogent Arts & Humanities*, Vol.8, No. 1 (2021). DOI: <https://doi.org/10.1080/23311983.2021.1878590>.

104 Office of the Senior Special Assistant to the President on SDGs, *Nigeria: Integration of the SDGs into National Development Planning – A Second Voluntary National Review*, 8.

### Ability

The lack of aptitude among parliamentarians to conduct oversight, specifically of the security sector, is often highlighted as a major weakness of the Nigerian parliament. Complicating this, it is challenging for MPs to access quality research and information, compared to the executive. Thus, the establishment of the Nigerian Institute for Legislative and Democratic Studies (NILDS) represents a notable attempt to address both these challenges. The development by NILDS of *Sustainable Development Goals: Oversight Manual for the Nigerian Legislature* is especially worth highlighting. While oversight manuals are by no means unique, this manual is contextualized to focus on the SDGs and offers templates for the various oversight functions of parliament related to implementing these goals.

### Attitude

In most parliaments, party loyalty, patronage, and corruption are all regarded as common barriers to conducting oversight of the executive. While there is no shortage of these factors in the Nigerian political system, there is some indication that Nigerian parliamentarians are nevertheless willing to hold the executive to account for implementation of the SDGs. The establishment of the standing committees on the SDGs speaks to the political will demonstrated by parliamentarians to engage on this issue, especially in the House of Representatives, where the standing committee is comprised mostly of chairs of other committees, affording it the status of their seniority.<sup>105</sup> Early work of the standing committee to expose the misappropriation of billions of Naira earmarked for SDG projects also brought it into direct public conflict with the government, highlighting the vital oversight function of parliament in implementing the 2030 Agenda.

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<sup>105</sup> Egwu and Dan-Azumi, *Sustainable Development Goals (SDGs): Oversight Manual for Nigerian Legislature*, 30.



# **4. Contributions of the Georgian Parliament to SDG 16 through SSG/R**

*Written by Tamar Pataraia and Tata Makhataдзе*

## 4.1. Introduction

In 2015, along with fellow UN member states, Georgia adopted the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs). To push forward its nationalized version of the 2030 Agenda, the Georgian government has adjusted its national priorities to align with 93 global targets. Georgian officials emphasize that implementation of the SDGs should not be a bureaucratic process; rather, the SDGs should be reflected in state policy documents and strategies, enhancing the country's capacity to achieve these goals.<sup>106</sup>

In addition to integrating the SDGs into national policy documents in Georgia, a framework has been created for monitoring their implementation. The Georgian parliament has actively participated in creating this framework and has assumed significant responsibility for the effective implementation of government activities in this area.<sup>107</sup> Despite this, the state has been criticized for a lack of progress in implementing the SDGs and for failing to address specific challenges related to the judicial system and the fight against corruption. There has also been criticism that effective cooperation between state and non-state actors has not been established, and that there is little awareness about the SDGs among the wider public and in civil society and the business sector.<sup>108</sup>

In a democracy, parliament has a key role to play in addressing challenges such as these, largely by increasing the participation of the general public – including through the inclusion of community groups and business representatives – in the process of nationalizing the SDGs and raising awareness about them. This is especially true when implementing an SDG target requires the engagement of the defence and security sector. Indeed, exercising democratic principles of governance in the security sector lies at the core of the SDGs, and particularly the goal of promoting just, peaceful, and inclusive societies. Greater accountability and transparency on the part of the national government and more active engagement by political parties and pressure groups in formulating and implementing national security policies could serve as important leverage in speeding up democratic reforms in the security sector.

This analysis examines activities of the Georgian parliament aimed at supporting the achievement of the SDGs – especially implementation of SDG 16, promoting peaceful, just, and inclusive societies – through security sector governance and reform (SSG/R). In the next section, the oversight powers of parliament are reviewed, and their use in practice is explored. This includes an assessment of the legal tools and infrastructure available to parliament, its institutional arrangements, its relationship with security sector actors, and its cooperation with civil society, which plays a vital role in promoting democratic governance of the defence and security sector. International programmes and initiatives in support of the SDGs are discussed in the subsequent section, which evaluates how foreign assistance in Georgia has contributed to a whole-of-government approach and has helped streamline the country's policies towards realization of the SDGs. Then, the next section examines whether parliamentary oversight measures do in fact improve the effectiveness and performance of defence and security institutions; enhance peace, stability, and security; and address issues of human security in the country. The final section offers recommendations, proposing a number of ways to facilitate more effective implementation of SDG 16 in Georgia, and highlighting how an increased role for parliament in monitoring the implementation of SDG 16 targets could directly affect and improve parliamentary oversight over the security sector while also contributing to achieving the SDGs.

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106 Administration of the Government of Georgia, Secretariat of the SDGs Interagency Council, *Voluntary National Review Georgia* (2020), 9.

107 *Ibid.*, 12.

108 Institute for Development of Freedom of Information, 'Comments on 2020 Voluntary National Review of SDG Implementation in Georgia' (3 June 2020).

## 4.2. The Georgian Parliament and SSG/R

Changes to the Constitution of Georgia in 2018 gave rise to the country's transition from a semi-presidential to a parliamentary system of governance. This has significantly strengthened the role of parliament vis-à-vis all five parliamentary functions: legislative, oversight, budgetary, elective, and representative. Revisions to the Rules of Procedure were also made in 2018, to improve the effectiveness of the Georgian parliament and meet new requirements.

To ensure the balance of power between branches of government, the Constitution of Georgia equips parliament with the following authorities in the area of security sector governance: legislating; setting foreign defence policy priorities; approving draft budgets; ratifying and rescinding international agreements and contracts; defining the types and composition of defence forces and approving the strength of these forces; approving presidential decrees on deploying, maintaining, and withdrawing foreign military units in Georgian territory; approving presidential decrees, at the request of the prime minister, declaring martial law or a state of emergency; and approving presidential decrees on the use of defence forces during war.

In addition, parliament approves nominees for government ministerial posts. And after their appointment, if requested, these appointees are obliged to attend sittings of parliament, its committees, ad hoc commissions, and majority and minority meetings, to present relevant documentation, conclusions, and explanations on issues in question. They must also present annual reports during a 'minister's hour' in plenary sessions. The officials who are approved by parliament and play a role in oversight of defence and security are: the prosecutor general (elected for a six-year term), the head of the State Audit Office (five-year term), the public defender (six-year term), members of the National Bank Board (seven-year term), the chairperson of the Supreme Court (ten-year term), and judges of the Constitutional Court (ten-year term). Importantly, the Constitution of Georgia also spells out the means by which parliament may initiate impeachment proceedings against officials who have been appointed through a parliamentary vote.

The Constitution and adjunct legislation thus lay the foundation for democratic parliamentary oversight in Georgia. This is arguably the most significant of parliamentary functions in modern liberal democracies. In the following sub-sections, the legal tools and resources available to parliament are discussed, as well as their implementation in practice.

### Plenary sessions

By and large, the practice of parliamentary oversight of the defence and security sector in plenary sessions is limited to general activities. It could be improved through capacity building and by granting more oversight authority to the opposition. From 2019 to 2021, in the framework of parliamentary oversight activities in plenary sessions, the Georgian parliament voted three times on a motion of confidence in the government. In all three cases, nominations to the government were approved without much scrutiny as the opposition was absent due to a boycott. Interestingly, current regulations do not oblige the ruling party to consult the opposition on appointments.

A new instrument of parliamentary control is the 'minister's hour' introduced by the amended Rules of Procedure of the Parliament of Georgia, calling on certain members of the executive branch to present annual reports to the legislative branch. The format was first used in the spring 2019 session, and in 2019–2020, parliament heard from several high-ranking officials of the defence and interior ministries, including both ministers, as well as from the Minister of Justice. Meetings between security sector ministers and parliamentarians are rarely heated, but given the unique nature of security and defence, the skill and effectiveness of MPs in posing questions is highly contingent upon their knowledge and experience in these areas. Experts agree, too, that most MPs are uncomfortable asking difficult questions related to security and defence because they wish to 'avoid political confrontation'; meanwhile, many ministers within the executive fail to share relevant information with MPs in a timely manner.<sup>109</sup>

Article 43 of the 2018 Constitution introduced another oversight instrument to the Georgian parliament. This mechanism allows MPs to ask questions of any member of the executive and makes it mandatory that they respond, fully and

109 Civil Council on Defense and Security, 'Report on Dealing with Parliament: Ministry of Defense – Parliament Nexus in Georgia' (1 May 2019), 10–11.

promptly. However, to date, any questions relating to security, defence, and foreign policy have been very general in nature.<sup>110</sup> Moreover, during the 2019–2020 session, no ad hoc investigative commissions were created in parliament. Despite five requests by various opposition factions for investigative commissions to be established, these initiatives were blocked by majority members and never made it to the plenary session agenda for a vote.<sup>111</sup>

The ability of parliament to support good governance principles in the defence and security sector depends on the adequacy of its institutional capacities, including sustainable financing. Current legislation that allows the Georgian parliament to develop its own action plans and prevent the influence of the executive is important, as MPs make decisions about how to allocate funds in the state budget. In addition, the government must have parliamentary consent to reduce the funds earmarked for parliament below the amount allocated in the previous year (see Article 66 of the Constitution).

