

Tip-Sheets for Reporting on Security Management and Oversight

13. Executive Authorities

Key definitions: what are executive authorities and what is their role in security?

The executive is the part of the state that holds direct responsibility for governing on a daily basis: it is what people usually mean when they say “the government”. Whether a presidential or a parliamentary political system, the head of the executive typically has ultimate decision-making authority for matters of public safety and national security (together with a cabinet and subject to legal limitations). Executive authority for every aspect of security and justice at a national level is divided up among ministries, agencies or departments (depending on the government system): for example, ministries of defense are responsible for the armed forces, ministries of internal affairs or interior (terms vary) are responsible for police, ministries of justice are responsible for the court system etc. Some executive authorities are responsible for aspects of state affairs that may affect security, for example: ministries of finance involved in budget, procurement and audits, or ministries of foreign affairs involved in decisions about overseas deployments or relationships with foreign security actors. These authorities advise on policy relevant to their area of responsibility and use their delegated authority to ensure that security institutions implement the policies governments make as a result of the laws that were already in place.

Executive authorities are civilian actors who may have been elected, or appointed by a democratically legitimate authority to serve as long as that administration holds public office, or may be members of a professional public service; but who serve all administrations in a politically neutral way based on their professional and technical competence. In systems where executive authorities are managed by political appointees, the support of a professional public service is necessary to ensure competent and continuous service provision even as new government administrations are elected. In this way, there is a direct and continuous hierarchy of authority and responsibility that runs from the head of state or government (they may not be the same) through to the relevant ministries, agencies or departments responsible for managing and overseeing the work of each security provider. This system is important for security because it guarantees that key decisions such as the decision to go to war, to declare a state of emergency, or to change the way security providers operate, should be made by elected civilian representatives and not by the security providers whose role should be limited to implementing those decisions.

Key issues for reporting on the security role of executive authorities

Sufficient political distance? There is always a danger that security forces dominate government decisions, either because they use violence to gain political power or because they have too much indirect influence over the process of government decision-making (for example, based on technical competence). The flipside of this danger is that executive authorities politicize the security sector in order to conserve their hold on political power through violence. In practice, this kind of inappropriate political control of security institutions could mean direct orders to use violence or requiring security forces to perform illegitimate or illegal activities such as surveillance, harassment, detention, physical abuse or even murder of opponents. In these cases, security personnel, especially at lower levels, may feel they have little choice but to follow orders - both against their will and against the law. Sometimes

influence comes through off-record payments, corruption, or abuse of recruitment and appointment processes. In this way, the security forces can become politicized and abuse, repression, corruption, and even conflict result.

→ **Journalists can ask:**

- ✓ Do executive authorities demonstrate respect for the mandates and professionalism of security providers in their policies and their deeds?
- ✓ Where do abuses by the security forces originate?
- ✓ Are there patterns of personnel recruitment, appointments or dismissals that suggest political interference, or alternatively, the need to intervene to stem abuse?
- ✓ What do records of movement of funds, audits and resource decisions suggest about the center of decision making?
- ✓ Are public platforms or pronouncements aligned with the legitimate legal role of security providers?
- ✓ How are different parts of society affected by political attitudes to security?
- ✓ How does the politicization or political independence of the security sector affect different groups in society or different communities?

Balance of power in civil and military relations? In a political system that serves the public good, there is a healthy division of labor between political authorities and security providers. Democratically legitimate decision-makers decide what kind of approach to public safety and national security best serves the public interest, and the security forces advise on plans to realize those objectives. This division of labor should be evident in how decisions are made about policy, strategy, resources, and implementation across each part of the security sector. When this division of labor is imbalanced, security and especially military advisors may acquire undue influence over policymaking. This can happen because access to information within government is restricted so security officials hold an upper hand. It can also happen when civilian officials are not sufficiently knowledgeable about security affairs to challenge the positions of professionals with years of experience and training. It can also happen when the legal framework is outdated or not fit for purpose so that authority for some decisions falls in the wrong places: e.g., active members of the security forces holding political appointments, especially at ministerial levels.

→ **Journalists can ask:**

- ✓ Are flawed or outdated legal frameworks creating an imbalance of power in the relationship between security providers and executive authorities?
- ✓ What potential abuses of power might be disguised by an apparently banal administrative process?
- ✓ What mechanisms are in place to prevent corruption and inappropriate influence?
- ✓ Whose interests are best served in national security policy and strategy-making processes?
- ✓ Are resource sensitive decisions unduly influenced by vested political interests or security sector stakeholders?
- ✓ Have decision-making processes been inclusive and consultative?
- ✓ To what extent are the processes, content and decisions made accessible to the public?
- ✓ What legitimate arguments best explain a lack of transparency?

Providing competent management? Ensuring that staff within executive authorities are competent, knowledgeable and efficient is essential to ensure governments create the best possible policies for safety and security, and that security providers implement those policies to the highest possible standard. This requires both technical competence and knowledge of the work of each security provider, as well as processes that provide for thoughtful long-term planning. Poor training, incompetence, insufficient resources, and mismanagement within the executive authorities directly responsible for management and oversight of security providers may make it impossible for them to fulfil their missions.

→ **Journalists can ask:**

- ✓ Are the agencies, ministries and departments responsible for national security and public safety staffed, trained, and resourced in a way that enables them to perform their duties with competence?
- ✓ Do staff have access to effective and appropriate training?
- ✓ How is staff performance managed and reviewed?
- ✓ Are staff numbers appropriate to institutional missions?
- ✓ What internal measures are in place to prevent corruption and promote integrity?
- ✓ What evidence suggests that appointments made by executives might be biased or subject to conflicts of interest?
- ✓ Are competent personnel appointed to serve in leadership positions within the security sector?

Box 28 Practical example: “Mozambique Tuna Bonds Fund Anti-Pirate Fleet in Surprise”

In Mozambique, state companies took on debt equivalent to approximately 13% of national Gross Domestic Product (GDP), more than half of which was borrowed in secret, without public or parliamentary knowledge or approval. The colossal scale of the debt was revealed in 2016 when it was also revealed that executive authorities had misused large portions of the \$2bn in bonds intended to develop the fishing industry to bribe officials and buy unnecessary military equipment. The illegal loans caused a national financial crisis leading the country to the brink of national default. A US indictment describes an unnamed official stating: “There will be other players whose interest will have to be looked after e.g., ministry of defence, ministry of interior, air force, etc...In democratic countries like ours people come and go, and everyone will want to have his/her share of the deal while in office, because once out of the office it will be difficult”. This example shows how security sector reporting could inform the public of critical failures in executive security management that were able to bankrupt a nation.

Sources: “Mozambique to refit tuna fleet, compounding debt crisis”, May 2016, <https://www.reuters.com/article/mozambique-debt-idUSL5N18K4ME>;

“Mozambique’s ruling party closes ranks over ‘tuna bond’ scandal”, <https://www.ft.com/content/4c7e8b30-15ab-11e9-a581-4ff78404524e>;

“A \$2bn loan scandal sank Mozambique’s economy”, August 2019, <https://www.economist.com/middle-east-and-africa/2019/08/22/a-2bn-loan-scandal-sank-mozambiques-economy>;

“Mozambique Tuna Bonds Fund Anti-Pirate Fleet in Surprise”, November 2013, <https://www.bloomberg.com/news/articles/2013-11-13/mozambique-tuna-bonds-fund-anti-pirate-fleet-in-surprise>