### Parliamentary committees

Beyond plenary sessions, parliament can also exercise its legislative and oversight functions through committees. In the Georgian parliament, the committees responsible for oversight of the defence and security sector are: the Finance and Budget Committee, the Defence and Security Committee, the Legal Affairs Committee, and the Human Rights and Civil Integration Committee. The widest authority in exercising parliamentary control over the security sector is granted by law to the Defence and Security Committee, which issued a number of reports and conclusions in 2020.<sup>112</sup> While this committee does not have the authority to conduct independent investigative activities, it is authorized to approach parliament with a request to establish a commission for this purpose. Still, existing oversight is weakened by the fact that committee decisions are driven by the interests of the majority, with no opportunity for opposition members to influence the process. As in any other parliamentary committee, ruling party members compose the majority of the Defence and Security Committee, and this casts doubt on its ability to exercise effective political control over agencies of the executive branch.

Budgetary oversight is another parliamentary tool to increase accountability of the executive. The authority of parliament is limited to deliberating on the draft budget law and offering comments and recommendations, but it must also approve the final budget. The Group of Trust in the Georgian parliament, formed within the Defence and Security Committee, is tasked with overseeing the budgets of special programmes and classified activities. The group consists of five members and is chaired by the head of the committee itself; other members include one majority MP, two majority faction MPs, and two opposition faction MPs. Debates on any issues in a plenary session that fall within the remit of the Group of Trust necessitate a conclusion from the group.

Interestingly, the law allows any member to convene a sitting of the Group of Trust if a majority of members vote for it, making it functionally impossible for a minority member to compel a meeting to address an issue they consider important. Furthermore, this norm makes it practically impossible for a minority MP to submit an initiative to parliament on behalf of the group. Many observers and MPs believe this significantly inhibits the conduct of comprehensive parliamentary oversight in Georgia.<sup>113</sup>

Nonetheless, the opposition is quite proactive in the Georgian parliament and opposition MPs often step up with new oversight proposals. As long as the majority decides the fate of any such initiatives, though, most are blocked at the committee level and never even reach plenary sessions. As a result, the opposition in the past two parliaments has taken a more radical stand and has boycotted plenary sessions. Their absence has hampered the effective fulfilment of parliament's functions.

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110 Transparency International Georgia, *Parliamentary Control (Assessment of 2019–2020)* (USAID, 2021).

111 Ibid.

112 Examples of oversight exercised by the Defence and Security Committee in 2020 include: a report outlining conclusions on 188 draft laws passed by parliament in 2020; conclusions on the ratification of international agreements related to Georgia's military cooperation with Azerbaijan and Turkey; and annual hearings with officials from the State Security Service, the Ministry of Defence, and the Interior Ministry. In addition, committee members participated in monitoring military and NATO-led exercises conducted in Georgia.

113 Civil Council on Defense and Security, 'Report on Dealing with Parliament: Ministry of Defense – Parliament Nexus in Georgia'.

### 4.3. The Georgian Parliament and the SDGs

To help Georgia achieve the SDGs, assistance programmes supported by donor organizations and partner governments must conform with the 2030 Agenda. Accordingly, Georgia's Association Agreement (AA) with the EU – which includes the Deep and Comprehensive Free Trade Areas (DCFTA) component, signed in 2014 – has consistently integrated the SDGs over recent years. In addition to the EU, a number of international organizations, global initiatives, and national governments also support Georgia in achieving the SDGs. The goals of the 36 national-level strategies that are in place today in Georgia, together with objectives of the EU-Georgia AA, account for 93 per cent of nationalized SDGs.<sup>114</sup> Diverse stakeholders facilitating the fulfilment of these SDGs support the government through consultations and by other means, to implement them in the best way possible.<sup>115</sup>

It is worth mentioning Georgia's commitment before the Council of Europe (CoE), to adopt the principles of pluralistic democracy and the rule of law and protect human rights and universal freedoms.<sup>116</sup> So far, Georgia has ratified 75 CoE agreements and has adopted the mechanisms therein.<sup>117</sup> For its part, the CoE has supported Georgia in developing a revised human rights strategy which is responsive to the 2030 Agenda (the old strategy was implemented for 2014–2020) and ensures that decisions made on the basis of human rights are reflected in every activity of the government. In particular, the goals prioritized in this strategy align with targets of SDG 5 (achieving gender equality and empowering all women and girls) and SDG 16 (promoting just, peaceful, and inclusive societies). The CoE has also promoted reform of the justice and prosecutorial system in Georgia, as well as new laws on money laundering and terrorism financing, which are to be implemented by law enforcement agencies equipped with investigative authorities. These reforms meet several targets of SDG 16, including 16.1, 16.3, 16.4, 16.5, 16.7, and 16.10.

The UN has helped Georgia to fulfil the 2030 Agenda, too, as part of its national development priorities. In 2020, the UNDP and Georgia signed the Sustainable Development Agreement for 2021–2025, which spells out long-term targets for the SDGs, the achievement of which will be facilitated through the development of national strategies and policies.<sup>118</sup> In addition, Georgia has been an active member of the Open Government Partnership (OGP) since 2011.<sup>119</sup> In 2015, the Georgian parliament joined the OGP's expanded initiative, which has played a significant role in enhancing parliamentary oversight. Georgia's Open Parliament Action Plan for 2018–2019 established the roles and functions of parliament, helping the government increase inclusivity, responsiveness, and accountability, and ensure conformity with the SDGs, namely SDG 16 and its targets.<sup>120</sup>

In the past two years, with support from the Swedish Government and UNDP, the Georgian parliament has approved a strategy for implementing and monitoring the SDGs for 2019–2030, and a corresponding action plan for 2019–2020.<sup>121</sup> The strategy defines the mechanisms of SDG implementation and monitoring in four main areas (legislation, budgetary control, oversight, and transparency and civil participation), while the action plan set out specific activities for 2019 and 2020. A 2019 report by parliament on these activities noted that 60 per cent had been completed.<sup>122</sup>

However, it is important to acknowledge the difficulty of evaluating the effectiveness of parliamentary oversight on the implementation and monitoring of SDGs in both 2020 and 2021. In 2020, an election year, extreme polarization among

114 Administration of the Government of Georgia, *Voluntary National Review Georgia*.

115 Ibid.

116 Georgia accepted the obligations incumbent on all member states under Article 3 of the Statute of the Council of Europe: compliance with the principles of pluralist democracy and the rule of law as well as respect for human rights and fundamental freedoms of all persons placed under its jurisdiction.

117 Committee of Ministers, 1359th meeting, 'Council of Europe Action Plan for Georgia 2020–2023', CM(2019)158-final (5 November 2019).

118 United Nations Georgia, *United Nations Sustainable Development Cooperation Framework: Georgia 2021–2025* (Tbilisi, 2020).

119 In 2017, Georgia was elected as chair country of the initiative, and in 2018 it hosted the OGP global summit.

120 Nodar Kherkheulidze, *Independent Reporting Mechanism (IRM): Georgia Design Report 2018–2019* (Open Government Partnership).

121 Parliament of Georgia, *Strategy to facilitate the implementation and monitoring of the SDGs 2019–2030* (2019).

122 Parliament of Georgia, *Report on the 2019 activities of the Permanent Parliamentary Council on Open Government and on implementation of the Third (2018–2019) Open Government Action Plan* (Tbilisi, 2019), 7.



political players led to a post-election boycott by opposition parties, which refused to participate in parliament for the next six months. Only after an agreement was brokered through international mediation on 19 April 2021 did the Georgian parliament resume work in full, in May 2021. Thus, the efficiency and effectiveness of parliamentary oversight in 2020 is in question, as no significant improvement in the scrutiny of MPs was observed, and activities in the action plan meant to raise the awareness of MPs and parliamentary committee staff about the SDGs were not implemented. Further, parliament has not even begun to implement significant practical elements of parliamentary monitoring, such as piloting committee-level discussions on the conformity of draft laws with the SDGs.<sup>123</sup>

Overall, international donor support has been a major factor in Georgia's efforts to integrate the SDGs into national planning and link them to 'core national objectives'.<sup>124</sup> But independent observers report that some SDGs are not reflected in the country's national policy documents and that challenges related to the judiciary and the fight against corruption have not been fully addressed by the state.<sup>125</sup> To ensure the SDGs are achieved in the long term, Georgian political elites in both the ruling party and the opposition need to incorporate all the SDG indicators into their political agenda, and they must recognize the importance of cooperation with the wider public. Parliamentary rostrum and institutions can be of great help in this regard.

## 4.4. The Georgian Parliament and SDG 16

Good governance in the security sector relies on effective and efficient security institutions that ensure traditional security and also safeguard human security; both of which contribute to creating peace and long-term stability. Parliament plays an invaluable role in enhancing the performance of security institutions and, accordingly, in achieving SDG 16. Thus, it is worth discussing in more detail how the Georgian parliament supports the country's security institutions in establishing the principles of democratic governance, effectively implementing their goals, and delivering human security.

Constitutional amendments and other laws in Georgia conform with international conventions, agreements, and other regulatory acts of international regimes to which Georgia is a signatory. The Georgian parliament has all the necessary authorities to ensure effective oversight of defence forces and armed formations of the security sector, the responsible use of the military and of law enforcers, and the observance of recognized norms of civil-military relations and the standards of democratic governance within the security sector. This analysis examines established oversight practices in the Georgian parliament – which should contribute to responsive, inclusive, participatory, and representative decision making at all levels (target 16.7) – and assesses their effectiveness.

By supporting peace, reducing violence, protecting the rule of law, and curbing illicit arms trade (targets 16.1, 16.2, 16.3 and 16.4), the Georgian Defence Forces play a key part in achieving SDG 16. The Constitution limits the use of these forces internally and requires the consent of all branches of government to permit their use abroad; but the question of whether military forces should be deployed internally during a state of emergency is one over which parliament has much influence. Defence forces were recently used internally during the state of emergency declared in response to the COVID-19 pandemic in 2020.<sup>126</sup> Although it was declared with parliamentary consent, many observers believe that the conduct of oversight by the Georgian parliament during the pandemic was flawed and passive. Fortunately, no incidents of abuse by the military were observed or reported. However, it is important to note that parliament, at the cost of its own authority, expanded

<sup>123</sup> Ibid.

<sup>124</sup> Administration of the Government of Georgia, *Voluntary National Review Georgia*.

<sup>125</sup> Institute for Development of Freedom of Information, 'Comments on 2020 Voluntary National Review of SDG Implementation in Georgia' (3 June 2020).

<sup>126</sup> By presidential decree of 21 March 2020, a state of emergency was declared, and until its end on 12 May, forces were deployed in some regions of Georgia.

the authority of the executive during the emergency, and vested in it the power to limit fundamental human rights.<sup>127</sup> Parliamentarians have not made inquiries about the deployment of forces during the state of emergency either, nor have they requested any reports from responsible authorities.<sup>128</sup> Additionally, parliament has not discussed the coordinated action among security and defence agencies during this time.

With regard to the use of the Georgian Defence Forces on foreign soil, to carry out international commitments, Georgia is guided by the principles spelled out in the UN Charter (of which Article 2.4 requires states to refrain from any external use of force inconsistent with the purposes of the UN) and stipulated in the 2013 Inter-Parliamentary Resolution on the responsibility to protect. Georgian law states that these forces can only participate in international peacekeeping and security maintenance and restoration operations, and other types of peacekeeping activities, but their use for the conduct of other peacekeeping activities – which may also encompass forceful measures – is not permitted without the consent of parliament.

Thus, with parliament's participation, the Georgian Defence Forces have contributed to justice, peace, and stable development in the world. Since 1999, the Georgian military has participated in international security and stability support missions in Kosovo, Iraq, and Afghanistan.<sup>129</sup> The Georgian parliament has also ratified an agreement signed with the EU on EU-led missions in the Republic of Mali and the Central African Republic, with the aim of contributing to regional conflict resolution there.<sup>130</sup>

Another national commitment by Georgia that supports international peace and stability has to do with the country's defence acquisition policies and export control procedures. Georgian law in this area was updated and brought in line with the standards of EU member states in 2014 with active support from international stakeholders, including the US and the EU. Still, though Georgia's export control system conforms to the requirements of international norms, parliamentary control over the system is quite weak because parliament has not yet fully exercised its authority in this area. In Western democracies, parliaments emphasize the importance of oversight of dual-use goods/technology exports and ensure that related practice aligns fully with international standards and norms. So far, the Georgian parliament has heard accounts from responsible persons on specific topics but has failed to make broader assessments of how the system works overall.<sup>131</sup>

Thus, it is fair to say that parliamentarians in Georgia have exercised oversight of the defence sector's executive structures with varied success. In some areas, parliament is quite proactive, continuously monitoring the activities of the executive. But, other areas remain beyond the focus of parliament altogether.

### Anticorruption

The function of parliament to promote the effectiveness, accountability, and transparency of defence and security agencies contributes to achieving specific SDG targets (16.5, 16.6, 16.7 and 16.10). Given this, it is important to note that the defence and security sector in Georgia has traditionally been characterized by a high degree of secrecy and a low level of transparency. Yet, promisingly, the transparency of the defence sector budget management system has been positively affected by Georgia's national anticorruption policy, updated twice in recent years, in 2017 and 2019. Corresponding action plans have been adopted to facilitate implementation, for 2017-2018 and 2019-2020; and cooperation in the framework of the EU-Georgia AA and its 2017-2020 agenda also supports Georgia's proactive engagement in the fight against corruption.

In the past, the Georgian Defence Ministry has been involved in the planning and implementation of the NATO integrity-building and corruption risk-reduction policy, and a number of international ranking systems have acknowledged

127 Transparency International Georgia, *Parliamentary Control (Assessment of 2019-2020)*.

128 Ibid.

129 See the "Missions" page on the website of the Georgian Ministry of Defence: <https://mod.gov.ge/ge/mission>. Georgian Defence Forces participated in the first NATO peace mission in Kosovo (KFOR), 1999-2008; in the Multi-National Force in Iraq as part of the international coalition led by the US, 2003-2008; in NATO missions in Afghanistan (ISAF), 2004-2015; and in NATO's Resolute Support Mission in Afghanistan, 2015. Through 107 rotations (ISAF, RSM), more than 20,000 Georgian service members participated in international missions in Afghanistan.

130 Ibid.

131 Civil Council on Defence and Security, 'Export Control System of Strategic Products in Georgia' (July 2016).

Georgia's success in the fight against low-level corruption. However, while polls show that the incidence of corruption is low in Georgia, international studies indicate that the country's investigations of high-level corruption are ineffective and fail in some cases to meet recommendations of the CoE's Group of States against Corruption (GRECO)<sup>132</sup> and the OECD Anti-Corruption Network for Eastern Europe and Central Asia (OECD ACN).<sup>133</sup> Georgia's anticorruption policy, including in the defence sector, nonetheless received a relatively positive assessment from Transparency International, which recognized improvements in this area by moving Georgia from high corruption risk group D to moderate risk group C based on data from 2015. Georgia maintained this position in the 2020 Government Defence Integrity Index issued by Transparency International Defence & Security, on the basis of the data from June 2018 to May 2019.<sup>134</sup> Despite these encouraging trends, Transparency International also found that Georgia's continued corruption risks stem from weaknesses in anti-corruption mechanisms and parliamentary oversight, as well as from a lack of clarity in procurement procedures and inadequate guarantees of protection for whistle-blowers. Further, insufficient detail about defence allocations in the public version of the state budget complicates and reduces budget transparency, hampering analysis and inhibiting effective control by both parliament and civil society.<sup>135</sup>

One oversight mechanism that played a role in improving Georgia's international corruption risk rating in the area of defence (and also supports SDG targets 16.5 and 16.10) extends from amendments made in 2013 to the Parliamentary Rules of Procedure. Under these changes, the Defence Ministry is committed to submitting information about planned secret state acquisitions to parliament's Group of Trust if the estimated cost of goods or services to be procured exceeds 2 million Georgian Lari, (about 500,000 euros) or the estimated cost of construction works exceeds 4 million Georgian Lari (about 1 million euros). According to Group of Trust members and a Defence Ministry representative, the ministry has consistently submitted reports as required since these amendments were adopted, but it is impossible to verify this due to their classified nature.<sup>136</sup>

While parliament can use the capacity of the State Audit Office to exercise control over expenditures of the Ministry of Defence, the agency has never questioned any of the ministry's large-scale acquisitions; however, it has identified a number of irregularities in defence procurement procedures in recent years, particularly a large number of procurement contracts awarded through simplified procedures and a significant rise in expenses and advance payments at the end of the budget year. International experience has shown that this kind of fourth quarter 'expenditure fever' significantly increases the risks of corruption (SDG target 16.5).<sup>137</sup> The exercise of adequate parliamentary oversight of the defence budget is hampered by this, as well as by insufficiently detailed reports on defence expenditures, political confrontations in the parliament, and norms that restrict opposition rights.

### Non-discrimination and inclusive decision making

Defence and security reforms in Georgia over the past years have resulted in the adoption of recognized international standards in diversity and inclusion. The country is obliged to observe these standards under both UN conventions and its Association Agreement with the EU, and parliament has worked proactively to improve and harmonize relevant laws.<sup>138</sup> The 2014 Law on Elimination of All Forms of Discrimination, for example, is in full conformity with international norms, and defines how the Georgian legal system views diversity and equality among the diverse.<sup>139</sup> Since its adoption, Georgia has developed an anti-discrimination policy and accompanying strategies and action plans. In addition, equal opportunities and

132 For details of various rounds of GRECO evaluation of Georgia's anticorruption progress, see: <https://www.coe.int/en/web/greco/evaluations>.

133 See: <https://www.oecd.org/corruption/acn/>.

134 See the Transparency International Defence & Security page for Georgia: <https://ti-defence.org/gdi/countries/georgia/>.

135 Ibid.

136 Civil Council on Defense and Security, 'Report on Ministry of Defense – Parliament Nexus in Georgia'.

137 Organization for Security and Co-operation in Europe, *Handbook on Combating Corruption* (Vienna: OSCE, 2016).

138 For instance, in recent years, the Georgian government has succeeded in setting up legal, political, and institutional mechanisms for human rights protection, with the support of a number of partner states.

139 The Law on Elimination of All Forms of Discrimination ensures equality 'irrespective of race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, and other characteristics'.

principles of non-discrimination for all citizens are regulated in a new Law on Public Service, which was adopted by parliament and came into effect in January 2017 (and helps meet SDG targets 16.7 and 16.B) Diversity is a relatively new focus for Georgia's state governance system and these laws guide security sector agencies in applying diversity and inclusion principles in work environments where personnel are varied in terms of nationality, religion, gender, ability, and more. The new approaches supported by these laws also help security agencies better consider the needs of people with disabilities, wounded and injured service members, war veterans, and personnel with autism, and make appropriate adjustments to support their rehabilitation, socialization, and employment.

Parliament exercises control over the execution of Georgia's antidiscrimination law through its Committee on Human Rights and Civil Integration, which performs this task along with the Public Defender (the Ombudsman of Georgia). Reports of the Ombudsman demonstrate that enforcement of the law has not been very successful thus far, and that the situation in fact remains quite critical, with a part of the public unwilling to accept that the interests of vulnerable groups should be protected, while state agencies that should take a holistic approach instead fight individual offenses and individual cases of violence.<sup>140</sup> The process is fragmented and ineffective. In short, state law-enforcement agencies have failed to meet their positive commitment to carry out critical actions to protect minority rights.<sup>141</sup>

Clearly, parliament must respond, and in a way that ensures the compliance of security actors with laws that support diversity and protect vulnerable groups and communities, and it must engage civil society and the public in doing so. The recent relations of parliament with civil society, various interest groups, and human rights watchdog organizations have been actively developing, and representatives of the civil sector have participated in committee sessions. This has included engaging in discussions of legislative initiatives, hearings with officials, and assessments of the implementation of cooperation programmes with international partners. Still, it should be noted that there are no institutionalized channels of communication between civil society and defence and security institutions in Georgia, which limits civil sector involvement in security sector decision making.

## 4.5. Analysis and Recommendations

The new parliament started its work in 2021, in the midst of an endless string of crises on which the opposition and ruling party have rejected any dialogue. The opposition now expresses itself solely through boycott, street protests, and campaigns, while the ruling party refuses to make even the smallest concessions in order to involve the opposition in the decision-making process. Thus, one of the most urgent recommendations that emerges from this analysis – which has identified a number of ways that implementation of the 2030 Agenda can be better facilitated in Georgia and parliamentary oversight of the security sector can be improved – is the need to *raise awareness about the SDGs among Georgian MPs*. In 2019-2020, parliament did have an action plan for monitoring the implementation of the SDGs. By developing an even greater awareness of these goals, MPs can also *examine draft laws and policy documents through the prism of their compatibility with the SDGs*. Donor organizations may be able to play an important role in encouraging MPs to do so. It is important to underline the clear and strong links between good security sector governance and implementation of the SDGs, and that these two approaches reinforce each other through a synergy that helps achieve the best result.

According to the Georgian government, the 2030 Agenda has been integrated into its sectoral strategies, but it is important to note that Georgia has not undertaken *development of a national-level security concept* since 2011. In the absence of an updated document that assesses challenges and threats to the country's development, it is difficult to develop comprehensive strategies and action plans for their implementation. Furthermore, parliament has offered no opinion as to

140 Evidence of just how critical this issue remains can be seen in the recent case of the death of a Georgian journalist after an assault by a far-right mob in downtown Tbilisi that was in the streets to oppose the LGBT Pride march on 5 July. See: 'Thousands Demand Government Resignation in Tbilisi', *Civil.ge* (11 July 2021), <https://civil.ge/archives/431575> (accessed 10 September 2021).

141 Public Defender of Georgia, 'Positive obligations on law enforcement officials to protect the equality of vulnerable groups' (2021).

whether current strategies conform with the SDGs. This needs to be assessed promptly, and with the involvement of all stakeholders; but parliament has a special role in reviewing and monitoring implementation of these strategies to ensure fulfilment of the SDGs.

Finally, though parliamentarians now have significant levers following changes to the law in recent years, there still remain gaps in parliamentary oversight, largely due to the opposition's limited involvement. MPs in the majority, according to their own accounts, have such a high degree of trust in the government that they deem it unnecessary to engage in oversight of its work. In the meantime, the opposition is motivated to influence parliament's agenda and uses the legal levers supposedly at its disposal to put forward new initiatives. Yet, under current procedures, it is up to the majority to support or reject opposition initiatives, and as a result, they are rejected in most cases and are rarely discussed in plenary sessions because they are blocked at an earlier stage. This has been common practice in the last two parliaments, leading the opposition to take the radical stand of boycotting plenary sessions in this parliament. The absence and limited engagement of opposition members has hampered the ability of parliament to effectively execute its functions, including legislation and oversight.

Despite legislative changes in 2018 that introduced new instruments increasing the role of the opposition, ruling party MPs retain all the real decision-making power in the Georgian parliament. Hence, *parliament must facilitate real power sharing and the majority should offer the opposition several assignments to ensure their involvement and inclusion.*<sup>142</sup> This would enhance the ability of the country to meet its SDG 16 commitments, as increased power sharing and inclusion of the opposition would lead to improved parliamentary functions in the area of oversight, accountability, and anticorruption, and would increase the representativeness and inclusiveness of decision making.

The findings of this analysis show direct links between good security sector governance and the effective oversight and implementation of the SDGs in Georgia. Because synergy between these tasks is mutually reinforcing, MPs should take the following steps to achieve the best results:

1. Build awareness of the SDGs among MPs and increase their capacity to thoroughly examine draft laws and policy documents through the prism of compatibility with the SDGs.
2. Ensure that a national security concept is developed through an inclusive approach that invites participation from the local and international community, and that it integrates the SDGs.
3. Exercise the oversight function of parliament to monitor the development and implementation of all follow-up sectoral strategies, which should reflect the security concept while ensuring fulfilment of the SDGs.
4. Facilitate real power sharing between the majority and the minority, which will enhance the ability of Georgia to meet its SDG 16 targets by improving the quality of oversight, accountability, and anticorruption efforts and increasing the representativeness and inclusiveness of decision making.

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<sup>142</sup> Delegation of the European Union to Georgia, 'President of the European Council Charles Michel publishes new proposal made today to Georgian political parties: A Way Ahead for Georgia' (18 April 2021).

# **5. Contributions of the Colombian Parliament to SDG 16 through SSG/R**

*Written by Mónica Pachón*

## 5.1. Introduction

As in other countries worldwide, the Sustainable Development Goals (SDG) Framework became an immediate reference point for the Colombian government, to reflect on what needs to be done to achieve sustainable development. Colombia was a pioneer of the SDG concept and strategy, and quickly adapted its national development planning through an SDG lens.<sup>143</sup> This offered an opportunity to reframe Colombia's efforts to end ongoing civil conflict, by endorsing development as a holistic result. In particular, SDG 16 became a strategic tool for societies in conflict, helping prioritize policies that could bring peace, justice, and vital institutions. As nations advance away from conflict, institutional reform, more effective justice systems, and a reimagining of the role of armed forces in consolidating democracy are essential to transforming violent contexts and ensuring security for all.

As this analysis will show, the Colombian government has embraced SDG 16 from the start of its implementation of the framework, and continues to do so. Thus, it is important to ask: Which targets within SDG 16 have been adopted by institutions in Colombia? Is security sector reform (SSR) a priority of the Colombian parliament? And, given the role of executive leadership in the SDG framework, to what extent has the legislature embraced the SDGs, especially SDG 16, as a valuable means of advancing their policy objectives and legislation? To answer these questions, this case study explores legislative activity in Colombia since 2016 related to SDG 16.

The 2016 launch of the SDGs in Colombia coincided with enactment of the Peace Agreement with FARC, and given the salience of the Agreement in this context, this analysis focuses not only on 43 bills introduced in parliament but also on the peace negotiated between FARC and the government. Their content and relation to SDG 16 and SSR are discussed, as are legislative efforts that illustrate the reactive role of Congress and the existing gridlock that surrounds SSR. Despite the enormous potential of the SDGs for government, the Colombian parliament has not actively engaged this framework, nor SDG 16, on security themes.

Some targets of SDG 16 have regularly appeared on the legislative agenda. The issue of SSR generates considerable controversy, though, and polarizes political debate; meaning that reform is still pending. As violence persists with a particular stubbornness in the most peripheral regions of the country, there is a clear need for changes to security policy, yet a sense prevails in parliament that the current institutional structure must be protected.

### Policy-making in Colombia and the security sector

Colombia has a presidential system in which the dominant legislator is the executive branch.<sup>144</sup> As is common in Latin American regimes, the president holds exclusive jurisdiction over several policy areas in which the legislature cannot be proactive by introducing legislation but has rights to amend or even reject executive proposals.<sup>145</sup> As a result, parliamentary power over statutory policy is limited in areas under the purview of the president, including: the national budget, the structure of government, public debt, international commerce, public sector wages, tax policy, and foreign relations.

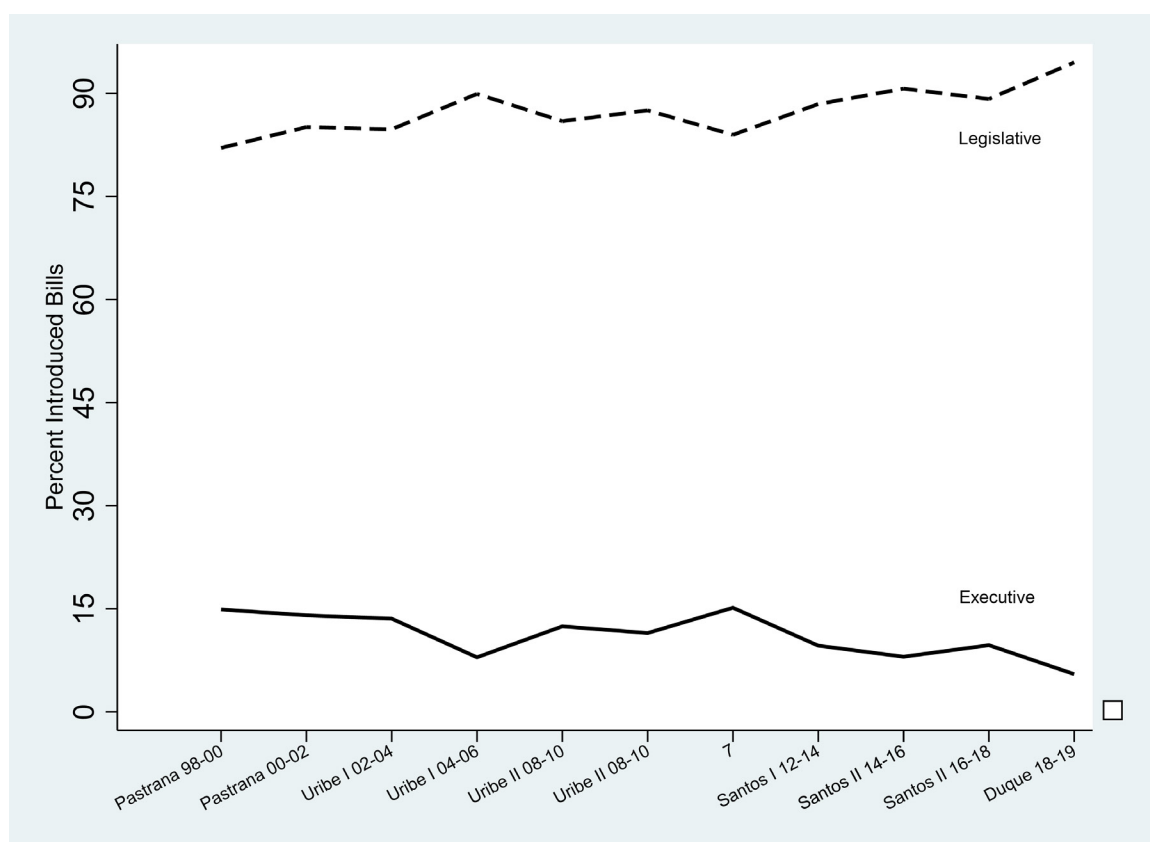
However, this does not mean the Colombian parliament acts as a rubber stamp. From 1998 to 2019, legislators introduced an average of 85 per cent of bills (meaning the executive introduced 15 per cent), and saw around 20 per cent adopted into law (see Figure 4). Moreover, many policy areas were constitutionalized in the 1991 Constitution, and the legislature enjoys significant power to make constitutional amendments. Hence, the executive can effectively protect the status quo, but needs legislative support to modify it.<sup>146</sup>

143 An example of Colombia's early advocacy for the SDG framework is a 'Concept Note on Sustainable Development Goals' authored by the Government of Colombia, along with the governments of Peru and the United Arab Emirates, in May 2012.

144 Royce Carroll and Mónica Pachón, 'The Unrealized Potential of Presidential Coalitions in Colombia' in *Legislative Institutions and Lawmaking in Latin America*, edited by Eduardo Alemán and George Tsebelis, 122-147 (Oxford University Press, 2016).

145 Eduardo Alemán and George Tsebelis, *Legislative Institutions and Lawmaking in Latin America* (Oxford University Press, 2016).

146 In addition to the legislature, the president is also checked by the Constitutional Court, which reviews a large proportion of bills, including all constitutional amendments, statutory bills, and treaties. Any citizen can also request a constitutional review of laws already enacted.

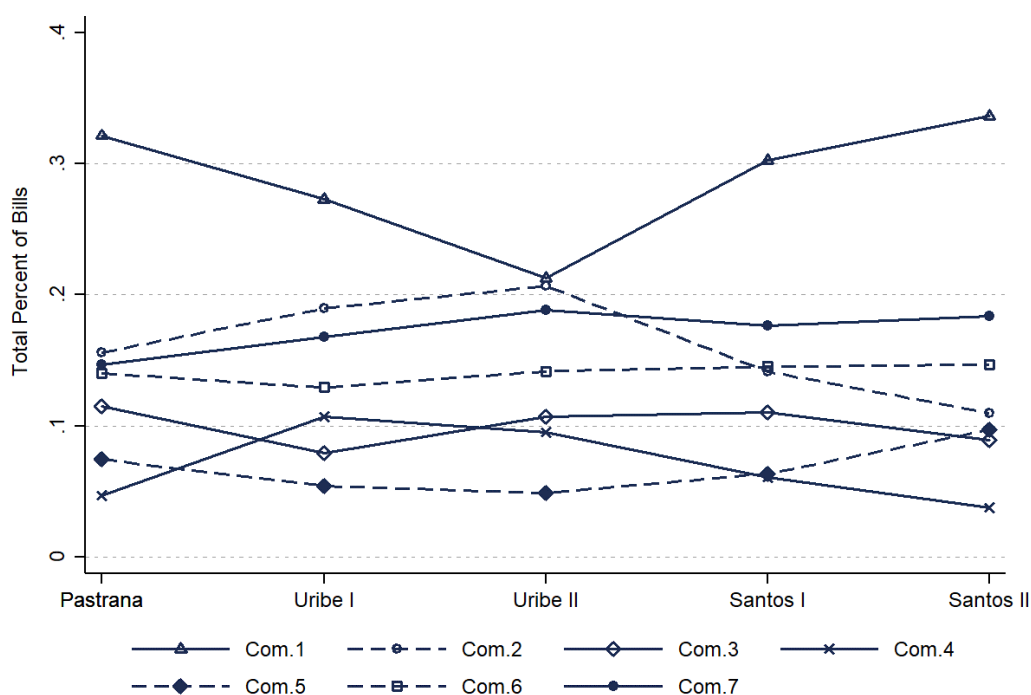
**Figure 4.** Percentage of bills introduced by branch of government, 1998–2019.

Source: Mónica Pachón and Manuela Muñoz, 'Policy analysis and the legislature in Colombia' in *Policy Analysis in Colombia*, edited by Pablo Sanabria-Pulido and Nadia Rubaii (Policy Press, 2020).

Since 1991, each chamber of Colombia's bicameral Congress elects members to seven constitutional committees, each with a consolidated jurisdiction that aligns with the policy sectors represented in the cabinet. The most proactive is the First Committee, which handles constitutional affairs and introduces some 30 per cent of all bills in the legislature. This is consistent with the 'constitutionalization' of policy, and the prominence of constitutional topics on the parliamentary agenda. As shown in Figure 5, no other committee introduced any more than 20 per cent of legislation.

Despite these highly consolidated permanent committees, there is a notable lack of electoral incentives for committee members to gain a thematic specialization. The open-list electoral system means that many legislators are focused on the objectives of a particular local constituency, and these account for much of the agenda put forth by these lawmakers in committee. Moreover, because the constitutional committees are standing committees with a constitutional origin, the creation of other permanent committees is rare. Legislators in Colombia may establish 'accidental committees' for specific purposes, but their impact is usually minimal, as they lack resources and staff or institutional strength. Thus, when it comes to implementation of the SDGs, it is the constitutional committees that are in charge, and no legislative effort has been directed at creating an exclusive committee dedicated to this topic.



**Figure 5.** Proportion of bills introduced by different committees

Source: Pachón and Muñoz, 'Policy analysis and the legislature in Colombia'.

In the following sections, the means by which parliament exercises oversight of the security sector, engages in security sector governance and reform (SSG/R), and manages the implementation of the SDGs, particularly SDG 16 – largely through these committees – is analysed. The final section offers recommendations.

## 5.2. The Colombian Parliament and SSG/R

As previous studies have shown, the role of the Colombian parliament vis-à-vis the security sector is generally reactive and, for the most part, legislators lack the necessary expertise and agreement to propose changes to the status quo. Security-related matters are part of the parliamentary agenda, and are reflected in legislation, hearings, and other legislative activities, but real change or reform is exceptional. Also, because security issues are exclusive to the executive portfolio, the role of parliament to debate and plan for this sector is marginal. Instead, legislators tend to focus on everyday security crises across the country, leading to demands for more information and more security.<sup>147</sup>

To improve the position of the legislature in its relations with the executive, the Colombian Congress enacted a bill in 2018 mandating the creation of a Technical Budgetary Assistance Unit; but several years have passed, and the unit has

<sup>147</sup> Mónica Pachón Buitrago, *Seguimiento legislativo y control político al Sector de Seguridad y Defensa en Colombia: Estudio de referencia* (Geneva: DCAF, 2020); Mónica Pachón Buitrago, 'The Role of Parliaments in SSG: The Case of Colombia' in *Strengthening the Role of Parliaments in SSG – Challenges and Opportunities from Selected Case Studies* (Geneva: DCAF, 2021).

not yet been created.<sup>148</sup> Prior to that, in 2013, legislation was adopted calling for the creation of the Legal Committee on Intelligence and Counterintelligence, but to date, this committee has never been able to meet properly as it lacks the necessary minimum staff and organizational requirements.<sup>149</sup> It is not just insufficient resources that dictate the effectiveness of committees in the Colombian parliament, however, as legislators generally show little interest in becoming subject experts. While it is impossible to gain expertise on every topic, it is reasonable to expect that committee members have a specific interest in the matters mandated to committees on which they sit, and yet legislators in the Second Committee (on foreign affairs and security) seldom introduce legislation that is directly related to security. This may be due in part to the short average tenure of members on the Second Committee, compared to other committees, as well as their limited legislative experience.<sup>150</sup>

Perhaps most telling about the status of the Second Committee in the Colombian Congress is the fact that, when legislators run for leadership positions in the House or Senate, the trade-off for this prominence is to join the Second Committee and its relative obscurity. Legislators prefer committees that share an equal jurisdiction with the executive or have budgetary powers. Meanwhile, the Second Committee debates only around ten per cent of bills introduced yearly and, between 2015 and 2019, these were largely (58 per cent) particularistic bills that assigned local public goods to municipalities. Only about 15 per cent of the bills debated in the Second Committee during this period were related to SSR.

Apart from legislating, parliament exercises oversight of the executive on security matters through hearings as well, most of which are held in committee. From 2014 to 2018, for example, 149 security-related hearings were scheduled in committees, and only 35 in plenary sessions. The Second Committee held 54 per cent of all hearings on security themes (followed by 18 per cent in the First Committee), especially on the peace process, public order at the local level, human rights violations, and border security.

The Senate also plays an essential oversight role in the promotions of the highest-ranking armed forces officers. The six-month cycle of these promotions offers a window for substantial information flow from civil society, the Ministry of Defence, and the media to legislators, to shape their opinions of officers selected for advancement. While these promotions are typically routine, human rights organizations and parliamentary opposition often use this legislative process and associated media coverage to advocate for SSG/R and demand higher levels of accountability and transparency in the security sector.<sup>151</sup>

### 5.3. The Colombian Parliament and the SDGs

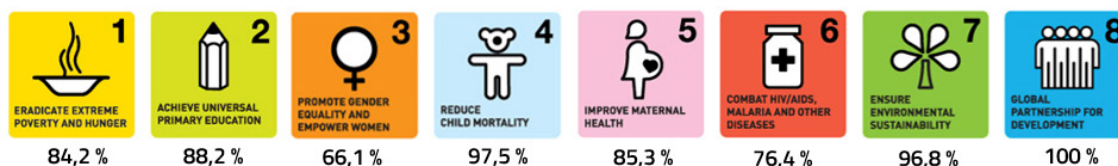
The SDG framework was preceded by the Millennium Development Goals (MDGs), adopted by all UN member states in 2000 and prioritizing social and developmental objectives associated with reducing poverty and child mortality, ending hunger, promoting vaccination, and improving maternal health. Additionally, the MDGs considered gender equality and environmental sustainability essential goals to be achieved by 2015. The MDGs represented a commendable attempt at global consensus, but for countries like Colombia, the absence of other economic, environmental, or institutional goals within the framework – such as ending violence in all its forms – was a barrier to success, even if some government agencies were on track to achieve key objectives (see Figure 6). Indeed, the experience of Colombia makes it clear that advancing towards sustainable development requires explicit efforts to end civil conflicts, in order to reduce human tragedy and interfere in cycles of violence.

148 See: 'La "Budget Office" criolla aún no ve la luz', *El Nuevo Siglo* (12 March 2020), <https://www.elnuevosiglo.com.co/articulos/03-2020-la-bud-get-office-criolla-aun-no-ve-la-luz> (accessed 18 September 2021). Organic Law 252 (2018) created the Oficina de Asistencia Técnica Presupuestal (OATP).

149 See: '¿Por qué no opera la Comisión de Inteligencia del Congreso?' *El Tiempo* (24 May 2020), <https://www.eltiempo.com/unidad-investigativa/la-comision-de-inteligencia-del-congreso-no-ha-podido-empezar-a-operar-499122> (accessed 19 September 2021).

150 Pachón Buitrago, 'The Role of Parliaments in SSG: The Case of Colombia'.

151 See: Pachón, *Seguimiento legislativo y control político al Sector de Seguridad y Defensa en Colombia*; Pachón Buitrago, 'The Role of Parliaments in SSG: The Case of Colombia'.

**Figure 6.** Percentage of achievement of the MDGs by Colombia

Source: Consejo Nacional de Política Económica y Social, *Estrategia para la implementación de los Objetivos de Desarrollo Sostenible (ODS) en Colombia*, Documento CONPES No. 3918 (15 March 2018).

Colombia joined various initiatives to update these consensus goals, actively participating in working groups like the Rio+20 Agreement and the Open Working Group on SDGs.<sup>152</sup> As an early promoter of the SDGs, Colombia was among the first to include them in its national plan, in 2014. Then, in 2015, the SDG inter-institutional commission was created to align all efforts of the government with the SDGs.<sup>153</sup> To that end, the National Planning Department coordinated development of the Strategy for the Implementation of the Sustainable Development Goals (SDGs) in Colombia (*Estrategia para la implementación de los Objetivos de Desarrollo Sostenible (ODS) en Colombia*), which provided specific guidelines for creating monitoring and reporting mechanisms, strengthening statistical capacities, developing territorial strategies, and building partnerships with private and non-governmental actors.<sup>154</sup>

In 2018, the administration of President Iván Duque retained the SDG framework (with minor changes) in its national development plan (2018–2022), *Pacto por Colombia, pacto por la equidad*, composed of various sub-plans. Themes of SDG 16 are front and centre in the document, the Introduction of which states:

This pact presents a new approach to security, from a broad perspective, which materializes the transition from military and police control to institutional control of the territories, which faces criminality and illegal economies and ensures the state's presence throughout the territory, particularly in those void of institutionality. The preceding pact will make it possible to strengthen the democratic legitimacy of the institutions, the guarantee and respect of human rights, and the promotion of structural changes in the territories through development with equity and economic growth.<sup>155</sup>

To determine whether legislators played an active role in building consensus regarding integration of the SDGs into the national development plan, debates and proceedings leading to parliamentary approval of Duque's 'Pacto por Colombia' were reviewed for this analysis. Only scarce references to the SDGs were found, though they were sometimes mentioned alongside environmental goals or the topic of gender equality. And in one case, an opposition leader mentioned the SDGs to warn the plenary that the framework was not in itself a 'guarantee' of sustainable development, noting that 'the mention of

152 Dag Hammarskjöld Foundation, 'Localising the 2030 Agenda in Colombia', Development Dialogue Paper No. 25 (December 2018).

153 The commission was created by decree (No. 280/2015). It includes the ministries of foreign affairs, finance and public credit, and environment and sustainable development, the Administrative Department of the Office of the President of the Republic, the National Planning Department, the National Administrative Department of Statistics, and the Department for Social Prosperity. Additionally, the Presidential Agency for International Co-operation, and the Administrative Department of Science, Technology and Innovation are permanent guests to the commission (see: <https://www.ods.gov.co/en/comision>).

154 The Strategy was adopted by the National Council for Social and Economic Policy in March 2018. To promote awareness and coordination between subnational and national entities, the National Planning Department also created a toolkit, distributed across local governments, with guidelines for development planning. And, the SDGs became the frame in which a new public agency was created – *Agencia Presidencial para la Cooperación Internacional* – mentioned above as part of the inter-institutional commission, which coordinates all international cooperation efforts. For more, see: Dag Hammarskjöld Foundation, 'Localising the 2030 Agenda in Colombia'.

155 *Plan Nacional de Desarrollo 2018–2022: Pacto por Colombia, pacto por la equidad* (Department of National Planning, 2019), 57. The Plan is available as a PDF <https://colaboracion.dnp.gov.co/CDT/Prensa/PND-Pacto-por-Colombia-pacto-por-la-equidad-2018-2022.pdf> (accessed 19 September 2021).

the Sustainable Development Goals should not be confused with a guarantee that all the “pacts” of the Plan are adequate to put Colombia on the path of developing its productive forces’.<sup>156</sup>

Outside the executive branch, the SDGs have been socialized in a joint effort by the government and cooperation agencies; and legislators frequently participate in events hosted by NGOs and agencies at which the SDGs are in focus.<sup>157</sup> A first seminar to socialize the SDGs in the Colombian Congress was held in November 2018, and a second in February 2020, on the environmental and sustainability dimensions of the SDGs. More recently, in December 2020, parliament’s Legal Committee for Women’s Equality and Pacto Global Colombia came together in a webinar to discuss SDG 5 and setbacks resulting from the COVID-19 pandemic.<sup>158</sup> But mentions of SDG 16 are rare, despite the relevance of activities related to the peace effort, security, justice, and institutional reform.

In some ways, it seems the SDGs are used strategically in the Colombian parliament to push the salience of environmental concerns or gender equality issues, which otherwise fail to get the attention they need in order to be tackled with appropriate urgency. But in a country in conflict, a concern for public goods that are systematically underprovided, like justice and security, is somewhat inevitable. In this context, the role of the legislature in the peace process is worth examining, as this is tied to SSG and SDG 16, and is thus analysed in the next section.

## 5.4. The Colombian Parliament and SDG 16

The initial push to apply the SDGs proactively in Colombia was initiated by former President Juan Manuel Santos (2010–2018), who strongly emphasized SDG 16. Santos, the Minister of Defence in the cabinet of President Alvaro Uribe (2002–2010), had been Uribe’s closest political ally and later campaigned as the candidate who would protect Uribe’s legacy. At the core of this legacy was a strong stance against FARC, and Uribe became the most popular president in recent history by doubling the size of the military and deploying effective offensive strategies against the guerrillas.<sup>159</sup>

But Santos, elected on the premise that he would maintain Uribe’s security posture, departed from it by announcing peace talks. Military victory had proven elusive even after more than a decade of effective military pressure on FARC, prompting Santos to focus on addressing the structural causes of the conflict, creating institutions to serve millions of victims, developing a transitional justice system, and providing political representation to ex-combatants. A recognition of FARC’s political agenda, attributing the dynamics of violent political confrontation to root causes such as poverty, inequality, and corrupt state actors, became the new paradigm by which the government framed its efforts to end the conflict.

The peace process had six main goals, established in a General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace:

1. Comprehensive reform of the country’s agrarian economy.
2. Guaranteed equal political participation.
3. Conditions for the termination of armed conflict.
4. Solutions to the issue of illicit drug trafficking.

<sup>156</sup> Congress of Colombia, minority report, Gazette No. 130 (19 March 2019), 2.

<sup>157</sup> For example, see: UNDP Colombia, ‘#Congreso2030: equipos legislativos en Colombia reconocen oportunidades para fortalecer la labor parlamentaria en favor de Agenda 2030’, press release (20 November 2018), <https://www.co.undp.org/content/colombia/es/home/presscenter/articulos/2018/11/20/congreso-2030--equipos-legislativos-en-colombia-reconocen-oportunidades> (accessed 19 September 2021).

<sup>158</sup> Pacto Global Colombia, ‘ODS 5 desde el Legislativo, Comisión Legal para la Equidad de la Mujer’, YouTube (11 December 2020), <https://www.youtube.com/watch?v=Pu4gH32nN2I> (accessed 19 September 2021).

<sup>159</sup> See: Juanita León, ‘Juan Manuel Santos: Presidente 2010–2014’, *La Silla Vacía* (20 June 2010), <https://lasillavacia.com/historias/silla-nacional/juan-manuel-santos-presidente-2010-2014> (accessed 19 September 2021).

5. Resolution for victims, and transitional justice.
6. Implementation and verification of agreements.

Negotiations were carried out over four years and were extended after a failed ratification plebiscite in October 2016, in which the 'no' vote (against the peace agreement) won out by a margin of tenths. Since the motto of negotiations was 'nothing is agreed until everything is agreed', further revisions were made, finally leading to legislative ratification in November 2016.

The peace talks had demanded enormous resources and the government had sought international political support; this intense diplomatic effort offered considerable legitimacy to the Colombian peace process, and the SDG frame was vital to this. For example, SDG 16 makes a direct link between peace and development, and in addition to more common development indicators, allows countries to report on political efforts to consolidate good governance and strong institutions. In fact, the National Development Law (1753) enacted in Colombia in 2015 for National Development Plan 2014–2018 cites the SDGs in Article 1.<sup>160</sup> The Plan acknowledges that 'a peaceful society can focus its efforts on closing gaps and can invest resources in improving the coverage and quality of its educational system', all wrapped in a green growth strategy.<sup>161</sup> As Figure 7 shows, the Colombian and global agendas were closely aligned. The UN's ECLAC Regional Observatory found that 11 measures of the National Development Plan enacted in 2015 were explicitly linked to SDG 16.

**Figure 7.** The two-way relationship between peace and development reflected in local and global agendas



Source: Francisco Noguera and Juan David Ferreira Vargas, *Peace and sustainable development in Colombia: the role of philanthropy in building a shared future* (Asociación de Fundaciones Empresariales, 2017).

As soon as the Peace Agreement was signed in December 2016, Colombia's Constitutional Court declared a one-year fast-track for implementation (which had been approved in Congress through a constitutional amendment in August 2016, before the plebiscite failed). This resumed the passage of constitutional amendments (at least, four of the eight needed), and legislators were allowed to introduce new amendments, something the executive had previously contested.<sup>162</sup> Still, in total, the executive introduced 24 pieces of legislation, of which 50 per cent were approved, and legislators introduced 19, none of which passed. Despite parliament having acquired a more prominent role in the peace process after the failed plebiscite, this role was still reactive and the executive still dominated the process.

In the legislature, the matters debated in this context were primarily constitutional amendments, so it was the First

<sup>160</sup> Article 1, 'Objectives of the National Development Plan', reads: '...this law aims to build a Colombia that is peaceful, equitable and educated, and in harmony with the purposes of the National Government, with the best international standards and practices, and with a long-term planning vision foreseen by the Sustainable Development Goals.'

<sup>161</sup> *Plan Nacional de Desarrollo 2014–2018: Todos por un nuevo país – paz, equidad, educación* (Department of National Planning, 2015), 23.

<sup>162</sup> "El gobierno quiso convertir a las Farce en poder constituyente": Iván Duque, *Semana* (22 May 2017), <https://www.semana.com/nacion/articulo/ivan-duque-habla-sobre-fallo-de-la-corte-constitucional-del-fast-track/526086/> (accessed 19 September 2021).

Committee (responsible for constitutional affairs) that was most engaged. Notably, no bill went through the Second Committee (on foreign affairs and security). Debates on SSR were left aside in the hope that, at some point soon, after the peace process had concluded, this could occur without any remaining threat from FARC.<sup>163</sup> While fears over the ‘securitization of development’ arose in academic circles in several countries due to the potential of SDG 16 to legitimize military-driven strategies to solve conflict,<sup>164</sup> it was clear from the start that Colombia considered this off-limits in negotiations with FARC.

### **SDG 16 and legislation related to the peace process**

Bills related to implementing the peace addressed multiple dimensions of this process. To illustrate links between these bills and SDG 16, Table 4 (below) presents principles of good governance that are associated with various targets of SDG 16,<sup>165</sup> as well as objectives of the peace process and bills introduced by both the executive and legislature that meet these targets. Notably, executive bills to change the status quo regarding the monopoly of force and structural causes of violence were numerous. Indeed, the main objective of the Peace Agreement was to consolidate the monopoly of force in order to limit armed threats to the state. Bills offering amnesty, approving the terms to reincorporate FARC members into civilian life, and others, were all directed at this consolidation, but also improved SSG and touched on SDG targets 16.1 and 16.2. A number of executive bills to support rural territories affected by the conflict were also introduced, and these aligned with target 16.4.

The Rule of Law dimension of SSG was addressed in executive bills on transitional justice, but these became the most disputed bills, as they proposed collective sentencing and a significant diminution of the penalties for crimes. And there were no bills introduced at all, by the executive or the parliament, to ensure the free availability and accessibility of information (and thus, to meet target 16.10), or to set clear expectations for the security sector. Missing from the agenda was SSR, which was postponed until implementation of the Peace Agreement was complete. Consequently, though the peace process and bills derived from it were in some ways a radical departure for Colombia and an evolution in the security system, there was no legislation that changed the status quo for formal security actors, beyond creating a transitional justice system in which military personnel were taken into account.

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163 According to Representative Juanita Goebertus, interviewed by the author in December 2019, ‘in Havana we always said that we were not going to discuss a reform of the security sector with the FARC, because it was stupid to debate with FARC the dilemmas of the armed forces (those were the words of the President at that time). We always said that, in any case, in the transition from war to peace, we needed to reform the security sector in Colombia. As General Naranjo said, “if the music changes, the dance changes”. ...that does not mean that we do not have operational complexities of organized crime groups today in different parts of the country, and highly structured, but it is evident that it is a very different scenario from the armed conflict that we have lived through for 60 years with FARC’.

164 Oya Dursun-Özkanca, *The Nexus Between Security Sector Governance/Reform and Sustainable Development Goal-16: An Examination of Conceptual Linkages and Policy Recommendations*, DCAF-Commissioned SSR Policy Paper No. 20 (London: Ubiquity Press, 2021).

165 See: Wilhelm Janse van Rensburg et al., ‘Parliaments’ Contributions to SSG/R and the Sustainable Development Goals: Testing parliaments’ resolve in SSG during Covid-19’, SSR working paper, Geneva Centre for Security Sector Governance (DCAF).

**Table 4.** Links between good SSG, SDG16, and bills related to the peace process, introduced 2017-2018

Good SSG	SDG 16 target	Peace process themes	Legislative bills	Executive bills
Monopoly of force	16.1. Significantly reduce all forms of violence and related death rates everywhere  16.2. End abuse, exploitation, trafficking and all forms of violence against and torture of children	3. Conditions for the termination of armed conflict	The constitutional right to peace	Amnesty; reincorporation of ex-FARC members into civil life; Transitional Justice Bill; constitutional reform to include the peace process
Elimination of structural causes of violence	16.4. Significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets, and combat all forms of organized crime	1. Comprehensive reform of the country's agrarian economy  4. Solutions for the issue of illicit drugs trafficking	Agrarian reform; wasteland reform	System of agrarian innovation; modernization of the cadastre; land adequation; penal code reforms to diminish sentencing of small farmers
Freely available and accessible information	16.10. Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements	6. Implementation and verification of agreements		
Rule of Law applied to all institutions, including security institutions	16.3. Promote the rule of law at the national and international levels and ensure equal access to justice for all  16.6. Develop effective, accountable and transparent institutions at all levels	6. Implementation and verification of agreements  5. Victims and transitional justice.		Special Justice for Peace/ Transitional Justice Bill.
Clear expectations for the security sector, with independent oversight	16.6. Develop effective, accountable and transparent institutions at all levels	6. Implementation and verification of agreements	Derogate decree with modifications to the organization of the National Comptroller Office; Derogate decree with alterations to the Prosecutor's Office	

Opportunities for all to participate in decision making	<p>16.7. Ensure responsive, inclusive, participatory and representative decision-making at all levels</p> <p>16.A. Strengthen relevant national institutions, including international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime</p> <p>16.B. Promote and enforce non-discriminatory laws and policies for sustainable development</p>	<p>2. Ensure equal political participation</p> <p>5. Victims and transitional justice</p>	16 reserved Transitory Districts of Peace for the House of Representatives	Victims' reserved constituency; FARC reserved constituency; electoral reform; Opposition Rights Bill
State institutions are sensitive to the varying security needs of the population; security institutions are effective and efficient	<p>16.1. Significantly reduce all forms of violence and related death rates everywhere</p> <p>16.7. Ensure responsive, inclusive, participatory and representative decision-making at all levels</p> <p>16.A. Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries to prevent violence and combat terrorism and crime</p>	<p>2. Ensure equal political participation</p> <p>5. Victims and transitional justice</p>	Creation of social service to aid victims; Bill to prioritize ex-FARC members' housing subsidies	Amnesty; Transitional Justice Bill; constitutional reform to include the peace process

*Source: Compiled by the author*

As noted above, no legislation related to the peace process that was introduced in parliament was adopted. Clearly, the executive was the primary driver of this process and even dictated legislative priorities. While legislators did author amendments to many bills that passed, the extraordinary powers of the executive left the Colombian Congress in a subordinate position in implementing the peace.



### SDG 16 and other legislation

The negotiation and implementation of the peace process did not move the legislature away from its reactivity, and reform continued to be superficially debated despite a constellation of security issues. Deficient structural capacity within parliament to oversee the security sector, the marginal status of the committee in charge of these issues, and the decision to shelve SSR until after the peace process all added to this lack of productivity. Still, security-related bills were debated continuously in parliament as the peace talks were ongoing, and into Duque's presidency.<sup>166</sup>

Bills introduced by legislators concerning reforms to the military itself or to oversight of the military, and other bills related changes to the armed forces, were analysed for this study to assess the degree to which they reflect the SDG 16 framework. The common theme among these bills is that they were all position-taking bills, expressing either support or disapproval for the armed forces, and it was difficult to identify any references to SDG 16 in their texts. None of this proposed legislation made it out of committee.

An analysis was also undertaken of bills introducing police reform, as shown in Table 5 (below). A total of 18 bills were analysed, several of which were re-introduced after their initial filing (these are shown in bold). A clear pattern can be observed, of legislation introduced by the opposition demanding more civilian control and accountability, and legislation introduced by the governing coalition addressing the rights of police officers and defining new crimes against them. The bills that proved most contentious tackled police abuse, the role of parliament in promotions, and the Court of Transitional Justice (Justicia Especial para la Paz).

**Table 5.** Bills addressing police reform, 2016–2020

Introduced by	Bill	Date	Status
Presidency of Iván Duque			
Opposition	<i>National Police with a civil character</i> : 'By which Law 62 of 1993 and Law 1801 of 2016 are reformed, the civil character of the National Police is strengthened, and other provisions are issued'.	Oct. 2020	Filed
Opposition	<i>Prevention and punishment of abuses in police activity</i> : 'Through which measures are dictated for the prevention and punishment of abuses in police activity'.	Sept. 2020	Filed
Opposition	<i>Training in the use of force and citizen coexistence for officials</i> : 'By which a training in the use of force and citizen coexistence is created for officials in charge of enforcing the law and other provisions are issued'.	Aug. 2020	Filed
Opposition	<i>Regulates the promotion system for members of the Armed Forces</i> : 'By which the promotion system for members of the Military Forces and the National Police is regulated and other provisions are issued'.	July 2020	Filed
Governing coalition	<i>Military promotions by the president of the Republic</i> : 'By which the 2nd numeral of article 173 of the Political Constitution is modified'.	July 2020	Filed

166 See: Pachón, *Seguimiento legislativo y control político al Sector de Seguridad y Defensa en Colombia*; Pachón Buitrago, 'The Role of Parliaments in SSG: The Case of Colombia'.

Governing coalition	<b><i>Classifying homicide, kidnapping and violence, against members of the Public Force, as autonomous crimes: 'Utilizing which articles 103A, 168A, 429A are added and articles 38G and 68A of Law 599 of 2000 - Colombian Penal Code are modified'.</i></b>	July 2020	Filed
Opposition	<i>Regulates the use of force: 'By which the use of force and the actions of the National Police in public demonstrations are regulated'.</i>	July 2020	Filed
Opposition	<i>Promotions in the National Police: 'By which provisions of Decree 1791 of 2000 are modified'.</i>	July 2020	Filed
Governing coalition	<b><i>Transitional Justice for the military: 'By which Legislative Act 01 of 2017 is modified and other provisions are issued'.</i></b>	July 2019	Filed
Governing coalition	<b><i>Increased penalties for crimes against the public force: 'Through which articles 103A 168A, 429A are added and articles 38G and 68G of Law 599 of 2000... are modified'.</i></b>	July 2019	Filed
Governing coalition	<b><i>Probation for members of the public force: 'By means of which special conditions are established to access the benefit of conditional freedom for members of the public forces'.</i></b>	July 2019	Filed
Governing coalition	<b><i>Probation for members of the public force: 'By means of which special conditions are established to access the benefit of conditional freedom for members of the public forces'.</i></b>	May 2019	Filed
Governing coalition	<i>Approval of military and police promotions: 'Whereby articles 173, 178 and 189 of the Political Constitution of Colombia are modified and added'.</i>	Apr. 2019	Filed
Governing coalition	<b><i>Military in the JEP (Court of Transitional Justice): 'By which Legislative Act 01 of 2017 is added and other provisions are issued'.</i></b>	Sept. 2018	Filed
Presidency of Juan Manuel Santos			
Governing coalition	<i>Anti-Corruption Statute of the Police: 'By which the Anti-Corruption Statute of the National Police is created and other provisions are issued'.</i>	Dec. 2017	Filed
Governing coalition	<i>Submission of criminal organizations to justice: 'Through which the investigation and prosecution of criminal organizations are strengthened and measures are adopted to subject them to justice'.</i>	Oct. 2017	Filed
Governing coalition	<i>Regime of promotions in the Police: 'Through which the promotion regime for members of the Colombian National Police is modified, and other provisions are issued'.</i>	Aug. 2016	Filed
Opposition	<i>Humanitarian treatment of members of the public force deprived of their liberty: 'By which humanitarian treatment is established for members of the public force with diminished psychophysical capacity deprived of liberty and other provisions are issued'.</i>	Aug. 2016	Filed

Source: Compiled by author, from data available on [www.congresovisible.org](http://www.congresovisible.org)

As this table shows, bills addressing various targets of SDG 16 through police reform have been introduced in the Colombian parliament but have languished. In fact, of the 106 bills related to security introduced since 2018, only two have become law. One of these is the Victim's Law, the ten-year implementation period for which has now been prolonged another ten years; and the other is a bill addressing administrative policing issues that needed updating after passage of the new Police Code in 2016. And, while several bills have been put forth on police abuse, a topic that has recently risen to the top of the agenda due to recurring social mobilizations, debates on police reform seem largely isolated to the media and no effective efforts have been made to follow up in the legislature.

## 5.5. Analysis and Recommendations

Colombia continues to face significant challenges to achieving a monopoly of violence in the hands of the state, and the consolidation of the rule of law. After the Peace Agreement with FARC was signed, expectations that the situation would inevitably improve faded away as other criminal actors took control of ex-FARC territories, coca harvests increased exponentially, and talks with other armed groups were indefinitely suspended. And, even with the peace agreement, a stalemate has emerged as some ex-combatants have stopped their reintegration into civilian life. On top of this, in the midst of the COVID-19 pandemic, concerns over police use of force and protocols and violence directed at social leaders across the country have become daily news.

As implementation of the Peace Agreement continues, with a new electoral cycle just around the corner, the Colombian parliament must prepare to play a more strategic role in contributing to the shape of vital institutions that can provide security to the citizenry and respect the rule of law. While the legislature has limited authority in the security sector, per se, it has ample authority to revise and amend legislation as it relates to SDG 16. This authority must be matched by the ability and will of legislators to take full advantage of the SDG framework in making connections between peace, growth, and sustainability.

Though they are not fully implemented, Colombia has adopted measures to strengthen the information flow and technical capabilities of Congress. *Full realization of the Legal Committee on Intelligence and Counterintelligence and the Technical Budgetary Assistance Unit are paramount to building parliamentary capacity to oversee the executive and be more proactive in initiating legislation in the security sector.* It is clear that, in the Colombian presidential regime, the executive has greater power to adopt a more global agenda, while legislators often lack the motivation to do so, as their constituency is more localized. To strengthen parliamentary commitment and attitude, *international cooperation efforts should always incorporate the intersecting global and local agendas of legislators.* A good start would be to *increase funding to projects that support legislators in having an impactful local presence.* Programmes that target staff members and congressional aides can also help consolidate institutional knowledge.

While the UN has worked to socialize the SDGs through thematic seminars, *more robust SDG-related programming from international partners* would be welcomed by Colombia. This is especially true because changes in executive priorities can undermine the achievement of key goals, including SSR. With the support of cooperating partners, the SDG framework and the debate and discussion it inspires, particularly related to SDG 16, can provide legislators from the governing coalition and opposition alike with policy alternatives and resources to protect compromises across executive terms, and knowledgeably reform the status quo where required.

## 6. Annex

**Table 6.** Characteristics of the parliaments under study<sup>167</sup>

	Colombia	Georgia	Nigeria	The Philippines
<b>Constitutional framework</b>				
Political system	presidential	parliamentary	presidential	presidential
Type of legislature (unicameral/bicameral)	bicameral	unicameral	bicameral	bicameral
Year of (current) constitution	1991	1995	1999	1987
<b>Constitutional powers of parliament</b>				
...to summon members of the government	Yes	Yes	Yes	Yes
...to approve key government appointments	Yes	Yes	Yes	Yes
...to carry out inquiries	Yes	Yes	Yes	Yes
<b>Statistics on current parliament</b>				
Current election cycle	2018-2022	2020-2024	2019-2023	2019-2022
Inhabitants per parliamentarian (as of 31 December 2020)	172,246*	26,347	386,316*	310,110*
Number of MPs (and percentage of women)	House: 170 (18.8%) Senate: 105 (21.0%)	150 (20.7%)	House: 360 (3.6%) Senate: 109 (7.3%)	House: 304 (28.0%) Senate: 24 (29.2%)

\*House of Representatives only

167 From the Inter-Parliamentary Union's Parline Data resource (August 2021), available at: [data.ipu.org](https://data.ipu.org).

**Table 7.** Reporting on national efforts to implement the 2030 Agenda

	Colombia	Georgia	Nigeria	The Philippines
VNR presented at the HLPF <sup>164</sup>	2016, 2018, 2021	2016, 2020	2017, 2020	2016, 2019**
2021 SDG Index score (rank) <sup>165</sup> <i>A score of 100 indicates all SDGs have been achieved</i>	70.5 (68/165)	72.2 (56/165)	48.9 (160/165)	64.5 (103/165)

\*\*Expected to submit a VNR in 2022

<sup>168</sup> UN Sustainable Development Knowledge Platform, Voluntary National Reviews, available at: <https://sustainabledevelopment.un.org/vnrs/>.

<sup>169</sup> Jeffrey Sachs, et al., Sustainable Development Report 2021: The Decade of Action for the Sustainable Development Goals (Cambridge University Press, 2021).





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